OFFICIALS

of the

VILLAGE OF ROBBINS, ILLINOIS

AT THE TIME OF THIS RECODIFICATION

Irene H. Brodie
Mayor

Palma L. James
Village Clerk

Willie E. Carter
Richard Williams
Gre*gory W*right
David Bryant
James E. Coffey, Sr.
Lynnie D. Johnson
Trustees

PREFACE

This volume is a recodification of the 1993 Code of the Village of Robbins, Illinois. The original arrangement and the original numbering system have been retained. All state law references were deleted as obsolete. A uniform style of punctuation and capitalization has been employed. Obvious typographical errors and misspellings have been corrected without notation. Material added to the text by the editor for clarity is enclosed in brackets.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CODE	**CD1:1**
CODE APPENDIX	**CDA:1**
CODE CO*M*PAR*A*TIVE TABLES	**CCT:1**
STATE LAW REFERENCE TABLE	**SLT:1**
CODE INDEX	**CDi:1**

*Inde*x

The index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology and still others in language generally used by *g*overnment officers and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code to which the attention of the user is especially directed is the looseleaf system of binding and supplemental servicing for the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Successfully keeping this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

The publication of this Code was under the direct supervision of Bill Carroll, Vice President, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to *M*s. Palma James, Village Clerk, for her cooperation and assistance during the progress of the work on this Code. It is hoped that her efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the village readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the village's affairs.

Copyright

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-13. Wards and boundaries designated.
Sec. 1-14. General penalty for violation of Code; continuing violations; exception.
Sec. 1-15. Violation citation procedure.
Sec. 1-16. Supplementation of Code.

Sec. 1-1. Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Village of Robins, Illinois," and may be so cited.

Sec. 1-2. Rules of construction and definitions.

In the construction of this Code and of all ordinances the rules and definitions set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the board of trustees. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction or where the subject matter or the context of such section may be repugnant thereto.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Code as provided in the Illinois Revised Statutes.

A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

Generally. All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the board of trustees may be fully carried out. In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction of regulation shall be deemed to be controlling.

And, or. Either conjunction "and" or "or" shall include the other as if written "and/or"

Board, board of trustees, village board. Whenever the words "board," "board of trustees" or "village board" are used, they shall be construed to mean the board of trustees of the village of Robbins.

Circuit court. The term "circuit court" shall mean the circuit court of Cook county, Illinois.

Code. The term "Code" or "this Code" shall mean the Code of Ordinances for the Village of Robbins, as designated in section 1-1 above, and as hereafter modified by amendment, revision and by the adoption of new titles, chapters or sections.

Computation of time. The time within which any act provided by this Code is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a legal holiday, in which case it shall also be excluded. If the day succeeding such Saturday, Sunday, or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

Corporate limits, village limits. The term "corporate limits" or "village limits" shall mean the legal boundaries of the Village of Robbins.

County. The word "the county" or "this county" shall mean the County of Cook, State of Illinois.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other village officer to do some act or perform some duty, it is to be construed to authorize the head of the department or such other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. A word importing the masculine gender may be applied to females.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

May; shall. The word "may" shall be construed as being permissive; "shall" as mandatory.

Month. The word "month" shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things, and words importing the plural number may include the singular.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officers generally. Whenever any officer is referred to by title, such as "village clerk," "chief of police," "president," etc., such reference shall be construed as if followed by the words "of the Village of Robbins."

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirely of the whole or of a part of such building or land.

Person. The word "persons" may extend and be applied to bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property, as herein described.

Signature or subscription. The term "signature" or "subscription" includes a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Illinois.

Street. The word "street" shall be construed to embrace streets, avenues boulevards, roads, alleys, lanes, viaducts and all other public ways in the village, including dedicated rights-of-way open to and used by the public, whether or not improved, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

Tenant or occupant. The word "tenant," or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

Tense. Words used in the present tense include the future.

Time. The official time within the village for the transaction of all city business shall be as established by state and federal law.

Village. The word "village" shall mean the Village of Robbins, Cook County, Illinois.

Wholesale, wholesaler, etc. In all cases where the term "wholesale," wholesaler," or "wholesale dealer" is used in this Code, unless otherwise specifically defined, it shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities directly to the consumer.

Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.
(Code 1972, $$ 10.001, 10.015, 10.040, 10.045)

Sec. 1-3. Application to future legislation.

All of the provisions of this chapter 1, not incompatible with future legislation, shall apply to ordinances hereafter adopted, amending or supplementing this Code unless otherwise specifically provided.
(Code 1972, $ 10.005)

Sec. 1-4. Ordinances, etc., not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any of the following:

(1) Any ordinance or resolution promising or guaranteeing the payment of money for the village or authorizing the issuance of any bonds of the village or any evidence of the village's indebtedness;

(2) Any appropriation ordinance or resolution providing for the levy of taxes or for an annual budget;

(3) Any ordinance annexing territory to the village or excluding territory as a part of the village;

(4) Any ordinance or resolution granting any franchise, permit or other right;

(5) Any ordinance or resolution approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;

(6) Any ordinance providing zoning regulations or rezoning property;

(7) Any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the village;

(8) Any ordinance levying special assessments;

(9) Any ordinance relating to the compensation or salaries of village officers or employees or any personnel policies or regulations;

(10) Any ordinance adopting, modifying, or amending a comprehensive or official plan;

(11) Any ordinance relating to traffic or motor vehicles on specific streets or locations;

(12) Any ordinance or portion thereof the purpose of which has been accomplished;

(13) Any ordinance which is special although permanent in effect;

(14) Any ordinance which is temporary although general in effect;

(15) Any ordinance adopted after May 12, 1998; and all such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Cross reference-Ordinances generally, $ 2-46 et seq.

Sec. 1-5. Code does not affect prior offenses, rights, etc.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or suffering any use or the continuance of any use of a structure or premises in violation of any ordinance of the village in effect on the date of adoption of this Code.

Sec. 1-6. Provisions as continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as ordinance provisions previously adopted by the village relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments**.**

Sec. 1-7. Catchlines of sections; history notes, etc.; references to Code.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history, editor's or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. Cross references and state law references which appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) All references to chapters, articles, or sections are to the chapters, articles, and sections of this Code unless otherwise specified,
(Code 1972, $$ 10.001, 10.010)

Sec. 1-8. Effect of repeal of ordinances.

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Sec. 1-9. Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, in valid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.
(Code 1972, $ 10.020)

Sec. 1-10. Reference to other sections.

Whenever in one section reference is made to another section of this Code, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.
(Code 1972, $ 10.025)

Sec. 1-11. Reference to offices.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the village, exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.
(Code 1972, $ 10.030)

Sec. 1-12. Errors and omissions.

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention and the provision shall have the same effect as though the correct words were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.
(Code 1972, $ 10.035)

Sec. 1-13. Wards and boundaries designated.

Wards and boundaries for elections in the municipality shall be as set by the board of trustees. Such wards and boundaries shall be redrawn no less than every ten (10) years, with such wards and boundaries being as equal in size with regard to population as possible. Such wards and boundaries shall be drawn on the basis of the latest official United States Census, or on the basis of a special census authorized by the board of trustees, provided such special census is later in time than the last official United States Census. A map and legal descriptions of such wards and boundaries shall be kept on file in the clerk's office.
(Code 1972, § 11.001)

Sec. 1-14. General penalty for violation of Code; continuing violations; exception.

(a) Whenever in this Code, or in any ordinance of the village, any act or omission is prohibited or is made or declared to be unlawful or an offense or a violation of this Code, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a violation of this Code, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance is hereby declared to be an offense and shall be punishable by a fine of not more than five hundred dollars ($500.00). A separate offense shall be

deemed committed on each day or part thereof on which a violation occurs or continues or is permitted to occur or continue.

(b) No provision of this Code designating the duties of any village officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the board of trustees to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(c) In all cases where the same offense may be made punishable or shall be created by different clauses or sections of the ordinances of the village, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the person for the same offense.

(d) Whenever in any ordinance the doing of any act, or the omission to do any act or duty is declared a breach thereof and damage, loss, expense or injury to the village or to any person is a result or consequence of such doing or omission, compensation for such damage, loss, expense or injury may be recovered from the offender by the party aggrieved.
(Code 1972, $$ 12.020, 12.035)

Cross references -- Alcoholic liquor, Ch. 3; civil defense, Ch. 6; motor vehicles and traffic, Ch. 14; offenses and miscellaneous provisions, Ch. 15; police, Ch. 16.

Sec. 1-15. Violation citation procedure.

(a) Generally. Whenever & police officer is authorized to arrest a person without a warrant because of a violation of an ordinance in respect of any of the following subjects:

(1) Parking violations,

(2) Requiring the purchase and display of a vehicle sticker,

(3) Regulating and licensing dogs,

(4) Regulating and licensing businesses,

such police officer may, in lieu of the filing of a complaint in court, in the first instance issue to such alleged violator a citation, which citation shall advise such person that he has violated a specified ordinance; request him to make payment in an amount applicable to such alleged violation as set forth in paragraph (d), as settlement of such violation claim; and inform him that upon failure to so settle, a complaint will be filed in the circuit court of the county, charging him with such violation.

(b) Times for payment. Times for payment are as follows:

(1) Pursuant to such citation the person so accused of such violation may settle and compromise the violation claim in respect of such ordinance as shown in the schedule set forth in paragraph (d) of this section, within a period to be specified in such citation not more than seven (7) days of the time such alleged offense was committed.

(2) Such payment shall be made in accordance with the instructions contained in the aforesaid citation, at the office of the village clerk, who shall issue a receipt for the money so received and promptly remit such amount to the village treasurer to be credited to the proper village fund.

(3) If payment is not made within the time prescribed in the final notice, and a notice to appear has been served and a com plaint filed in the circuit court of the county, payment of any fine and costs shall be such amounts as may be determined and established by the circuit court of the county.

(c) Complaint authorized. If the person to whom such citation is issued fails to settle and pay such violation claim within the prescribed time, or within a period of time specified in a final notice then the police officer is authorized to file a complaint and to prosecute the same in the circuit court of the county.

(d) Amount of payment. The violation claim described in such citation to be issued pursuant to the terms of this chapter, may be settled,

compromised and paid in the respective amounts set forth in the following schedule:

(1) If such payment is made prior to the mailing by the village or by the police officer of a final notice, the following amounts shall be accepted as settlement:
a. Parking violations .... $ 5.00
b. No vehicle sticker 5.00
c. No dog license 5.00
d. No business license ... 5.00
e. Sanitary code violations 5.00

(2) If payment has not been made prior to the mailing of such final notice, and in fact, final notice has been mailed, the following amounts shall be accepted as settlement:
a. Parking violations .... $ 10.00
b. No vehicle sticker 10.00
c. No dog license 10.00
d. No business license ... 10.00
e. Sanitary code violations 10.00
(Code 1972, $$ 135.001—135.020)

Sec. 1-16. Supplementation of Code.

(a) By contract or by village personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of trustees. A supplement to the Code shall include substantive permanent and general ordinances and parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ----- to ------" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Chapter 2

ADMINISTRATION*[1]

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*Cross references—Administration and enforcement of housing code, $ 5-136 et seq.; civil defense, Ch. 6; fire department, $ 7-26 et seq.; human relations commission, $ 11-26 et seq.; police department, $ 16-26 et seq.; taxation, Ch. 18.

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ARTICLE I. IN GENERAL

Sec. 2-1 Freedom of information rules as to public records and employee personnel records.

(a) The following words, terms and phrases, when used In this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial enterprise means both profit and not-for-profit ventures.

For the purpose of furthering *a commercial enterprise* means any information requested which could be, or is likely to be, used in or as part of any solicitation on behalf of a commercial enterprise.

(b) The following rules shall apply to the production copying, inspection, certification and release of public records and employee personnel records:

(1) All requests for inspection, production copying or certification of records shall be made in writing on a form to be issued by the village clerk. No verbal requests shall be accepted.

(2) All requests shall be directed to the village clerk, 3327 W. 137th Street, Robbins, Illinois 60472, who is hereby designated as the person from whom records shall be obtained. All written requests presented in person shall be submitted to the village clerk or the deputy clerk in the village clerk's absence, for handling.

(3) Requests submitted by mail shall be deemed received only upon actual receipt at the village clerk's office regardless of postmark of date mailed. All requests shall be time-stamped upon their receipt.

(4) Records may be inspected at the village clerk's office, 3327 W.137th Street, Robbins, Illinois 60472, Monday through Friday, during the business hours of 9:00 a.m. to noon. No records may be removed from the village clerk's office at any time. With respect to employee personnel records, however, the inspection may take place before or after normal business hours if the employee so requests.

(5) Requested copies of records will be made available for pickup at the village clerk's office. Copies of records or certifications will be mailed only if the requester establishes that it is impossible to pick up the records at the village clerk's office and an advance deposit for postage and all copying charges is made by the person requesting the records or documents.

(6) Only authorized village personnel shall be permitted to use village equipment or search through village files, records or storage areas.

(7) The village hereby establishes the following costs and charges for copies, which it finds and determines to be the actual costs of reproduction:

a. Copies of records, 8 ½ "x 11" in size, twenty-five cents ($0.25) per page.

b. Building permit applications, fifty cents ($0.50) per page.

c. Police (case) reports, five dollars ($5.00) per page.

d. Defendant traffic tickets, twenty-five cents ($0.25) per copy.

Payment is required in cash, or by cashier's or certified check, at the time the request for records is made. These charges shall also apply to copies of certifications of personnel records. These charges shall not apply to copies of larger documents or documents such as maps, photographs or blueprints. The charge for copies of such documents shall be actual cost of copying as determined by the clerk.

(8) Any requests that the above fees be reduced or waived must be made in writing at the time the request for records is presented. The person seeking the reduction or waiver shall state specifically how the production of the requested information "primarily benefits the general public" as set forth in Illinois Revised Statutes, chapter 116, paragraph 206.

(9) Records requested shall be made available, as soon as practicable, within seven (7) days after receipt of the request. In determining the applicable time periods for production of records, notice of extension and notices of denial, the seven-day period shall not include the day the request was initially received. Supplemental, amended or additional requests shall not relate back to the initial time of filling

but shall be considered as new requests for purposes of determining all applicable time periods.

(10) Notices of extension and notices of denial issued on behalf of the village shall be conclusively deemed to have been given if mailed within the applicable time period regardless of the date of actual receipt by the party requesting the records. All such notices shall include a verified proof of mailing in substantially the following form:

I, _____, being duly sworn on oath state that I served the original of the foregoing (Notice of Extension of Time) (Notice of Denial) by mail, addressed to name, address, this _____ day of _____, 19____ .

(11) In view of the abbreviated time periods specified in the Freedom of information Act, and the difficulty in acting as an entire board within the time limits required, the following duties, powers and responsibilities are hereby delegated:

a. The village clerk and deputy clerk are authorized to issue notices of extension of time and notice of denial, pursuant to Illinois Revised Statutes, chapter 116, paragraphs 203 and 209, on behalf of the village.

b. Prior to issuing any such notices, the village clerk shall consult with the village attorney.

c. Notice of appeal forms shall be available at the village clerk's office, from the village clerk, upon request.

(12) If an appeal is taken by the person requesting the records to be the mayor (as "head of the public body") pursuant to the statute the mayor may rule on such appeal individually or, if time permits, may submit the matter to the village board for determination. Notice of the ruling on such appeal shall be given in writing to the requestor.

(c) If the village clerk reasonably believe that the records requested might be for the purpose of furthering a commercial enterprise, then the requesting party shall be required to supply a further statement or explanation of the purpose for which the production of records is sought, which statement shall be in writing under oath. The applicable time periods for the production of records shall be measured from the date this explanatory statement is received by the village clerk.
(Ord. No. 3-27-90, $$ 1—13)

Secs. 2-2—2-25. Reserved.

ARTICLE II. BOARD OF TRUSTEES

DIVISION 1. GENERALLY

Sec. 2-26. Creation

There is hereby created the board of trustees of the village. Such board shall consist of six (6) members, and shall be the legislative body of the village. The mayor shall preside as president of the board.
(Code 1972, $31.101)

Sec. 2-27. Election of trustees.

Election for trustees shall be held on the first Tuesday in April each odd-numbered year, except as provided in Illinois Revised Statutes chapter 46, paragraph 2A-1.1a. At such election three (3) trustees shall be elected for a term of four (4) years.
(Code 1972, $ 31.105)

Sec. 2-28. Vacancy.

Whenever a vacancy in the office of trustees occurs during his term, the vacancy shall be filled for the remained of the term at the next election of trustee, unless the vacancy is filled by a special election as provided in Illinois Revised Statutes, chapter 24, paragraphs 3-2-7 and 3-2-8. During the period from the time that the vacancy occurs until a trustee is elected and has qualified, the vacancy may be filled by the appointment of trustee by the mayor and remaining trustees, voting jointly.
(Code 1972, $ 31.110)

Sec. 2-29. Powers and duties.

The board of trustees shall have the following powers and duties:

(1) To pass resolution and ordinances relevant to the functioning of the village.

(2) To advise the mayor and other village officers, and to review their sections.

(3) To do all other acts not specifically prohibited by ordinance or by the laws of the state.
(Code 1972, $ 31.115)

Sec. 2-30. Meetings.

Regular meetings of the president and board of trustees will be held on each Tuesday at 8:00 p.m. in the courtroom on the second floor of the Robbins Police Division Building, 3233 West 137th Street, Robbins, Illinois 60472.
(Code 1972, $ 31.120; Ord. No. 7-26-94, $ 1)

Sec. 2-31. Committees.

(a) The following shall be standing committees of the board of trustees, and they shall each consist of three (3) members of the board of trustees, unless otherwise provided:

(1) Finance;
(2) Public safety—Police;
(3) Public safety—Fire department;
(4) Public safety—Health;
(5) Public works;
(6) Public Property;
(7) Ordinance and license;
(8) Water and sewer;
(9) Building, zoning and plats;
(10) Transportation;
(11) Halls;
(12) Election.

(b) The first named on a committee shall be the chairman thereof, and the mayor of the village shall be an ex-officio member of all committees.

(c) Every committee of the board of trustees, in reporting upon a subject referred to it, must report in writing and attach to its report so made all resolutions, petitions, remonstrances and other papers in its possession relative to the matter referred.
(Code 1972, $ 31.125)

Sec. 2-32. Quorum.

A majority of the board of trustees shall constitute a quorum to do business. A smaller number, however, may adjourn from time to time and may compel the attendance of absentees, under whatever penalties, including a fine for a failure to attend, the board may prescribe by ordinance.
(Code 1972, $ 31.130)

Sec. 2-33—2-45. Reserved.

DIVISON 2. ORDINANCES*

Sec. 2-46. Style.

The style of ordinances passed, shall be as follows: "Be it ordained by the mayor and Board of Trustees of the Village of Robbins."
(Code 1972, $ 12.001)

Sec. 2-47. Approval and veto of ordinances, resolutions, etc.

All resolutions and motions which create any liability against the village, or which provide for the expenditure or appropriation of its money, or to sell any village or school property, and all ordinances passed by the board of trustees shall be deposited with the village clerk. If the president approves of them, he shall sign them. Those which he disapproves he shall return to the board of trustees, with his written objections, at the next regular meeting of the board of trustees occurring not less than five (5) days after their passage. The president 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 president may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the president 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 his signature. (Code 1972, $ 12.005)

Sec. 2-48. Overriding Veto.

Every resolution and motion, specified in section 2-47 and every ordinance which is returned to the board of trustees by the president shall be reconsidered by the board of trustees at its next regular meeting. If, after such reconsideration, two-thirds of all the trustees then holding office shall agree to pass an ordinance, resolution, or motion, notwithstanding the president's refusal to approve it, then it shall be effective. The vote on the question of passage over the president's veto shall be by yeas and nays, and shall be recorded in journal. (Code 1972, $ 12.010)

Sec. 2-49. Repeal of ordinances; legal effect.

Whenever an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of ordinance this repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying the same, when such publication shall be required to give effect thereto, unless therein otherwise expressly provided.
(Code 1972, $ 12.015)

Sec. 2-50. Effective date.

All ordinances requiring publication shall take effect from and after their passage and due publication, unless therein otherwise expressly provided; all other ordinances shall take effect from and after their passage unless therein expressly provided.
(Code 1972, $ 12.040)

Secs. 2-51—2-65. Reserved

ARTICLE III. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-66. Personnel director.

(a) The position of personnel director is here by created in the village.

(b) The personnel director shall be appointed by the mayor with advice and consent of the majority of the board of trustees. The personnel director shall report directly to the mayor and board of trustees.
(Ord. No. 7-11, $$ 1,2)

Secs. 2-67—2-80. Reserved.

DIVISION 2. MAYOR

Sec. 2-81. Office created.

There is hereby created the office of mayor, which office replaces the position formerly known as "Village President."
(Code 1972, $ 31.001)

Sec. 2-82. Election; term of office.

The mayor shall be elected every four (4) years by a majority of registered voters of the village, holding his office until his successor is elected and qualified.
(Code 1972, $ 31.005)

Sec. 2-83. Powers and duties.

The mayor shall be the chief executive officer of the village. He shall have the following powers and duties:

(1) To preside at all meetings of the board of trustees, and to cast a vote in the event of tie votes, or where one-half of the trustees elected have voted in favor of an ordinance, resolution or motion even though there is no tie vote, or where a vote greater than a majority of the corporate authorities is required to adopt an ordinance, resolution or motion.

(2) To appoint all administrative officers of the village, except the deputy clerk, with the advice and consent of the board of trustees.

(3) To supervise the conduct of all village officers.

(4) To report to the board of trustees on all relevant village affairs.

(5) To inspect all ordinances passed by the board of trustees and to affix his official signature to them; or, if he does not approve of such ordinances, to state his objections in writing to the board of trustees at the next regular meeting. If timely objection is not made by the mayor in writing, such ordinance will be deemed passed.

(6) To sell and convey village realty with the village treasurer upon consent by the board of trustees.

(7) To sign all permits, licenses, commissions and warrants issued by the board of trustees, and to revoke such items.

(8) To release any person imprisoned for any violation of village ordinances.

(9) To do any other act not specifically prohibited by ordinance or by the laws of the state.
(Code 1972, $ 31.010)

Sec. 2-84. Vacancy.

Whenever a vacancy in the office of mayor occurs during his term, the vacancy shall be filled for the remainder of the term at the next election of trustees, unless the vacancy is filled by a special election as provided in Illinois Revised Statutes, chapter 24, paragraphs 3-2-7 and 3-2-8. During the

period from the time that the vacancy occurs until a mayor is elected and has qualified, the vacancy may be filled by the election of an acting mayor by the board of trustees.
(Code 1972, $ 31.015)

Secs. 2-85—95. Reserved.

DIVISION 3. ATTORNEY

Sec. 2-96. Office created; method of selection.

There is hereby created this position of village attorney. Such village attorney shall be appointed by the mayor with the advice and consent of the board of trustees, and shall serve at its pleasure. (Code 1972, $ 32.001)

Sec. 2-97. Powers and duties.

(a) The village attorney shall conduct all the law business of the village and draw such ordinances, deeds, leases and other papers as may be required of him by the mayor board of trustees.

(b) He shall give his legal opinion in writing to the board of trustees or any committee thereof, or the mayor, when requested, on legal questions arising under or concerning any ordinances of the village, and on legal questions and subjects in which the village be legally interested.

(c) Upon the expiration of his term of office, he shall turn over to his successor in office all dockets, deeds, leases, or other papers in his hands belonging to the village or delivered to him by the village or any of its offices, and all papers in action prosecuted or defended by him then pending and undetermined.
(Code 1972, 32.005)

Sec. 2-98—2-110. Reserved.

DIVISION 4. CLERK

Sec. 2-111. Election term; vacancy.

(a) At the general election wherein three (3) trustees and the mayor are elected, a clerk of the village be elected who shall hold office for a term of four (4) years.

(b) Whenever a vacancy occurs in the office of the clerk elected under this section the vacancy shall be filled for the remainder of the term at the next selection of trustees. During the period that the vacancy occurs, and until a clerk is elected and has qualified, the vacancy may be filled by the appointment of an acting clerk by the mayor and board of trustees, voting jointly. (Code 1972, $ 32.100)

Sec. 2-112. Powers and duties.

(a) The village clerk shall, in addition to the duties imposed upon that office by law, perform the following duties;

(1) Keep his office for the transaction of village business at the village hall;

(2) Issue notices to the mayor and members of the village board when directed by that body, and to all persons whose attendance will be required before that body or any such committee when so directed and also issue and cause to be served notices of such meeting.

(3) Attest all the licenses granted by the mayor or board of trustees under the ordinances of the village.

(4) Without delay, deliver to the officers of the village and to all committees all bills, resolutions, communications and other documents referring to such officers and committees;

(5) Without delay, deliver to the mayor all ordinances or resolutions under his charge, which may require approval or other action by the mayor with all papers and information on which the same were founded;

(6) Be ex-officio clerk of the board of local improvements, and perform such services for such board as may be required of him.

(b) The clerk shall keep the corporate seal and affix the same to all papers which requires it. He shall keep all records and papers belonging to the village and attend all of the meetings of the mayor and board of trustees and keep a full record of its proceedings in the journal. He shall prepare all warrants for the payment of money, sign and deliver the same when called for after they have been countersigned by the mayor of the village taking a proper receipt. He shall make proper copies of all papers duly filed in his office and make transcripts

from the journal, and other records and files of his office certified by him under the corporate seal.

(c) All ordinances passed by the mayor and board of trustees shall be recorded by the clerk in a book kept for that purpose before the next regular meeting after they go into effect. If the ordinance requires publication, he shall cause the same to be duly published. The clerk shall note at the foot of the record of each ordinance a memorandum of the date of its passage and approval or otherwise becoming effective and, if published, the date of publication of such ordinance. The original shall be filed in the office of the clerk with a certificate of publication or posting attached to ordinance requiring publication.

(d) It shall be the duty of the clerk within five (5) days after the result of an election is declared or an appointment to notify all persons elected or appointed to office of their election or appointment and unless such person shall respectively qualify in then (10) days after such notice the office shall become and be vacant.

(e) It shall be the duty of the village clerk on or before the third Tuesday in September in each year to file with the county clerk of Cook County, Illinois, a certified copy of the ordinance in which the total amount of appropriations for all corporate purposes of the village legally made are levied and assessed for the current fiscal year.

(f) The village clerk shall also keep a cash account and account with the village treasurer showing all payments of money and dates in which the account was paid. The village clerk shall pay over to the village treasurer every two (2) weeks all money received or collected by him as such clerk, taking his receipt therefore.

(g) He shall on the stub of his warrant book make a full record of the dates, amounts and parties to each warrant issued and on what fund issued and shall also keep a record book showing under separate headings as to each fund, the same fact as to all warrants issued by him for any purpose on such fund and also showing when the same were paid and cancelled by the treasurer, and the exact amount of interest actually paid thereon.

(h) He shall on or before May fifteenth in each year and before the time for making the annual appropriation submit to the mayor and board of trustees a report of his estimates as nearly as may be, of moneys necessary to defray the expenses of the village during the current fiscal year; he shall in such report class the different objects and branches of expenditures, giving as nearly as may be the amount required for each, and for the purposes of the above statement and report he is authorized to require of all officers their statement of the condition and expenses of their respective departments or offices, with any proposed improvements and the probable expenses thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year; and in such report he shall give such other information as he may deem necessary to the end that the mayor and board of trustees may fully understand the financial necessities for the current year.

(i) All petitions, remonstrances, bids, bills or other communications addressed to the village or board of trustees, shall be received by the village clerk and may be read by him at the meeting of the mayor and board of trustees next succeeding their receipt unless otherwise ordered by the village board.
(Code 1972, $ 82.105)

Sec. 2-113. Deputy.

The clerk may, in his discretion appoint a deputy clerk to assist him in the performance of his duties. Such deputy clerk shall perform his duties at the office of the clerk in the village hall. The deputy clerk shall not sign nor seal any document under his own name.
(Code 1972, $32. 105(A)(6))

Secs. 2-114—2-125. Reserved.

DIVISION 5. TREASURER*

Sec. 2-126. Office created; election; qualifications.

There is hereby created the position of village treasurer. Such treasurer shall be appointed by the mayor with the advice and consent of the board of trustees, and shall be a registered voter of the village.
(Code 1972, $ 32.200)

Sec. 2-127. Powers and duties.

(a) The village treasurer may be required to keep all funds and money in his custody belonging to the village in such places of deposit as may be designated by ordinance and, when requested by the village treasurer, the corporate authorities shall

designate a bank or banks in which may be kept the funds and money of the village, in the custody of the treasurer. When a ban has been designated as a depository it shall continue as such until ten (10) days have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this section. When a new depository is designated, the corporate authorities shall notify the sureties of the village treasurer of that fact, in writing at least five (5) days before the transfer of funds. The treasurer shall be discharged from responsibility for all funds or money which he deposits in a designated bank while the funds and money are so deposited. If municipal funds or money are deposited in a designated ban, however, the amount of such deposits shall not exceed seventy-five (75à percent of the bank's capital stock and surplus and the treasurer shall be responsible for funds or money deposited in the bank in excess of this limitation.

(b) No bank shall be qualified to receive municipal funds or money until it has furnished the corporate authorities with copies of the last two (2) sworn statements of resources and liabilities which the bank is required to furnish to the commissioner of banks and trust companies or the comptroller of currency.
(Code 1972, $ 32.205)

Sec. 2-128. Report of accounts.

(a) The treasurer shall report to the mayor and the board of trustees, at the end of each month or as often as they require, a full and detailed account of all receipts and expenditures of the village, as shown by his books, up to the time of the report

(b) Prior to the first day of September of each year the treasurer shall annually prepare and file with the village clerk an account of all monies received and expenditures incurred during the preceding fiscal year, to include the following:

(1) All monies received by the village, indicating the total amounts, in the aggregate, received in each account of the village, with a general statement concerning the source of such receipts; the term "account" shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the municipality are credited to a general account; and

(2) Except as provided in subsection (b)(3) of this section, all monies paid out by the municipality 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 such account; and

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

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

(c) The preceding fiscal year for which such account must be prepared is the fiscal year of the village which ends during the twelve-month period immediately preceding the twenty-third day of July of the year in which the report is filed.

(d) Upon receipt of each such account from the village treasurer, the village clerk shall publish the account at least once in one (1) or more newspapers published in the village or, if no newspaper is published therein, the in one (1) or more newspapers having a general circulation within the village.

(e) Prior to the first day of September of each year the treasurer, as provided in this section, shall file with the village tax collector a copy of the annual account which is required to be filed with and published by the village clerk, together with an affidavit of the village clerk stating that such copy is a true and correct copy of such annual account filed with him; that it was published or posted as required by paragraph (d) of this section; the date of such filing and publication or posting; and, if published, the newspaper in which it was published.
(Code 1972, $ 32.210)

Secs. 2-129—2-140. Reserved

DIVISION 6. COLLECTOR*

Sec. 2-141. Powers and duties; bond.

(a) The duties of the village collector shall be to:

(1) Receive all warrants providing for collection of special assessments in the village; to prepare the necessary books with regard to the warrants that are received by him for collection;

(2) Send out bills as shown on the various roll sheets;

(3) Collect such monies provided for in such special assessment warrants;

(4) Perform such other and further duties as the mayor and board of trustees may designate.

The village collector is hereby authorized to appoint any person to act as his deputy collector, provided however, that such deputy collector shall first be approved by the mayor and board of trustees of the village.

(b) The village collector, before entering upon the duties of collector, shall first give bond for the faithful performance of the duties of his office in the sum of ten thousand dollars ($10,000.00). The surety on the bond of such village collector shall be a corporation authorized to execute surety bonds and shall be such as is commonly known as in good standing, and shall first be submitted for approval to the mayor and board of trustees of the village.
(Code 1972, $ 32.300)

Secs. 2-142—2-155. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND AGENCIES

DIVISION 1. GENERALLY

Secs. 2-156—2-165. Reserved.

DIVISION 2. BOARD OF FIRE AND POLICE COMMISSIONERS

Sec. 2-166. Created; composition.

There is hereby created a board of fire and police commissioners consisting of three (3à members. They shall be officers of the municipality as provided by statute.
(Code 1972, $$ 33.005(A), 34.005(A))

Sec. 2-167. Appointment; terms.

The board of fire and police commissioners shall be appointed by the mayor of the village, by and with consent of the board of trustees. The terms of office of the members of the board of fire and police commissioners shall be three (3) years and until their respective successors shall be appointed and qualified; provided that, no such appointment shall be made by any mayor within thirty (30) days before the expiration of his term of office. (Code 1972, $$ 33.001(A), 34.001(A))

Sec. 2-168. Qualification; oath; bond; removal.

The members of the board of fire and police commissioners shall have such qualifications as are now or may hereafter be, required of them by law. Each member of the board of fire and police commissioners shall take oath or affirmation of office and shall execute and deliver to the village a bond in such amount as may be required by the mayor and board of trustees with such sureties as the board of trustees shall approve, conditioned for the faithful performance of the duties of his office. The members of the board of fire and police commissioners shall be subject to removal from office in the same manner as prescribed by law.
(Code 1972, $$ 33.005(A), 34.005(A))

Sec. 2-169. Powers and duties.

The board of fire and police commissioners, shall have the powers and duties, and perform the functions and duties provided for and given to them by the statutes of the state, and also subject to such ordinance of the village now in force or which may be enacted, governing such powers, functions and duties, so long as such ordinance or ordinances are not in conflict with any lawful statutes of the state, now in force, or which may be enacted.

Sec. 2-170. Compensation of members of board.

The members of the board of fire and police commissioners shall serve with such compensation as the corporate authorities may determine and provide by ordinance.

Sec. 2-171. Chairman.

The board of fire and police commissioners shall elect a chairman to serve during the village's fiscal year.

Sec. 2-172. Secretary.

The board of fire and police commissioners may appoint a secretary, who need not be a member of the board. The compensation of such secretary shall be fixed by the council.

Sec. 2-173. Rules; publication.

(a) The board shall make rules to carry out the purpose of chapters 7 and 16 of this Code, and for appointment and removal. All of the rules and changes shall be printed immediately for distribution. The board shall give notice of the places where the printed rules may be obtained; and of the date, not less than ten (10) days subsequent to the time of publication, when the rules or changes therein shall go into operation. This notice shall be published in one (1) or more newspapers published in the village, or, if no newspaper is published therein, then in one (1) or more newspapers with a general circulation within the village.

(b) However, the rules to govern the operation of the fire and police departments or the conduct of members shall not be made by this board, the power to make such rules being reserved to the mayor and board of trustees of the village.
(Code 1972, $ 34.015)

Sec. 2-174. List of prospective appointees.

The board of fire and police commissioners, in accordance with law, shall prepare and keep a register of persons eligible for appointment to the fire and police departments, and keep on fle a copy of such register in the office of the village clerk.

Secs. 2-175—2-165. Reserved.

DIVISION 3, BOARD OF LOCAL IMPROVEMENTS*

Sec. 2-186. Creation; members.

There is hereby established the board of local improvements for the village, which shall consist of the mayor and the public engineer and the director of public works.
(Code 1972, $ 35.200)

Sec. 2-187. Powers and duties.

The board of local improvements shall have the powers and perform the duties assigned to it by statute or ordinance.
(Code 1972, $35.205)

Sec. 2-188. Meetings.

The board of local improvements shall meet monthly at a designated time in the village hall. If the regular meeting date falls on a holiday or if there is no quorum present, the board of local improvements shall meet on the next secular day; provided that, a special meeting may be called at any time in the manner provided for calling special meetings of the board of trustees.
(Code 1972, $ 35.210)

Secs. 2-189—2-205. Reserved.

ARTICLE V. PUBLIC WORKS DEPARTMENT*

Sec. 2-206. Creation.

(a) There is hereby created and established an executive department of municipal government of the village, which shall be known as the department of public works.

(b) The department of public works shall consist of the commissioner of public works, public engineer, superintendent of the water department, building department and such other assistants and employees as the mayor and board of trustees from time to time hereafter may by ordinance prescribe and establish.

(Code 1972, $ 35.001)

Sec. 2-207. Commissioner; powers and duties.

(a) The commissioner of public works shall be head of the department. He shall also be in supervisory charge of the superintendent of the water department and the building department. He shall have the management and control of all matters and things pertaining to the department and the appointment and removal with the approval and consent of the mayor and board of trustees of the subordinate officers.

(b) He shall have general supervision over all public improvements in the village and shall have, subject to the ordinances of the village, the duty of directing the manner of using the streets, alleys, lanes,

highways and other public places of the village when improvements are being installed or repairs are made, including the erection of electric light, telephone, street light, traffic light and other poles or posts, signs, canopies and other overhead structures; for the laying down of gas, water, steam and other pipes, electric light and telephone conduits and sewers authorized by law or the ordinances of the village, and to determine the location thereof when no other or superior authority of the state shall have such supervision.

(c) The commissioner of public works shall be examiner of subdivisions and it shall be his duty to examine all maps and plats of subdivisions of land in the village upon presentation of the same to him, and if he shall approve of the same, he shall so certify.

(d) The commissioner of public works shall have charge of all maps, plats and records, and all matters pertaining to keeping the same, and of all matters pertaining to street numbering, and he shall have charge of making all maps and drawings which may be required by the ordinances of the village.
(Code 1972, $ 35.005)

Sec. 2-208. Issuance of permits.

In all cases where provision is made by ordinance that the consent of the commissioner of public works shall be obtained to authorize any act to be done, he may grant a permit therefor, subject to the restriction of the ordinance in relation thereto. (Code 1972, $ 35.010)

Cross reference—Licenses, permits and miscellaneous business regulations, ch. 12.

Sec. 2-209. Regulation of employees.

Any subordinate officers, assistants, clerks and employees employed in the department or subordinate departments shall be subject to such rules and regulations as shall be prescribed from time to time by the commissioner. (Code 1972, $ 35.015)

Sec. 2-210. Bonding may be required.

The mayor or the board of trustees may require good and sufficient bonds to be given to the village by all officers in the department of public works and in any and all of the subordinate departments. (Code 1972, $ 35.020)

Sec. 2-211. Commissioner to serve as public engineer.

The commissioner of public works shall be public engineer, without any compensation in addition to his salary as commissioner of public works, and he shall perform all such services in the prosecution of public improvements as shall require the skill and experience of a civil engineer, in addition to those prescribed by law.
(Code 1972, $ 35.025)

Sec. 2-212. Water and superintendent; powers and duties.

The superintendent of the water department shall be under the immediate control of the commissioner of public works, or by the mayor or the board of trustees.
(Code 1972, $ 35.035)

Sec. 2-213. Building inspector; powers and duties.

(a) The building department shall be headed by a building inspector. The building inspector shall be an experienced architect or structural engineer with at least five (5) years' experiences as an architect or structural engineer prior to this appointment. He shall be under immediate control of the commissioner of public works and shall perform all the duties required of him by provisions of this article and such other duties as may be required by the commissioner of public works or the mayor and the board of trustees.

(b) The duties of the building inspector shall be to examine all plans for building permit purposes. He shall have charge of building inspections on all buildings, structures, or portions thereof in connection with work that has been authorized by a permit from the building department, including safety, lighting, plumbing, heating, ventilating, refrigerating and air conditioning. He shall issue permits for buildings provided plans comply with all of the existing village ordinances.

(c) The building inspector is hereby empowered to enter lawfully upon any premises or into any building or structure or portion thereof (upon showing proper credentials) when necessary to do so in the performance of any duty imposed upon him by the building ordinance; and it is hereby made unlawful for any person to hinder or prevent or attempt to hinder or prevent the building inspector from so doing.
(Code 1972, & 35.040)

Chapter 3

ALCOHOLIC LIQUOR*

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ARTICLE I. IN GENERAL

Sec. 3-1. Short title.

This chapter shall be known, may be cited, and is hereafter designated as "The Village of Robbins" Alcoholic Liquor Dealers Ordinance."

Sec. 3-2. Purpose.

This chapter shall be construed to the end that the health safety and welfare of the people of this village shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted.

Sec. 3-3. Definitions.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

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 liquor or solid, patented, or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. None of the provisions of this chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor under the state liquor control act.

Beer means a beverage obtained by alcoholic fermentation of an infusion or concoction of barely or other grain, malt and hops in water, and includes, among other things, beer, ale stout, lager beer, porter and the like.

Club means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used an 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 room 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 the affairs and management of such club 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 any 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 the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club; provided, further, that such club files with the local liquor control commissioner 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.

Consumption sales means the sale or offering for sale at retail of any alcoholic liquor for consumption on the premises where sold.

Distributor means any person, other than a manufacturer or nonresident dealer licensed under the state liquor control act, who is engaged in the village in purchasing, storing, possessing or warehousing any alcoholic liquors for resale, or reselling at wholesale, whether within or without the state.

Illinois Liquor Control Act and state liquor control act mean an act passed by the fity-eighth Illinois General Assembly entitled "An act relating to alcoholic liquors," approved January 31, 1934 as amended.

Illinois Liquor Control Commission and state commission mean the commission created by Article III, Section 1 of the state liquor control act.

Importing distributor means any person other than a nonresident dealer licensed under the state liquor control act who imports into this state, from any point in the United States outside the state, whether for himself or for another, any alcoholic liquors for sale or resale, or for use in the manufacture, preparation or compounding of products other than alcoholic liquors, or who imports into this state, from any point in the United States outside this state, for consumption in any one (1) calendar year, more than one (1) gallon of such liquors.

Licensed premises means the premises described in the application for the license required by this chapter or in the license, as the place where the business to be covered or covered by the license is to be, or is carried on.

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

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 an alcoholic liquor, to contain and to convey any alcoholic liquor.

Owner or proprietor includes all persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor as carried on, whether they be individuals, partners, corporations, joint stock companies, fiduciaries or officers, directors, stockholders of corporations or otherwise.

Package sales means the sale or offering for sale at retail of alcoholic liquor, in the original package, and not to be consumed or in fact consumed in whole or in part on the premises where sold.

Restaurant means any public place which is kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food or its guests.

Retail establishment where the sale of alcoholic liquor is not the principal business means any establishment holding a license for the sale of alcoholic liquor where more than fifty (50) percent of its gross sales or revenues for any calendar month in the preceding twelve (12) months are for items or services other than alcoholic liquors.

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

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

Sell at retail and sale at retail refer to and mean sales for use or consumption and for resale in any form.

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

To sell includes to keep or expose for sale and keep with intent to sell.

Wine means any alcoholic liquor 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.

Sec. 3-4. Adoption of state law.

All of the provisions of the state liquor control act and of the rules and regulations issued by the state liquor control commission, which are or may hereafter be in force, which are applicable to the village are hereby incorporated into and declared to be a part of this chapter the same as if they were expressly set forth herein.

Sec. 3-5. Local liquor control commissioner—Designated; enforcement of state law, ordinances, etc.

The mayor of the village shall be the local liquor control commissioner, and shall be charged with the administration of the appropriate provisions of the state liquor control act, or this chapter, and of such ordinances, resolutions, rules and regulations relating to alcoholic liquor as hereinafter may be adopted. Whenever in this chapter the local liquor control commissioner shall be referred to, it shall include such other persons as may be appointed by the local liquor controm commissioner to assist him in the performance of the duties herein provided for him.

Cross reference—Mayor generally, $ 2-81 et seq.

Sec. 3-6. Same—Powers and duties generally.

The local liquor control commissioner shall have the following powers and duties:

(1) ***Granting, etc., of licenses.*** To grant and/or suspend and to revoke for cause, all licenses issued under this chapter to persons for premises within his jurisdiction.

(2) ***Right of entry.*** To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the state liquor control act, of this chapter or of any rules and regulations adopted by him or by the state commission have been or are being violated, and at such time to examine such premises of such licenses in connection therewith.

(3) ***Exercise powers, etc., granted under state law, etc.*** To exercise all the powers, functions and duties which now or hereafter may be granted to him by the state liquor control act or by this chapter.

(4) ***Suspension and revocation of license.*** To suspend and to revoke any license issued under this chapter for any of the following reasons:

a. The licenses has violated any of the laws of the United States relating to the sale of alcoholic liquor, or any of the provisions of the state liquor control act, or any ordinance enacted by the board of trustees, including this chapter, or any applicable rules and regulations adopted by the local liquor control commissioner or by the state commission.

b. The willful making of any false statement as to a material fact in the application for such license.

c. The permitting of an unlawful, disorderly or immoral practice upon the licensed premises.

d. The refusal of any licensee to testify under oath to all relevant and material questions propounded to him at any hearing conducted by the local liquor control commissioner.

e. The state commission has suspended or revoked the license of the licensee.

f. The licensee has failed to operate the business at the location referred to in such license for a period of sixty (60) days subsequent to the date of issuance of such license or for any extended period as shall be granted by order of the local liquor commission, within such sixty-day period.

(5) ***Examination of applicant.*** To examine, or cause to be examined, under oath, any applicant for a local license or for a 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 local liquor control commissioner under this section, he may authorize his agent to act on his behalf.

(6) ***Investigation of complaints, etc.*** To receive the complaint of any resident of the village, and to investigate upon such complaint, or to investigate upon his own initiative, any alleged violation of any law of the United States relating to the sale of alcoholic liquor, or any of the provisions of the state liquor control act, or any ordinance of the village, including this chapter, or any applicable rules and regulations adopted by the local liquor control commissioner or by the state commission.

(7) ***Rules and regulations.*** To make, promulgate, alter, amend, repeal and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this chapter as may be deemed by him to be desirable.

Sec. 3-7. Same—Hearings.

For the purpose of administrating and enforcing the provisions of this chapter, the local liquor control commissioner may, in his discretion, hold public hearings at any time within the village concerning any matters embraced within this chapter.

Sec. 3-8. Consumption on premises.

It shall be unlawful for anyone not having a class A, B, or D license or temporary permit to sell, or offer for sale, alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold.

Sec. 3-9. Closing hours.

It shall be unlawful to sell or offer for sale any alcoholic liquor in the village before the hour of 6:00 a.m. prevailing of any day. Holders of class A licenses may remain open until 4:00 a.m., prevailing time on any day, and holders of class B licenses may remain open until 2:00 a.m., prevailing time on any day. It shall be unlawful to sell or offer for sale any alcoholic liquor on Sundays before the hour of 12:00 noon. It shall be unlawful to keep open for business or admit the public to, or to permit the public or any person other than the licensee, his employees, or members of his family to remain in or on any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of liquor is prohibited; provided that, in the case of restaurants, clubs, and hotels, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours. (Ord. No. 1-3-67, $ 7)

Sec. 3-10. Sales to and possession by persons under the age of twenty-one years, intoxicated persons, etc.; identification cards.

(a) No licensee, his agent or employee, 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 under legal disability or in need of mental treatment.

(b) For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he is over the age of twenty-one (21) years.

(c) Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. Proof that the defendant licensee, or his employee 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 to any proceedings for the suspension or revocation of any license based thereon.

(d) It shall be unlawful for any person to sell, give, or furnish to any person under the age of twenty-one (21) years any false or fraudulent, written, printed, or photostatic evidence of the age and identity of such person to sell give or furnish to any person under the age of twenty-one (21) years evidence of age and identification of any other person.

(e) It shall be unlawful for any person under the age of twenty-one (21) years to present or offer to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic liquor, or to have in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity.

(f) It shall be unlawful for any person under the age of twenty-one (21) years to have any alcoholic liquor in his possession on any street or highway or in any public place or in any place open to the public. This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of the order of his parent or in pursuance of his employment.

Sec. 3-11. Employment of minors.

No licensee, agent or employee shall permit any person under the age of eighteen (18) years to draw, pour or mix any alcoholic liquor in such premises either as an employee or gratuitously. No licensee, his agent or employee shall permit any person under the age of eighteen (18) years to attend say bar, to serve or dispense, or in any other way to handle alcoholic liquor, including packaged liquor, upon his licensed premises.

Sec. 3-12. Approval of sales.

Every license operating under the provisions of this chapter shall so conduct his licensed premises that every sale of alcoholic liquor is approved on behalf of the licensee by and adult competent person so designated by the licensee.

Sec. 3-13. Offensive persons.

It shall be unlawful for any licensee or his employee to permit in his place of business, or in any room licensed for the sale of alcoholic liquors, any person by tumultuous or offensive carriage, threatening, producing quarreling, challenging to fight, or fighting or to permit

any person to display any pistol, knife, sling shot, club, brass, steel or iron knuckles or any other deadly weapon.

Sec. 3-14. Employee.

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, infections, 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 such premises or to engage in any way in handling, preparation or distribution of such liquor, provided, the village health officer may require such employee to submit to a physical examination, if such officer suspects such employee of being afflicted as herein set forth;

Sec. 3-15. Transportation of alcoholic liquor.

(a) Except as provided in paragraph (b) of this section, no person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway in this village except in this original container and with seal unbroken.

(b) This section shall not apply to the passengers of a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini motor home as defined in Illinois Revised Statutes, chapter 95 ½, paragraph 1-145.01. However, this provision of paragraph (b) shall not extend to buses chartered for school purposes. The driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driving area of any such vehicle.

(c) Evidence of alcoholic consumption alone shall be prima facie evidence of the driver's failure to obey paragraph (b) of this section.

Sec. 3-16. Serving, etc., to persons in motor vehicles.

No licensee, his agent, or employee, shall serve, give or in any manner be concerned with placing any alcoholic liquor in or upon or about any motor vehicle or to any occupant of a motor vehicle whether such vehicle is moving or parked or is at a curb or in a public place or on the licensee's premises or other private place except in the original package with the seal unbroken.

Sec. 3-17. Drinking on a public way.

No person shall consume any alcoholic liquor on any public way or right-of-way (including, but not limited to, public highways, streets, alleys, parking lots and/or sidewalks) within the corporate limits of the village.

Sec. 3-18. Carrying and/or possessing on a public way.

No person shall carry or possess, transport or have any alcoholic liquor on any public way or right-of-way (including, but not limited to, public highways, streets, alleys, parking lots and/or sidewalks) except in the original package and with the seal unbroken, within the corporate limits of the village.

Sec. 3-19. Sanitary facilities.

Every holder of a Class A, B or D license shall provide separate toilets and washstands for male and female patrons, and shall maintain the same in a clean and sanitary conditions.

Cross reference—Water, sewers and sewage disposal, Ch. 21.

Sec. 3-20. Sanitary conditions.

All premises used for the retail sale of alcoholic liquor or for the storage of such alcoholic liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of the premises used for the storage or sale of food for human consumption.

Sec. 3-21. Gambling on premises.

It shall be unlawful for any licensee under this chapter to permit or allow anyone to play for money, or other valuable thing, at any game with cards, dice or chips, or with any other article, instrument or thing whatsoever, which may be used for the purpose of playing or betting upon or winning or losing money, or any other thing or article of value, or to bet on any game others may be playing, upon any premises licensed under this chapter.

Sec. 3-22. Chapter not to permit zoning violations.

Nothing contained in this chapter shall be construed to permit the sale of alcoholic liquors in any place where the conduct of such business is prohibited under the terms and provisions of the village's zoning ordinance.

Sec. 3-23. Peddling.

It shall be unlawful to peddle alcoholic liquor within the corporate limits of the village.

Sec. 3-24. Private parking areas may be considered public for enforcement purposes; records.

(a) For the purposes of enforcing this chapter, privately owned or occupied parking lots and adjoining privately owned driveways, sidewalks and open spaces shall be considered as "public places" or "public ways," if so requested by the owners or legal occupants thereof.

(b) The police chief is hereby directed to keep, or have a kept in his behalf, a file of all such requests made by the owners or occupants of any private parking lots or other areas as described in paragraph (a) of this section.

Sec. 3-25. Penalty.

Whoever violates any provision of this chapter shall, upon conviction, be subject to punishment as provided in section
1-14 of this Code. Every act or omission of whatsoever nature constituting a violation of any provision of this chapter, by any officer, director, manager or other agent or employee of any licenses, shall be deemed and held to be the act of such employer or licensee, and the employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.

Sec. 3-26—3-40. Reserved.

ARTICLE II. RETAIL

LICENSES* Sec. 3-41. Required.

No person, within the corporate limits of the village, shall offer for sale at retail or sell at retail alcoholic liquor without first having obtained a license or permit to do so as provided in this chapter.

Sec. 3-42. Classification; fees.

(a) Retail liquor licenses as issued by the local liquor commissioner shall be the following kind and description:

(1) ***Class "A."*** This license shall entitle the holder thereof to sell at retail alcoholic liquor for consumption either on or off the premises. The annual license fee for a class "A" license shall be nine hundred dollars ($900.00) payable in two (2) equal installments of four hundred fifty dollars ($450.00) each on or between the first and the tenth day of May and November of each year.

(2) ***Class "B."*** This license shall entitle the holder thereof to sell at retail alcoholic liquor for consumption on or off the premises. The annual license fee for a class "B" license shall be seven hundred dollars ($700.00) payable in two (2) equal installments of three hundred fifty dollars ($350.00) each on or between the first and the tenth day of May and November of each year.

(3) ***Class "C."*** This license shall entitle the holder to operate what is commonly termed a "package goods store" and to sell at retail alcoholic liquor for consumption off the premises. The annual license fee for a class ''C" license shall be five hundred dollars ($500.00) payable in two (2) equal installments of two hundred fifty dollars ($250.00) each on or between the first and the tenth day of May and November of each year.

(4) ***Class "D."*** This license shall entitle the holder thereof to sell beer at retail for consumption on the premises only. The annual fee for class "D" licenses shall be three hundred dollars ($300.00) payable in two (2à equal installments of one hundred fifty dollars ($150.00) each on or between the first and the tenth day of May and November of each year.

(b) Nothing in this chapter shall be construed as preventing the sale of fruit juices or carbonated beverages by the holders of the forgoing described licenses.
(Ord. No. 1-3-67, $ 6)

Sec. 3-43. Separate license required for each location.

A separate license must be obtained for each location desired by the applicant for a license under the provisions of this article.

Sec. 3-44. Application; information to be shown.

(a) Application for licenses required by this article shall be made to the village president in writing, signed by the applicant , if an individual, or by a duly authorized agent thereof, of a club or corporation, verified by oath or affidavit, and shall contain the following information and statement:

(1) ***Name, age and address.*** The name, age, and address of the applicant in the case of individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of corporation, for profit, or a club, the date of incorporation, the object 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 (1) person or his nominee, the name and address of such person.

(2) ***Citizenship.*** The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.

(3) ***Character of business.*** The character of the business of the applicant; and in case of a corporation, object for which it was formed.

(4) ***Business experience of applicant.*** The length of time that such applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued.

(5) ***Amount of goods, wares and merchandise on hand.*** The amount of goods, wares and merchandise on hand at the time application was made.

(6) ***Location and description of premises.*** The location and description of the premises or place of business which is to be operated under such a license.

(7) ***Disposition of other applications.*** A statement whether applicant has made similar application for a similar or other license on premises other than described in this application; and the disposition of such application.

(8) ***Former felony convictions, etc.*** A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter of thing contained in this chapter, laws of this state, or any ordinance of this village.

(9) ***Revocation previous licenses.*** Whether a previous license by any state or political subdivision thereof, or by the federal government has been revoked, and the reasons therefor.

(10) ***Agreement not to violate laws, ordinances.*** A statement that the applicant will not violate any of the lawsss of the state or of the United States, or any ordinance of the village in the conduct of his place of business.

(11) ***Agreement to permit access.*** A statement that the applicant agrees to permit any police officer or other officials of the village free and unrestricted access to the licensed premises for the purpose of inspecting the same.

(12) ***Agreement to obey health regulations.*** That he will abide by and obey the rules and regulations of the village governing health and sanitation.

(b) When an application for license is received by the village clerk, the clerk shall, within seven (7) days thereafter, cause to be published in some newspaper of general circulation within the village, a notice that application has been made for such license, stating the name of the applicant, the residence address of the applicant, and th street number and location of the premises covered by the application, and notifying all persons that any objection to the granting of such license shall be made to the village president as the local liquor control commissioner, in writing, signed by the objector within five (5) days thereafter and stating specifically the ground of his objection. Such publication may contain notice of more than one (1) application for a license by different persons for different premises. The cost of publication of such notice shall be paid by the applicant and the village clerk shall require the deposit of a sufficient sum to cover the cost of such publication in addition to the required license fee, at the time of filing of the application for license. No license shall be issued prior to the expiration of sex (6) days after publication of such notice.
(Ord. No. 1-3-67, $ 3)

Sec. 3-45. Procedure for issuance of new license.

Application for a new license shall be filed with the liquor commissioner. After appropriate investigation of the applicant's eligibility for issuance of a license, the liquor commissioner shall prepare a resolution authorizing a license to be issued to the applicant. After the mayor and board of trustees has adopted the authorization resolution, the applicant shall file his application and annual fee with the village clerk and the new license shall be issued.

Sec. 3-46. Number.

(a) The total, or aggregate number of retail dealer's licenses of class "A" and class "B" shall be _____ and no new licensee shall be issued to increase the total number of licenses within the village. Such limitation shall not affect the right of any present licensee to a renewal of such present license, but as licenses are revoked, expired or for any other cause cease to exist then the total number of licenses hereunder shall be reduced until the total licenses of the above

classifications becomes _____in number; provided that, notwithstanding such limitation any person having a retail liquor license of the classifications limited above in full force and effect on the effective date of Ordinance No. 1-3-67, shall, if otherwise eligible under the terms of this article, be permitted to secure a license of any class as defined herein and renew the same from year to year as long as such license shall not at any time be revoked or permitted to laps and such renewal shall be continuous.

(b) No person may hold more than one (1) retail liquor license at any time.
(Ord. No. 1-3-67, $ 8)

Sec. 3-47. Term; prorating fees.

Each license shall terminate on the thirtieth day of April next following its issuance, unless sooner revoked. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the semiannual period prior to the issuance of the license.

Sec. 3-48. Disposition of fees.

All initial and annual fees shall be paid to the local liquor control commissioner at the time application is made and shall be forthwith turned over to the village treasurer. If the license applied for is denied the fees shall be returned to the applicant. If the license is granted, then the fees shall be deposited in the general corporate fund, or in such other fund as shall have been designated by the mayor and board of trustees after proper action of that body.

Sec. 3-49. Bond.

Each and every applicant for a license shall simultaneously with the application therefor, and prior to the issuance thereof, execute and deliver a bond in the penal sum of two thousand dollars ($200,000.00) to the village as oblige, conditioned for the faithful performance of all of the provisions of this chapter, and all amendments thereto, and the payment of all fines and penalties by reason of the violation hereof, with security to be approved by the local liquor control commissioner. The maximum liability of any and all sureties on such bond shall be limited to the penalty thereof, to wit, the sum of two thousand dollars ($20,000.00).

Sec. 3-50. Restrictions upon issuance.

No license authorized by this chapter shall be issued to:

(1) ***Nonresidents.*** A person, or in the case of a partnership, a partner who is not a resident of the village prior to the date of his application.

(2) ***Persons not of good character.*** A person who is not of good character and reputation in the community in which he resides.

(3) ***U.S. citizenship.*** A person who is not a citizen of the United States.

(4) ***Persons convicted of felony.*** A person who has been convicted of a felony under the laws of the state or of the United States, if the commissioner determines after investigation, that the applicant has not been sufficiently rehabilitated to warrant the public trust.

(5) ***Persons convicted of keeping house of ill fame.*** A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) ***Persons convicted of pandering, etc.*** A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.

(7) ***Revocation of former license.*** A person whose license issued under this chapter has been revoked for any cause.

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

(9) ***Ineligible partners.*** A copartnership, if any general partner thereof, owning more than five (5) percent of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason.

(10) ***Corporations.*** A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the village, and unless such corporation is incorporated in this state, or unless it is a foreign corporation which is qualified under the state business corporation act to transact business in this state.

(11) ***Former conviction of federal or state law relative to alcoholic liquor.*** 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 July 12, 1937, or shall have forfeited his bond to appear in court to answer charges for any such violation.

(12) ***Ownership of premises, etc.*** A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(13) ***Village officials.*** Any law enforcing public official, the mayor or any member of the board of trustees; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor; except that license may be granted to such an 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.

(14) ***Ineligibility for state license.*** A person not eligible for a state retail liquor license.

(15) ***Manager.*** A person whose place of business is conducted by a manager or agent who would not be eligible to receive a license hereunder.

(16) ***Failure to furnish information.*** A person who fails to furnish the information or to make the statements required in the application for license and as set forth in this article.

(17) ***Nonowners.*** A person who is not a beneficial owner of the business to be operated by the licensee.

(18) ***Persons convicted of gambling offenses.*** A person who has been convicted of a gambling offense as prescribed by Illinois Revised Statutes, chapter 38, sections 28-1 and 28-3 as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(19) ***Persons holding federal wagering stamps.*** A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.

(20) ***Partners holding federal wagering stamps.*** A copartnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

(21) ***Corporations with federal wagering stamps.*** A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty (20) percent of the stock of such corporation has been issued a federal wagering stamp for the current tax period.

(22) ***Premises for which federal wagering stamps have been issued.*** Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

Sec. 3-51. Renewal.

Any licensee may renew his license at the expiration thereof, provided, that he is then qualified to receive a license, and the premises for which such renewal is sought is suitable for the purpose; provided, further, that the renewal privilege herein contained shall not be construed as a vested right which shall in any case prevent the mayor and board of trustees from decreasing the number of licenses to be issued within the city. The requirements for and the procedure of obtaining a renewal of a license shall be the same as that provided for in case of an original application for a license.

Sec. 3-52. Privilege granted by license.

A license issued under this article shall be purely a personal privilege, good for not to exceed one (1) year after issuance, unless sooner revoked as provided in this article. It shall not constitute property, nor shall it be subject to attachments, garnishment or execution, 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 license; provided that, the executor of the will or administrator of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale at retail of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee until the expiration of such license or until six (6) months after the

death, insolvency or bankruptcy of such licensee, whichever is the shorter period of time.

Sec. 3-53. Transfer.

All licensee issued under this article shall be considered personal and no license may be transferred to any person, exept as provided in section 3-54, and providing the transferee meets all of the requirements of a licensee.

Sec. 3-54. Change of location.

Any license issued under this article shall be for a single and particular location. Upon application being filed with the village clerk for a change of location, the local liquor control commissioner may allow the location authorized by the particular license to be changed. The application blank shall be similar to that required of an original applicant for license. After investigation, the change of location may be approved or rejected, as in the case of original license applications, and if approved, the authorized change of location shall be shown by endorsement upon the face of existing license. Nothing herein contained shall be construed to permit any licensee to change the location of his business to, or operate his business, or a portion thereof, as a subtenant or otherwise at a site or place of business which, under the ordinances of the village, would be prohibited or denied to an original applicant.

Sec. 3-55. Annexation of licensed premises.

Whenever the village annexes land upon which a licensed premises is situated, the local liquor commissioner may issue a license of substantially the same classification as the license that the licensee of the annexed premises had prior to annexation; provided that, the licensee and the licensed premises meet the requirements of all laws and ordinances applicable to the regulation of the sale of alcoholic liquors, except that no initial license fee shall be charged and except that no annual license fee shall be charged for that period of time for which such licensee has previously paid the county.

Sec. 4-56. To be posted.

Every licensee under the provisions of this article shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

Sec. 3-57. Licensees required to obtain general business license.

In addition to the liquor license and any other village license which may be required as a condition of being a liquor licensee, all liquor licensees shall be required to obtain from the village clerk a general business license.
(Ord. No. 2-13-90, $ 1)

Chapter 4

Animals*

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Sec. 4-2. Diseased or sickly animal
Sec. 4-3. Burial of dead animals.
Sec. 4-4. Killing of diseased or injured animal.
Sec. 4-5. Notice of dead animal.
Sec. 4-6. Cruelty to animals.
Sec. 4-7. Exhibition of dangerous animals.
Sec. 4-8. Defecation of urination.
Secs. 4-9—4-25. Reserved.

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Sec. 4-26. Exemptions.
Sec. 4-27. Impounding—Generally.
Sec. 4-28. Same—Notice to owner of licensed dog.
Sec. 4-29. Same—Redemption of unlicensed dogs.
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ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

As used in this chapter:

Animal means any dumb creature inferior to human beings.

Dog means a female as well as a male dog.
(Code 1972, $$ 90.001, 90.040(A))

Sec. 4-2. Diseased or sickly animal.

(a) No diseased animal, nor any animal that has been exposed to any disease that is contagious among animals, shall be brought into the municipality.

(b) No person shall allow any animal which has any disease that is contagious or communicable to other animals to remain in any place where it may transit the disease to other animals.
(Code 1972, $ 90.003)

Sec. 4-3. Burial of dead animals.

No person shall leave in or throw into any public way, public place, or public water, or offensively expose or bury within the municipality the body or any part thereof of any dead or fatally sick or injured animal; nor shall any person keep any dead animal in a place where the same may be dangerous to the life, or detrimental to the health, of any person; provided, however, that, the owner of any dead cat, dog, or other animal weighing not more than one hundred fifty (150) pounds may secure from the board of health a permit to bury such animal within the municipality; provided, further, that, not more than one (1) such anima shall be buried upon any half-acre of ground within two (2) years, and such animal shall be placed at least three (3) feet below the surface of the soil surrounding and adjacent to the grave.
(Code 1972, $ 90.004)

Sec. 4-4. Killing of diseased or injured animal.

Any animal which is in any public way or public place within the municipality, and which, in the estimation of any officer or inspector of the board of health, appears to be injured or diseased beyond recovery and which is not being attended and properly cared for by the owner or some proper person having charge thereof for the owner, or which has not been removed to some private premises or to some place designated by such officer or inspector within one (1) hour after being found or left in such condition, may be destroyed by such officer or inspector, or as he may direct, and shall thereafter, unless at once removed by the owner, be treated as any other dead animal found on a public way or public place. (Code 1972, $ 90.005)

Sec. 4-5. Notice of dead animal.

Every person having within his possession or control or upon any premises occupied or owned by him, any dead animal not proper for food and liable to become noxious and detrimental to health, shall at once give notice thereof to the officer in charge of the nearest police station, and such officer shall at once cause notice thereof to be given to the person who has contracted to remove dead animals.
(Code 1972, $ 90.007)

Sec. 4-6. Cruelty to animals.

No person shall:

(1) Overload, overdrive, overwork, cruelly beat, torture, torment, mutilate, or cruelly kill any animal, or cause or knowingly allow the same to be done;

(2) Unnecessarily fail to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shelter and air;

(3) Abandon any animal;

(4) Carry, keep, drive, or cause to be carried, driven, or kept, any animal in an unnecessarily cruel manner;

(5) Carry, cause to be carried, keep, or cause to be kept, any animal bound or tried by its legs, or bound down by the neck, or so that it cannot freely stand in an upright position while being transported, or carry, keep, or cause to be carried or kept, any animal in any crate or cage so constructed as to permit such animal to push its head between the slats, wire, or other openings of such crate or cage, unless the spaces between slats or wires are also sufficient to permit such animal to freely withdraw its head therefrom.
(Code 1972, $ 90.008)

Sec. 4-7. Exhibition of dangerous animals.

No person shall permit any dangerous animal to run at large, nor lead any such animal with a chain, rope, or other appliance, whether such animal be muzzled or

unmuzzled, in any public way or public place within the municipality.
(Code 1972, $ 90.014)

Sec. 4-8. Defecation or urination.

It shall be unlawful for any owner of a dog or other animal to cause or allow, either by a direct action or by failing to prevent, such dog or other animal to defecate or urinate on any property within the village other than the property of the owner. It shall be a defense to a citation for violation of this section if the owner immediately cleans up any feces resulting from such defecation.
(Code 1972, $ 90.049)

Sec. 4-9—4-25. Reserved.

ARTICLE II. DOGS

DIVISION 1. GENERALLY

Sec. 4-26. Exemptions.

No part of this article covering dogs shall apply to dogs kept by a regularly chartered medical college or other educational or scientific institution to be used for scientific purposes only.
(Code 1972, $ 90.040(B))

Sec. 4-27. Impounding—Generally.

It shall be the duty of such employee of the department of police as shall be designated for that purpose by the chief of police to take up and impound in the municipal animal shelter any dog found running at large in the municipality contrary to any of the provisions of this chapter.
(Code 1972, $ 90.044)

Sec. 4-28. Same—Notice to owner of licensed dog.

The poundmaster of the animal shelter shall, immediately upon receiving any dog at the shelter, make a complete registry, entering the breed, color and sex of such dog, and whether licensed, if known; and if licensed, he shall enter the name and address of the owner or keeper and the number of the license tag, if known, and he shall keep licensed dogs separated from unlicensed dogs. When any licensed dog shall be impounded, notice thereof shall be forthwith given by the poundmaster to the clerk, and the clerk shall forthwith give notice by mail to the owner or keeper of such licensed dog, informing such owner or keeper of the impounding of his dog and that if such dog is not redeemed within five (5) days of the date of such notice, such dog may be redeemed by any person paying the required fees. (Code 1972, $ 90.045)

Sec. 4-29. Same—Redemption of unlicensed dogs.

(a) For every dog taken up and impounded as provided in this chapter, for which no license fee has been paid, there shall be paid to the poundmaster for the use of the municipality, by any person desiring to redeem such dog, the fees established from time to time by the mayor and board of trustees.

(b) If such fees are paid by any person desiring to redeem such a dog within three (3) days after the impounding thereof, such person shall be entitled to redeem such dog; provided, however, that, no dog shall be redeemed unless a current license certificate and tag for such dog is first procured and shown. If such dog is not redeemed within five (5) days after being redeemed, such dog shall be destroyed by the poundmaster; provided, the mayor, may, in his discretion, release any such dog, without the payment of the redemption fee. When, in the opinion of the board of health, there exists the danger of an epidemic of rabies, such dog shall be impounded for a period of only twenty-four (24) hours before being destroyed by the poundmaster.
(Code 1972, $ 90.046)

Sec. 4-30. Same—Redemption of licensed dogs.

When any licensed dog is taken up or impounded, the fees to be charged for the redemption of such dog shall be the same as prescribed for redemption of unlicensed dogs. If, at the expiration of five (5) days from the date of notice to the owner or keeper, such dog shall not be redeemed by the owner or keeper thereof or by any other person, the poundmaster shall destroy such dog. The mayor may, in his discretion, release any such dog without the payment of the redemption fee. (Code 1972, $ 90.047)

Sec. 4-31. Running at large prohibited.

(a) No person shall cause or permit any dog owned or kept by him to run at large on any public way or public place, nor in the hallway of any building occupied by two (2) or more families within the village at any time.

(b) It shall be the duty of every police officer to report to the chief of police any dog which is found in his district contrary to the provisions of this section.
(Code 1972, $90.048(A), (C))

Sec. 4-32. Trial of owners of vicious dogs.

(a) At the time and place set for trial in any branch of the municipal court of the village for any cause referred to in this chapter, if it shall appear that any dog has in any manner disturbed the quiet of any person, or caused an abrasion of the skin, or attempted to bite or snap at any person within the village, the owner or keeper shall be punished as provided in section 1-14 of this Code.

(b) If the defendant is found guilty, the court may stay execution or issuance of a mittimus upon motion of the corporation counsel of the village, and continue the cause for a further day, and order the defendant to have the dog destroyed by a police officer of the village, within the time for which the case is continued. Upon a satisfactory showing to the court that such dog has been destroyed, the court may, in its discretion, cause a nonsuit to be entered in such cause.

Sec. 4-33. Tag and collar.

(a) Upon the payment of the license fee for a license required by division 2 of this article, the municipal clerk shall furnish to the person paying the same a license certificate and metallic tag for each dog for which such fee has been paid. The shape of such metallic tag shall be changed each year, and it shall have stamped thereon the year for which the fee is paid, the letters "R.D.T." and the number of the tag to correspond with the number on the license certificate.

(b) Every dog kept within the municipality shall be provided by its owner or keeper with a collar made of leather, metal, or other substantial material to which a license tag shall be securely fastened. A separate and distinct offense shall be deemed to have been committed for each and every day which shall elapse after the first conviction for a violation of any of the provisions of this section.
(Code 1972, $ 90.042)

Secs. 4-34—4-45. Reserved.

DIVISION 2. LICENSE*

Sec. 4-46. Required.

It shall be unlawful for any person to own or keep a dog unless he shall procure a license therefore.
(Code 1972, $ 90.041(A))

Sec. 4-47. Application.

Application for the license required by this division shall be made to the municipal collector which application shall state the name and address of the owner, the name, breed, color and sex of each dog, also the date and certificate number of the dog's rabies vaccination.
(Code 1972, 8 90.041(B))

Sec. 4-48. Rabies inoculation prerequisite to Issuance

Before a dog license is issued, a certificate of inoculation against rabies for each dog, issued by the county rabies inspector, or by his deputy, or by a licensed veterinarian, shall be submitted to the clerk of the village for examination. No license shall be issued for any dog unless such inoculation certificate bears a date within one (1) year prior to the date of application for license. Such certificate shall be returned to the applicant after the current dog license number has been stamped thereon. When applying for a dog license by mail, the certificate of inoculation shall accompany the application. Such certificate will be returned at the time the license tag is mailed to the applicant.
(Code 1972, 8 90.041(C))

Sec. 4-49. Fee; term.

The fee for each license issued under this division shall be as established from time to time by the mayor and board of trustees. The license shall expire on April thirtieth next following the issuance thereof.
(Code 1972, $ 90.041(D))

Sec. 4-50. Book of registry.

The clerk shall keep a complete registry, in a book to be kept for that purpose, of all dogs licensed under this division, describing the same by name, breed, color and sex, and shall also enter the name and address of the owner or keeper as given, and the number of the municipal license tag. (Code 1972, $ 90.043)

Secs. 4-51–4-65. Reserved.

ARTICLE III. RABIES CONTROL

Sec. 4-66. Disposition of dogs suffering from.

Any dog suffering from rabies, or any dog bitten by a dog suffering from rabies, is hereby declared to be a nuisance, and such dog may be slain by any

policeman. It shall be the duty of any person owning or exercising ownership or agency over any such dog to surrender such dog to any policeman upon demand.
(Code 1972, $ 90.052)

Sec. 4-67. Report.

It shall be the duty of every veterinarian or other person who discovers any dog or other animal to be suffering with rabies to report such fact immediately to the board of health. Such report shall give the name, if known, and the place of residence of the person owning or harboring such dog or other animal, the place where the dog or other animal can be found, and the license number of such dog, if known. Such dog or other animal shall be immediately taken up and impounded in the manner provided in this chapter, and securely kept until the board of health can make or cause to be made an examination of such dog or other animal. If upon such examination, it shall be determined that such dog or other animal is suffering with rabies, such animal shall be immediately killed.
(Code 1972, $ 90.053)

Chapter 5

BUILDINGS AND BUILDING REGULATIONS*

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*Cross references Community improvement agency, $ 2-166 et seq.; board of local improvements, $ 2-186 et seq.; public works, $ 2-206 et seq.; civil defense, Ch. 6; fire prevention and protection, Ch.7; flood damage prevention and control, Ch. 8; garbage and refuse, Ch. 9; health and sanitation, Ch. 10; mobile homes and mobile home parks, Ch. 13; streets and sidewalks, Ch. 17; water, sewers and sewage disposal, Ch. 21.

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ARTICLE I. IN GENERAL

Sec. 5-1. Energy conservation code.

The BOCA National Energy Conservation Code, Fifth Edition, 1987 as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the energy conservation code of the village for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of such code are hereby referred to, adopted and made a part hereof as if fully set out in this section. (Ord. No. 10-24-89, $ 1)

Sec. 5-2. Bond and insurance requirements eliminated for certain home repairs.

(a) The requirement of a bond and certificate of liability insurance for the application for a building permit is hereby waived when, and only when, an owner or occupant of improved real property submits a plan or proposal for the repair, restoration, remodeling, and/or rehabilitation of an existing structure at a cost or value of four thousand dollars ($4,000.00) or less.

(b) All other code requirements now existing or which may hereafter be promulgated shall obtain, notwithstanding the foregoing.

(c) This section shall not apply to the expansion of existing structures, the creation of new structures or the repair or construction of public sidewalks or public walkways on private property,

(d) All owners or occupants of improved real property who enjoy or invoke the provisions of this section shall indemnify the village and hold them harmless from any liability, claims, suits and/or damages, including, but not limited to attorneys' fees and costs of defense, arising from or related to any repair, restoration, remodeling, and/or rehabilitation undertaken.

(e) The village building commissioner may, upon his sole discretion, suspend the operation of paragraph (a) of this section in the case of any given building permit application, upon good cause, by notifying the applicant of same by registered letter.

(f) Any owner or occupant of improved real property may elect to decline the provisions of paragraph (a) of this section, in which case he must then comply with requirements otherwise made and provided. (Ord. No. 10-11-77, $1–6)

Sec. 5-3. Building permits generally.

(a) Permits shall be on display at the construction site at all times and no excavation or construction work shall commence unless and until the required fee has been paid and a permit issued.

(b) The permit fee for all new buildings or other new structure of whatever kind or nature, as well as for remodeling of buildings or structures, shall be based upon the cost of such building or remodeling and the permit fee shall be a charge as established by the mayor and board of trustees from time to time. The minimum fee for issuing a permit for all new buildings or other new structures or for remodeling shall be such amount as established by the mayor and board of trustees from time to time, and such other permit fees for mechanical trades which may be required in this chapter.

(c) In addition to the permit fees required in this section, there shall be such charges for water used in connection with building

operations as are fixed by the schedule of water rates in this village and such other charges as may be fixed for the installation of sanitary sewer or as required under any other ordinance of this village.

(d) A permit shall expire by reason of failure to commence operations within six (6) months of the date of the issuance of the permit and all fees therefore shall be forfeited to the village.

(e) No person shall do any work without a permit and no permit shall issue unless the applicant is qualified under this chapter to receive one and the permit fees paid. (Code 1972, $ 151.020)
Cross reference-Licenses, permits and miscellaneous business regulations, Ch. 12.

Secs. 5-4-5-25. Reserved.

ARTICLE II. UNSAFE BUILDINGS

Sec. 5-26. Definitions.

(a) The term "unsafe buildings," as used in this article, is hereby defined to mean and include:

(1) Any uncompleted building or structure;

(2) Any abandoned building or structure;

(3) Any building, shed, fence or other manmade 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;

(4) Any building, shed, fence or other manmade 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;

(5) Any building, shed, fence or other manmade structure which, by reason of faulty construction or any other cause, iş liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure; and

(6) Any building, shed, fence or other manmade 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.

(b) Any such building in the village is hereby declared to be a nuisance. (Ord. No. 5-12-98, $ 1)
Cross reference-Definitions and rules of construction generally, $ 1-2.

Sec. 5-27. Unsafe buildings prohibited.

It shall be unlawful to maintain or permit the existence of any unsafe building in the village; and it shall be unlawful for the owner, occupant or person in custody of any unsafe building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is or remains in an unsafe condition. (Ord. No. 5-12-98, § 2)

Sec. 5-28. Boarding windows and doors of structures restricted.

(a) Every owner or occupant of any structure within the village shall be responsible for keeping all windows and doors of such structures, whether occupied or not, enclosed by materials ordinarily and customarily used either by builders or con tractors or manufactured for such purposes and as provided by this article, and shall not permit enclosure of windows and/or doors by boarding, closing up or other means, except that one-half

wire mesh screening may be installed over windows and glass portions of doors of such vacant structures.

(b) The provisions of this section shall apply to all buildings which are now or hereafter become vacant with the exception of buildings damaged by fire, tornado or other such catastrophe. In the event of such damage, the owner or occupant shall be permitted to board the windows and doors of such buildings for a period of time not to exceed sixty (60) days, and shall, prior to the expiration of such time, make the required re pairs and installations in accordance with this Code. The president and board of trustees may authorize an extension of such period when presented with good and sufficient reason to do so by the owner or occupant of such structure.

(c) No owner or occupant of a structure dam aged by fire, tornado or other similar catastrophe shall board the windows and/or doors of such structure without first obtaining from the village a permit to do so and paying the applicable permit fee to the village, which fee shall be ten dollars ($10.00). In an emergency situation where such boarding is required immediately to prevent additional damage from the elements, the owner or applicant shall apply for such permit on the first business day following such emergency. (Ord. No. 5-12-98, $ 3)

Sec. 5-29. Abatement of nuisance.

(a) Abatement or removal by village.

(1) When any building in the village, shall by reason of fire or other casualty, or by reason of faulty construction, age, lack of proper repair or other cause, become a hazard or menace so as to endanger per sons or property, the president and board of trustees may declare the same to be a danger or menace and abate the same.

(2) Where such building has become extra dangerous so that the hazard therefrom to life or property is imminent and the necessity for immediate action arises, the village president, the building commissioner, the chief of the fire department or the chief of police may order the removal of a part or all of such building without previous notice to the owner; but notice to the owner shall be given as soon as possible.

(b) Investigation, action by village board. Where such extra danger may be guarded against by protective measures without destroying or removing such building or part thereof, the president shall cause an investigation to be made through the proper department of the village to determine the extent and character of the condition and the steps necessary to correct the same. When such investigation shall have been completed and sub mitted to the president and board of trustees, they may, by resolution, determine in what man ner such hazard or menace shall be removed or abated.

(c) Notice to abate; hearing and appeals. Notice, by personal service or by registered or certified mail, shall be given the owner and a hearing granted him/her at the next regular meeting of the board, if he/she requests it prior to or at such meeting, whereupon the president and board of trustees shall adopt such resolution as in their discretion they may deem proper or necessary to remove such hazard or menace, and may require the owner within such reasonable time as may be specified in the resolution to abate such condition. The owner shall have ten (10) days within which to appeal to the department of public safety of the state.

(d) Violation and penalty. Willful failure, neglect or refusal of the owner to comply with the requirements of the resolution provided for in this section, after the final determination therein provided, shall be deemed to be a misdemeanor and punishable as such as provided in section 5-31.

(e) Authority of village officials. The provisions of this section shall not be taken as limiting the duties, powers and authority of any officer or department of the village respecting other ordinances providing for remedying defects in buildings.
(Ord. No. 5-12-98, $ 4)

Sec. 5-30. Court proceedings.

(a) Notice to abate. Whenever the president and board of trustees be of the opinion that any building or structure in the village is an unsafe building, the corporate authorities shall there upon cause written notice to be served upon the owner thereof by registered mail or by personal service. Such notice shall state that the building has been declared to be in an unsafe 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 may be in the following forms:

"To (owner-occupant of the premises) of the premises known and described as

---

You are hereby notified that (describe building) on the premises above described has been determined to be an unsafe building by the corporate authorities.

The causes for this decision are (herein insert the facts as to the condition).

You must remedy this condition and make the building safe or demolish the building immediately, or the village will proceed to do so."

(b) Abatement by village. If the person receiving the notice has not complied therewith within fifteen (15) days after receiving said written notice, the corporate authorities may apply to the county circuit court for the order authorizing the demolition of or repair of any dangerous or unsafe building or uncompleted or abandoned building.

(c) Lien for abatement costs; notice and foreclosure. The cost and expenses of such demolition or repair shall be recoverable from the owner of such real estate and shall constitute a lien on said real estate superior to all existing liens or encumbrances except taxes; provided, that notice of such lien is filed with the county recorder of deeds or registrar of titles within sixty (60) days after the date such cost and expenses are incurred. The notice to be filed with the county recorder of deeds or registrar of titles shall consist of a sworn statement setting out:

(1) A description of the real estate sufficient for identification;

(2) The amount of money representing the cost and expense incurred or payable for the service, and

(3) The date or dates when the cost and expense was incurred by the village.

The lien may be enforced by proceedings to fore close as in case of mortgages or mechanics' lien. Suit to foreclose this lien shall be commenced within three (3) years after the date of filing notice of lien.

(d) Injunction requiring compliance; notice. Whenever the building commissioner determines, after due investigation, that any building or structure within the corporate limits of the village fails to conform to the minimum standards of health and safety as set forth in the applicable ordinances of the village, and the owner or owners of such building or structure fails, after due notice, to cause such property to conform, the corporate authorities shall make application to the county circuit court for an injunction requiring compliance with such ordinance, or for such other order as the court may deem necessary or appropriate to secure such compliance. Before making application to the county circuit court, written notice shall be served by registered or certified mail or personal delivery to the owner or owners of such property, and upon the occupant thereof, setting forth the way or ways that the building or structure fails to conform to the ordinances of the village. This must be given within fifteen (15) days prior to said application. (Ord. No. 5-12-98, $ 5)

Sec. 5-31. Damaged wooden buildings within fire limits.

(a) Removal or repair required. Any frame building or structure within the fire limits of the village which has or may be damaged by fire, decay or other causes to the extent of fifty (50) percent of its value, shall be torn down and removed, or rebuilt with nonflammable walls. If such building or structure is a nonconforming use, it shall be torn down and removed and not rebuilt.

(b) Notice of damage condition; action by village officials. Upon written notice by the building commissioner to the effect that such building has been so damaged, filed with the clerk, the said clerk shall notify the village board of the receipt of such notice. The village board shall then appoint three (3) persons to determine whether or not such building or structure has been damaged to the extent of fifty (50) percent of its value.

A copy of the notice to the appointment of this board of three (3) persons to determine the dam age shall be served upon the owner of the premises by personal service or by registered mail at his/her last known address. Such notice shall be in substantially the following form:

"To_____

You are hereby notified that_____ has determined that the building owned by you at_____ located within the fire limits of the village has been damaged by fire, decay or otherwise to the extent of fifty (50) percent of its value and that a board of three (3) persons has been appointed to verify this finding, which board will hold its first meeting in room_____in the village on the___day of_____at the hour of__ _____o'clock, at which time it will determine whether or not this finding is correct.

If this finding is verified by the board, you must tear down and remove the said building or rebuild it with nonflammable walls if not a nonconforming use." (Note: if nonconforming use, state that it cannot be rebuilt.)

(c) Owner to remedy defective condition. If the board of three (3) members determines that the building in question has been damaged to the extent of fifty (50) percent of its value, it shall be the duty of the owner to tear down and remove the said building within twenty (20) days after the finding of such board, or to remodel to comply with the requirements for new buildings in the fire limits; and it shall be

unlawful to occupy or permit the occupancy of such building after such finding until it is so remodeled.
(Ord. No. 5-12-98, $ 6)

Sec. 5-32. Penalties.

If said owners allow said nuisance to exist or fail to abate said nuisance, they, and each of them, upon conviction thereof, shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00). A separate offense shall be deemed committed on each day on which said nuisance is permitted to exist.
(Ord. No. 5-12-98, $ 7)

Secs. 5-33-5-50. Reserved.

ARTICLE III. BUILDING CODE

Sec. 5-51. Adopted.

That a certain document, three (3) copies of which are on file in the office of the village clerk being marked and designated as the BOCA National Building Code, Thirteenth Edition, 1996 as published by the Building Officials and Code Administrators International, Inc. be and is hereby adopted as the building code of the village; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this article, with the additions, insertions, deletions and changes, if any, pre scribed in section 5-52.
(Ord. No. 8-26-97A, § 1)
Cross references Electrical code, $ 6-71; housing code, $ 5-106 et seq.; plumbing code adopted, $ 5-301; fire prevention code, $ 7-71 et seq.

Sec. 5-52. Additions, insertions and changes.

The following sections of the code adopted by section 5-51 are hereby revised as follows:

Section 101.1 Title, is hereby amended to read as follows:

> These regulations shall be known as the Building Code of the Village of Robbins, hereinafter referred to as "this code."

Section 112.3.1 Fee schedule, shall be amended to read as follows:

1. A fee for each plan examination, building permit and inspection shall be paid in accordance with the following schedule:

Residential and Commercial	*Fees*
Building permit fees	$15,00 per $1,000.00 up to $100,000.00 in construction work $7.50 per $1,000.00 for the cost of construction in excess of $100,000.00
Plan examination fee	$100.00
Inspection fee	$35.00 per inspection
Reinspection	$25.00 per inspection
Occupancy permit – single family	$25.00
Occupancy permit – all others	$150.00

2. For the purpose of determining a basis for computing building permit fees, the estimated cost of construction shall be determined by the building commissioner or his agent as follows:

a. The building commissioner may accept an estimate furnished by the applicant for a permit; or

b. The building commissioner may require a certificate of cost of construction from a licensed architect or a registered structural or professional engineer; or

c. The building commissioner may re quire an affidavit from the owner or the owner's agent setting forth the estimated cost of the proposed work.

Section 116.4 Violation penalties, shall be amended to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 117.2 Unlawful continuance shall be amended to read as follows:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00)

Section 3408.2 Applicability shall be amended to read as follows:

Structures existing prior to the effective date of this ordinance in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of sections 3403.0 through 3407.0.
(Ord. No. 8-26-97A, $ 3)

Secs. 5-53–5-70. Reserved.

ARTICLE IV. ELECTRICAL REGULATIONS

DIVISION 1. GENERALLY

Sec. 5-71. Code adopted.

The Chicago Electrical Code, 1985 Edition, of which not less than three (3) copies have been and are now filed in the office of the clerk, is hereby adopted and incorporated herein as fully as if set out at length herein. **Cross referencing-Building code adopted, $5-51; housing code, $5-106 ET seq.; plumbing code, $5-301 ET seq., fire prevention code, § 7-71 et seq.**

Secs. 5-72—5-85. Reserved.

DIVISION 2. COMMISSION

Sec. 5-86. Creation; membership.

There is hereby established a commission which shall be known as the electrical commission of the village, and which shall

consist of six (6) members. The electrical inspector shall be a member, and ex-officio chairman, of such commission. Of the other five (5) members, one (1) shall be a registered professional engineer, one (1) an electrical contractor, one (1) a journeyman electrician, one (1) a representative of an inspection bureau maintained by the fire underwriters, if such a representative resides in the village, and if no such representative resides in the village then the chief of the fire department, and one (1) representative of an electricity supply company. If there is no person residing in the village who is qualified under any one (1) of these descriptions, the mayor of the village may appoint some other person to fill that position. All members of the electrical commission shall be appointed by the mayor with the advice and consent of the board of trustees. The members, other than the electrical inspector, shall receive such compensation as may be fixed by the village board of trustees. (Code 1972, $ 35.300)

Sec. 5-87. Duties.

It shall be the duty of the commission to formulate and recommend safe and practical standards and specifications for the installation, alteration and use of electrical equipment designed to meet the necessities and conditions that prevail in the village, to recommend reasonable rules and regulations governing the issuance of permits by the electrical inspection department, and to recommend reasonable fees to be paid for inspection made by the electrical inspection department. The standards and specifications, rules and regulations governing the issuance of permits and fees so recommended shall become effective upon the passage of the ordinance adopting the same by the village board. All such fees shall be paid to the village treasurer. (Code 1972, $ 35.305)

Cellar means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants and shall include rental dwellings; provided that, temporary housing as hereinafter defined shall not be regarded as a dwelling,

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating; and shall include rental dwelling unit.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the village health commissioner.

Garbage means animal and vegetable waste resulting from handling, preparation, cooking, and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

Infestation means the presence, within or around a dwelling, of any insects, rodents or other pests.

Multiple dwelling means any dwelling containing more than two (2) dwelling units.

Occupant means any person, over one (1) year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

Ordinary minimum winter conditions means the temperature fifteen (15) degrees Fahrenheit above the lowest recorded temperature for the previous ten-year period.

Owner means any person who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

Plumbing means all of the following supplied facilities and equipment: Gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dish washers, lavatories, bathtubs, showerbaths, in stalled clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rental dwelling means any dwelling which is rented, let, leased or similar arrangement to someone other than the person holding title to subject property where the owner received either money, services, or other consideration for the use of such dwelling.

Rental dwelling unit means any dwelling unit which is rented, let, leased, or similar arrangement to someone other than the person holding title to subject property where the owner receives either money, services, or other consideration for the use of such dwelling unit.

Roominghouse means any dwelling, or part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and noncombustible waste materials, except garbage, and shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

Supplied means paid for, furnished, or provided by or under the control of, the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days. (Code 1972, $ 150.005)

Cross reference-Definitions and rules of construction generally, $ 1-2.

Sec. 5-107. Plumbing and plumbing fixtures.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to plumbing and plumbing fixtures unless:

(1) All plumbing is so designed and installed as to prevent contamination of the water supply through backflow, backsiphon-ages, and any other method of contamination.

(2) All plumbing is so designed and installed that no potable water supply line or plumbing fixture is directly connected to a nonpotable water supply.

(3) Every water supply line is so constructed that there is no possibility of a cross connection between a potable and nonpotable water supply.

(4) Every water supply line is in good working condition and every valve therein is in good working condition.

(5) Every water supply inlet is located above the floor level of any installed sink, lavatory, bathtub, or automatic washing ma chine and similar water-using fixture or above some unobstructible overflow thereof; and there are no submerged inlets in stalled without a vacuum breaker of a type approved by the building inspector.

(6) The waste line of every water-using fixture is trapped.

(7) Every waste line drains freely without obstructions or leaks.

(8) All plumbing and plumbing fixtures are maintained in good working condition, and all plumbing fixtures are kept clean.

(9) Water pressure is adequate to permit a proper flow of water from all open water faucets at all times.

(10) Every water closet is of the trap type, with facilities for safe and clean flushing.

(11) No water closet is of the so-called "flush hopper," "frostproof hopper," or similar type.

(Code 1972, $ 150.050)

Sec. 5-108. Rubbish storage, disposal.

No dwelling unit shall be deemed to comply with the requirement of this article relating to rubbish storage and disposal, unless: (1) Rubbish stored outdoors is stored in one

(1) or more rubbish storage boxes or containers which are flytight, rodentproof, nonflammable, and reasonably water proof.

(2) Rubbish stored in the basement or cellar, or in an enclosed structure such as a shed, is stored in nonflammable containers.

(3) No loose rubbish is placed upon or strewn about on the floor of any basement or cellar or any other part of any dwelling or on the ground surrounding any dwelling.

(Code 1972, $ 150.055)

Sec. 5-109. Garbage storage and disposal.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to garbage and garbage storage, and disposal unless:

(1) Garbage is disposed of in a garbage incinerator located within the dwelling and installed and operated in a sanitary manner; or garbage is disposed of in one (1) or more flytight and watertight metal or plastic garbage storage containers equipped with tightly fitting metal or plastic covers, no one of which is smaller than fifteen (15) gallons in capacity or larger than thirty (30) gallons in capacity; or garbage is disposed of in a garbage grinder which grinds garbage finely, and is discharged into the kitchen sink drain in a sanitary manner.

(2) Every outside garbage storage container is so maintained and so located on the premises that no odors will permeate any dwelling or dwelling unit.

(3) Every garbage storage container is cleaned regularly.

(4) No loose garbage is placed upon or strewn on the floor of any basement or cellar or any other part of any dwelling or on the ground surrounding any dwelling.

(Code 1972, $ 150.060)

Sec. 5-110. Gas facilities.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to gas facilities unless:

(1) All gas-burning hot water heaters and space heaters are properly vented to a chimney or duct leading to outdoor space.

(2) Every gas pipe is sound and tightly put together, with no leaks.

(3) No gas pipe is corroded or obstructed so as to reduce gas pressure or volume.

(4) Every gas appliance is connected to a gas line with solid metal piping.

(5) Gas pressure is adequate to permit a proper flow of gas from all open gas valves at all times.

(Code 1972, $ 150.065)

Sec. 5-111. Electrical facilities.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article re lating to electric wiring and facilities unless:

(1) Every exposed electric wire has insulation which is in good condition.

(2) Every switch plate and outlet plate is properly fastened in position.

(3) No short circuit or break exists in any electric line.

(4) Every fixture and outlet functions properly and is properly fastened in place.

(5) No obvious shock hazard exists.

(6) No temporary wiring is used, except ex tension cords which run directly from portable electric fixtures to convenience outlets, and which do not lie underneath floor-covering materials or through structural elements.

(7) No electric circuit is overloaded as a result of connecting appliances which operate at high wattages to outlets supplied with wire of inadequate size.

(Code 1972, $ 150.070)

Sec. 5-112. Heating facilities.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to heating and heating facilities unless:

(1) When the dwelling or dwelling unit is heated by a central heating system:

a. The central heating unit is in good operating condition.

b. Every heat duct, steam pipe and hot water pipe is free of leaks and functions so that adequate heat is delivered where intended.

c. Every seal between the section of a hot air furnace is in good repair.

(2) When the dwelling or dwelling unit is heated by space heaters:

a. Every space heater burning solid, liquid, or gaseous fuels is properly vented to a chimney or duct leading to outdoor space.

b. Every coal-burning space heater has a fire-resistant panel beneath it.

c. Every space heater located close to a wall is equipped with insulation sufficient to prevent overheating of the wall.

d. Every space heater smoke pipe is equipped with guards made of metal or other nonflammable material at the point where the pipe goes through a wall, ceiling, or partition.

(3) There are no portable heaters burning solid, liquid, or gaseous fuels.

(4) Every smoke pipe and every chimney is adequately supported, reasonably clean, and maintained in such condition that there will be no leakage or backing up of noxious gases.

(Code 1972, $ 150.075)

Sec. 5-113. Lighting,

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to lighting unless every public hall, stair way, and foyer has sufficient lighting through windows or from electric light to provide illumination of at least one (1) footcandle on every part of such areas at all times of the day and night, except as otherwise provided by this chapter.
(Code 1972, $ 150.080)

Sec. 5-114. Exclusion of insects and rodents.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to exclusion of insects and rodents unless:

(1) During the period beginning on the first day of May and ending on the thirtieth day of September in each year, every

door opening directly from a dwelling unit to outdoor space is supplied with a screen of not less than sixteen-mesh per inch and a self-closing device in good operating condition; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, is supplied with a screen of not less than sixteen-mesh per inch.

(2) Every basement or cellar window is supplied with a heavy wire screen of not larger than one-fourth-inch mesh which fits tightly and is securely fastened. (Code 1972, $ 150.085)

Sec. 5-115. Structural requirements.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to foundations, floors, walls, ceilings and roofs unless:

(1) The foundation elements adequately support the building at all points.

(2) Every floor is free of holes and wide cracks which might admit rodents or which constitute a possible accident hazard.

(3) Every floor is free of loose, warped, protruding, and rotting floor boards.

(4) Every exterior wall is free of holes, breaks, loose or rotting floor boards and timbers, and any other conditions which might admit rodents, rain, or dampness to the interior portions of the walls or to the interior spaces of the dwelling.

(5) The roof is tight and has no defects which admit rain. (Code 1972, $ 150.090)

Sec. 6-116. Windows, exterior doors, basement hatchways.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to windows, exterior doors, and basement hatchways unless:

(1) Every window is fully supplied with window panes which are without open cracks or holes.

(2) Every window sash is in good condition and fits reasonably tightly within its frame.

(3) Every window other than a fixed window is capable of being easily opened and held in open position by window hardware.

(4) Every exterior door, when closed, fits reasonably well within its frame.

(5) Every exterior door, door hinge, and door latch is in good condition.

(6) All windows and doors and their frames are constructed and maintained in such relation to wall construction as completely to exclude rain and substantially to exclude wind from entering the structure.

(7) Every basement hatchway is so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling.

(Code 1972, $ 150.095)

Sec. 5-117. Stairways and porches.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to stairways and porches unless:

(1) Every flight of stairs and porch is free of holes, grooves, and cracks which are large enough to constitute possible accident hazards.

(2) Every stair well, and every flight of stairs which is more than two (2) risers high has rails not less than two (2) feet six (6) inches measured vertically from the nose of the treads to the top of the rail and every porch which is more than two (2) risers high has rails not less than three (3) feet six (6) inches above the platform.

(3) Every rail and balustrade is firmly fastened and is maintained in good condition.

(4) No flight of stairs has settled more than one (1) inch out of its intended position or has pulled away from supporting or adjacent structures.

(5) No flight of stairs has rotting or deteriorating supports.

(6) The treads of every flight of stairs are uniform in height.

(7) Every stair tread is sound and is securely fastened in position.

(8) Every stair tread is strong enough to bear a concentrated load of at least four hundred (400) pounds without danger of breaking through.

(9) Every porch has a sound floor.

(10) No porch has rotting or deteriorating sup ports.

(Code 1972, $ 150.100)

Sec. 5-118. Bathrooms.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to water closet compartment floors and bathroom floors unless every water closet compartment floor and bathroom floor is made of terrazzo, tile, smooth concrete, dense hardwood with tightly fitting joints, rubber, asphalt, tile, linoleum, or other similar material providing a surface which is reasonably impervious to water and is easily cleanable; or such floor is made of one (1) of the denser soft woods, with tightly fitting joints, and is covered with varnish, lacquer, or other similar coating providing a surface which is reasonably impervious to water and is easily cleanable. (Code 1972, $ 150.105)

Sec. 5-119. General sanitation.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article relating to general sanitation unless:

(1) Every floor and floor covering is kept reasonably clean and is not littered or covered with dirt, dust, garbage, human or animal fecal matter, or any other in sanitary thing.

(2) Every wall and ceiling is reasonably clean and is not littered or covered with dust, dirt, cobwebs, or greasy film.

(3) No stagnant water is allowed to accumulate or stand anywhere about the premises.

(Code 1972, $ 150.110)

Sec. 5-120. Conflict with other ordinances.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, or safety ordinance or regulation of the village existing on the effective date of this article, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (Code 1972, $ 150.130)

Secs. 5-121—5-135. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

Sec. 5-136. Board of appeals created.

There is hereby established a board of housing appeals, the members of which shall be the same as the board of zoning appeals. It shall be the duty of the board of housing appeals to decide such matters as are presented to it under the provisions of this article. (Code 1972, $ 150.001)

Sec. 5-137. Inspection of dwellings authorized.

(a) The building inspector is hereby authorized and directed to make inspections to deter mine the condition of dwellings, dwelling units, rooming units, and premises located within the village in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the building inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the building inspector free access to such dwelling, dwelling unit or rooming unit and its premises, at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employees, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or any lawful order issued pursuant thereto.

(b) If the building inspector is refused entry to any building or property for the purpose of making the inspection provided for by this section he shall apply to a magistrate or judge of the circuit court of this county for a search warrant. Such search warrant shall be issued forthwith and shall state the time when the building or property may be inspected. (Code 1972, $ 150.010)

Sec. 5-138. Notice of violation Generally.

Whenever the building inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such alleged violation to the person responsible therefore, as herein after provided. Such notice shall:

(1) Be put in writing;

(2) Include a statement of the reasons why it is being issued;

(3) Allow a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent, or the occupant as the case may require; provided that, such notice shall be deemed to be properly served upon the

owner or agent, or upon the occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method, authorized or required under the laws of this state;

(5) Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.

(Code 1972, $ 150.015)

Sec. 5-139. Same-Appeals; hearing procedure; decision of board.

(a) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the board; provided that, such person shall file in the office of the building inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served.

(b) Upon receipt of such petition the building inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty (30) days after the day on which the petition was filed; provided that, upon application of the petitioner, the building inspector may postpone the date of the hearing for a reasonable time beyond such thirty-day period, if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement. After such hearing the board shall sustain, modify or withdraw the notice, depending upon their finding as to whether the provisions of this article have been complied with. If the board sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the building inspector within ten (10) days after such notice is served. After a hearing in the case of any notice suspending any permit required by this article when such notice has been sustained by the board, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the building inspector within ten (10) days after such notice is served. The proceedings at such hearing, including the findings and the decision of the board, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the building inspector. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
(Code 1972, $ 150.020)

Sec. 5-140. Emergency action by inspector.

Whenever the building inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems

necessary to meet the emergency. Notwithstanding the other provisions of this article, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the board shall be afforded a hearing by the board within ten (10) days. After such hearing depending, upon its finding as to whether the provisions of this article have been complied with, the board shall continue such order in effect, or modify it, or revoke it. (Code 1972, $ 150.025)

Sec. 5-141. Condemnation procedure.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

(1) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated by the building inspector and as soon as practical thereafter shall be so placarded by the building inspector.

a. One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

b. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

c. One which because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

(2) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the building inspector, shall be vacated within a reasonable time as ordered by the building inspector.

(3) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the building inspector. The building inspector shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated.

(4) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subparagraph (3) of this section.

(5) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the board under the procedures set forth in this chapter.

(Code 1972, $ 150.125)

Secs. 5-142—5-160. Reserved.

DIVISION 3. BASIC EQUIPMENT AND FACILITIES

Sec. 5-161. Compliance with division prerequisite to occupancy.

No person shall occupy as tenant or as owner occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements of this division.
(Code 1972, $ 150.030)

Sec. 5-162. Kitchen sink.

Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the building inspector.
(Code 1972, $ 150.030(A))

Sec. 5-163. Water closet, lavatory.

Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the building inspector.
(Code 1972, $ 150.030(B))

Sec. 5-164. Bathing facilities.

Every dwelling unit shall contain, within a room which affords privacy to a person within such room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the building inspector.
(Code 1972, $ 150.030(C))

Sec. 5-165. Connection to water lines.

Every kitchen sink, lavatory basin, and bath tub or shower required under the provisions of this article shall be properly connected to a water line.
(Code 1972, $ 150.030(D))

Sec. 5-166. Rubbish storage facilities.

Every dwelling unit shall be supplied with adequate rubbish storage facilities, the type and location of which are approved by the building inspector.
(Code 1972, $ 150.030(E))

Sec. 5-167. Garbage disposal or storage facilities.

Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which are approved by the building inspector.
(Code 1972, $ 150.030(F))

Sec. 5-168. Water-heating facilities.

Every dwelling shall have supplied water heating facilities which are properly installed and maintained in safe and good condition.
(Code 1972, $ 150.030(G))

Sec. 5-169. Means of egress.

Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the state and the village.
(Code 1972, $ 150.030(H))

Secs. 5-170—5-185. Reserved.

DIVISION 4. LIGHT, VENTILATION AND HEATING STANDARDS

Sec. 5-186. Compliance with division prerequisite to occupancy.

No person shall occupy as tenant or as owner occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this division.
(Code 1972, $ 150.035)

Sec. 5-187. Window glass area per habitable room.

Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops for every habitable room shall be eight (8) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.
(Code 1972, $ 150.035(A))

Sec. 5-188. Openable window area per habitable room; ventilating device in lieu thereof.

Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty (40) percent of the minimum window area size or minimum skylight-type window size, as required in this division, except where there is supplied some other device affording adequate ventilation and approved by the building inspector.
(Code 1972, $ 150.035(B))

Sec. 5-189. Bathroom and water closet compartment compliance with habitable room light and ventilation requirements.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in this division, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is approved by the building inspector.
(Code 1972, $ 150.035(C))

Sec. 5-190. Electric service outlets and fixtures.

Where there is electric service available from power lines which are not more than three hundred (300) feet away from a dwelling, every habitable room of such dwelling shall contain at least two (2) separate floor or wall-type electric convenience outlets, or one (1) such convenience outlet and one (1) supplied ceiling-type electric light fixture; and every water closet compartment, bath room, laundry room, furnace room, and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
(Code 1972, $ 150.035(D))

Sec. 5-191. Heating facilities.

Every dwelling shall have heating facilities which are properly installed, and maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable room, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least sixty-five

(65) degrees Fahrenheit at a distance of three (3) feet above floor level, under ordinary minimum winter conditions. (Code 1972, $ 150.035(E))

Sec. 5-192. Public hall and stairway lighting.

Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full time lighting. (Code 1972, $ 150.035(F))

Sec. 5-193. Screens-For insects.

During that portion of each year when the building inspector deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; provided that, such screens shall not be required during such period in rooms deemed by the building inspector to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in the areas of the village which are deemed by the building inspector to have so few insects as to render screens unnecessary. (Code 1972, $ 150.035(G))

Sec. 5-194. Same-For rodents.

Every basement or cellar window used or in tended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or other such device as will effectively prevent their entrance. (Code 1972, $ 150.035(H))

Secs. 5-195—5-210. Reserved.

DIVISION 5. SAFE AND SANITARY MAINTENANCE OF DWELLINGS

Sec. 5-211. Compliance with division prerequisite to occupancy.

No person shall occupy as tenant or as owner occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the requirements of this division. (Code 1972, $ 150.040)

Sec. 5-212. Weathertight and rodentproof condition; in good repair Foundation, floor, walls, ceiling and roof.

Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, watertight, rodentproof, capable of affording privacy, and kept in good repair. (Code 1972, $ 150.040(A))

Sec. 5-213. Same-Windows, exterior doors, and basement hatchways.

Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, rodentproof, and kept in sound working condition and good repair. (Code 1972, $ 150.040(B))

Sec. 5-214. Stairs, porches and appurtenances.

Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of

supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
(Code 1972, $ 150.040(C))

Sec. 5-215. Plumbing fixtures and pipes.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.
(Code 1972, $ 150.040(D))

Sec. 5-216. Floors of water closet compartments and bathrooms.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
(Code 1972, $ 150.040(E))

Sec. 5-217. Effective and safe functioning of facilities, equipment and utilities.

Every supplied facility, piece of equipment, or utility which is required under this regulation shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
(Code 1972, $ 150.040(F))

Sec, 5-218. Discontinuance of required facility, equipment or utility by owner, etc., restricted.

No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this article to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the building inspector; provided, however, that, this section shall not be construed to require a landlord to supply facilities, services or utilities to a tenant who is arrears in the payment of rent.
(Code 1972, $ 150.040(G))

Sec. 5-219. Cleanliness, etc., of vacant dwelling prior to occupancy.

No owner shall occupy or let to any other occupant any vacancy dwelling unit unless it is clean, sanitary, and fit for human occupancy.
(Code 1972, $ 150.040(H))

Secs. 5-220—5-235. Reserved.

Division 6. Space, Use and Location Requirements.

Sec. 5-236. Compliance with division prerequisite to occupancy.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the requirements of this division.
(Code 1972, $ 150.045)

Sec. 5-237. Total floor area per occupant.

Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
(Code 1972, $ 150.045(A))

Sec. 5-238. Sleeping room floor area.

In every dwelling unit of two (2) or more rooms, every room occupied for sleeping

purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof. (Code 1972, $ 150.045(B))

Sec. 5-239. Arrangement of sleeping rooms relative to bathrooms.

No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. (Code 1972, $ 150.045(C))

Sec. 5-240. Ceiling height of habitable rooms; exclusion of low ceiling or narrow room in computing floor area.

At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof. (Code 1972, $ 150.045(D))

Sec. 5-241. Use of cellar space as habitable room or dwelling unit prohibited.

No cellar space shall be used as a habitable room or dwelling unit. (Code 1972, $ 150.045(E))

Sec. 5-242. Conditions to use of basement space as habitable room or dwelling unit.

No basement space shall be used as a habitable room or dwelling unit unless:

(1) The floors and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;

(2) The total of window area in each room is equal to at least the minimum area sizes as required in this article;

(3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and

(4) The total of openable window area in each room is equal to at least the minimum as required in this article, except where there is supplied some other device affording adequate ventilation approved by the building inspector.

(Code 1972, $ 150.045(F))

Secs. 5-243—5-260. Reserved.

DIVISION 7. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Sec. 5-261. Owner's duty to maintain dwelling units.

Every owner of a dwelling containing three (3) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. (Code 1972, $ 150.115(A))

Sec. 5-262. Occupant's duty to maintain dwelling.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
(Code 1972, $ 150.115(B))

Sec. 5-263. Occupant's duty relative to disposition of rubbish.

Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by this chapter.
(Code 1972, $ 150.115(C))

Sec. 5-264. Disposition of garbage.

Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities, or garbage storage containers required by this chapter. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four (4) dwelling units and for all dwelling units located on premises where more than four (4) dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities and containers.
(Code 1972, $ 150.115(D))

Sec. 5-265. Screens, storm doors, storm windows, etc.

Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this article except where the owner has agreed to supply such service and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
(Code 1972, $ 150.115(E))

Sec. 5-266. Extermination of insects, rodents and other pests.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.
(Code 1972, $ 150,115(F))

Sec. 5-267. Maintenance of plumbing fixtures.

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
(Code 1972, $ 150.115(G))

Secs. 5-2685-280. Reserved.

DIVISION 8. PREMISES FOR RENT

Sec. 5-281. Compliance with article prerequisite to operation or occupancy.

No person shall operate a roominghouse, a rental dwelling, a rental dwelling unit, or shall occupy or let to another for occupancy any rooming unit, rental dwelling, or rental dwelling unit, except in compliance with the provisions of every section of this article except that the provisions of divisions 3 and 7 of this article shall not apply to roominghouses. (Code 1972, $ 150.120(A))

Sec. 5-282. Water closets, lavatory basins, bathtubs and shower facilities in roominghouses.

At least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the building inspector and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing within a roominghouse, including members of the operator's family wherever they share the use of such facilities; provided that, in a roominghouse where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the building inspector. (Code 1972, $ 150.120(B))

Sec. 5-283. Cleanliness of bed linen and towels in roominghouses.

The operator of every roominghouse shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner. (Code 1972, $ 150.120(C))

Sec. 5-284. Sleeping room floor area.

Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, and every room occu pied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant thereof. (Code 1972, $ 150.120(D))

Sec. 5-285. Means of egress.

Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by laws of the state and the village. (Code 1972, $ 150.120(E))

Sec. 5-286. Roominghouse operator's responsibility for maintenance and sanitary condition generally.

The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the roominghouse; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator. (Code 1972, $ 150.120(F))

Sec. 5-287. Application to hotels, motels, etc.

Every provision of this article which applies to roominghouses shall also apply to hotels, motels, tourist homes, and similar places, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency. (Code 1972, $ 150.120(G))

Secs. 5-288—5-300. Reserved.

ARTICLE VI. PLUMBING REGULATIONS

Sec. 5-301. Code-Adopted.

The BOCA National Plumbing Code, Seventh Edition, 1987, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the plumbing code of the village for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of such code are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions and changes, if any, provided in section 5-302 of this Code of Ordinances. (Ord. No. 11-14-89A, & 1) **Cross references–Building code adopted, $ 5-51; electrical code, $ 5-71; housing code, $ 5-106 et seq.; fire prevention code, $ 7-71 et seq.**

Sec. 5-302. Same-Amendments.

The code adopted by section 5-301 is amended as follows:

Section P-100.1 Title, is hereby amended to read as follows:

> These regulations shall be known as the Plumbing Code of the Village of Robbins, Cook County, Illinois and hereinafter shall be referred to as the "code."

Section P-104.1 Continuation, is hereby amended to read as follows:

> The legal use and occupancy of any structure prior to the effective date of this ordinance, shall be continued without change except as shall be specifically covered in this code.

Section P-114.2 Fee Schedule, is hereby amended to read as follows:

A. The permit fee for all plumbing work shall be ten dollars ($10.00) for every one thousand dollars ($1,000.00) of estimated cost of construction and in no event shall the minimum permit fee be less than fifty dollars ($50.00).

B. For the purpose of determining a basis for computing plumbing permit fees, the estimated cost of construction shall be determined by the building commissioner, or his agent, as follows:

   1. The building commissioner may accept an estimate furnished by the applicant for a permit; or

   2. The building commissioner may require a certificate of cost of construction from a licensed architect or a registered structural or professional engineer; or

   3. The building commissioner may require an affidavit from the owner or the owner's agent setting forth the estimated cost of the proposed work.

C. In addition to the above permit fees the applicant and/or owner shall reimburse the village for all costs and expenses

incurred by the village in connection with the plan review.

Section P-117.4 Penalties, is hereby amended to read as follows:

> Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall do plumbing work in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of this code shall be punished by the imposition of a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00). Each day that a violation exists shall be deemed a separate offense.

Section P-118.2 Unlawful continuance, is hereby amended to read as follows:

> Any person who shall continue any plumbing work in or about any structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation of unsafe conditions, shall be liable to a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00). Each day that a violation exists shall be a separate offense.

Section P-303.2 Public systems available, is hereby amended to read as follows:

> A public water main or public sewer system shall be considered available to a building when the building is located within one hundred (100) feet of the public water main or sewer.

Section P-308.3 Freezing, is hereby amended to read as follows:

> Water service piping shall be installed below recorded frost penetration but not less than forty-two (42) inches below grade. All plumbing piping in exterior building wells or areas subjected to freezing temperatures shall be protected against freezing by insulation or heat or both.

Section P-308.4 Sewer depth shall be amended to read as follows:

> Building sewers that connect to private sewage disposal systems shall be a mini mum of forty-two (42) inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of forty-two (42) inches below finished grade.

(Ord. No. 11-14-89A, &$ 2-9)

Sec. 5-303. Licensed plumber required.

No person and no employee of a plumbing contractor shall engage in plumbing work in the village unless he is licensed as a plumber or apprentice, in accordance with the Illinois Plumbing License Law (Illinois Revised Statutes, ch. 111, paragraph 1101 et seq.) (Code 1972, § 151.005)
Cross reference Licenses, permits and miscellaneous business regulations, Ch. 12.

Sec. 5-304. Misuse of plumber's name.

All applications shall be in the name of a licensed plumber whose license number shall be stated on the application. It shall be unlawful for any such licensed plumber to allow his name to be used by any other person, directly or indirectly, for the purpose of obtaining a permit

to do plumbing work. It shall be unlawful for any person to represent that he is doing plumbing work for a licensed plumber when he has not been authorized by a licensed plumber to do so. (Code 1972, $ 151.015)

Sec. 5-305. Inspection; fees.

(a) All plans for the installation, removal, alteration or repair of plumbing in the village shall be inspected by a licensed plumber, under the jurisdiction and supervision of the building com missioner.

(b) The licensed plumber shall, at the time the permit is issued for the plumbing work, pay the fees established from time to time by the mayor and board of trustees. (Code 1972, $ 151.010)

Sec. 5-306. Penalty.

Whoever violates a provision of this article or fails to comply with the same, or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, constructed, altered or repaired a building or structure, in violation of a plan submitted and approved there under or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable as provided in section 1-14 of this Code. (Code 1972, 151.999)

Secs. 5-307—5-320. Reserved.

ARTICLE VII. SIGNS

Sec. 5-321. Purpose.

(a) A multiplicity of signs is distracting to motorists and a hazard to vehicular and pedestrian traffic.

(b) A proliferation of off-premises signs obscures the legitimate effort of local business establishments to reasonably identify the location and nature of their businesses.

(c) It is a legitimate public purpose to limit signs in the village to those reasonably necessary to identify local businesses. Such limitations and all other sign regulations herein are established so as to accomplish one (1) or more of the following purposes:

(1) To protect the safety and welfare of the public.

(2) To protect those uses which are adequately and appropriately identified from too many and too large signs in the environs.

(3) To enhance the economy and the business and industry of the village by promoting the reasonable, orderly and effective display of signage, and encouraging better communication with the public.

(4) To protect commercial districts from sign clutter.

(5) To protect the public's ability to identify uses and premises without confusion.

(6) To eliminate or limit unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety.

(7) To assure the maintenance of signs.

(8) To control and abate the unsightly use of buildings or land.

(9) To protect the property values and economic well-being of the village.

(d) It is necessary for the promotion and preservation of the public health, safety and welfare of the village that the erection, construction and maintenance of all signs be regulated and controlled. (Ord. No. 3-10-98, $ 1)

Sec. 5-322. Scope.

(a) It is necessary for the promotion and preservation of the public health, safety and welfare of the village that the erection, construction, location and maintenance of all signs be regulated and controlled.

(b) It is recognized that signs, placed upon the premises and/or structures to which they relate, serve a vital communicative function by allowing residents and visitors alike to readily ascertain the availability and location of facilities that serve their needs.

(c) It is the purpose of this article to optimize the communicative value of on-premises signs within the landscape and along public thorough fares by providing for an orderly and equitable means for the presentation and assimilation of the messages that such signs contain. (Ord. No. 3-10-98, § 2)

Sec. 5-323. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign that no longer identifies or advertises a location, product or activity conducted on the premises on which the sign is located.

Alley means a private or dedicated public way which affords only a secondary means of access to contiguous property.

Animated sign means a sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this article, include the following types:

(1) *Environmentally activated*: Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings and/or other devices or displays that respond to naturally occurring external motivation.

(2) *Mechanically activated*: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

(3) *Electrically activated*: Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one (1) or both of the classifications noted below:

a. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this article, flashing will not be defined as occur ring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

b. Patterned illusionary movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Architectural projection means any projection that is not intended for occupancy and that ex tends beyond the face of an exterior wall of a building but that does not include signs as de fined herein. See also awning; back-lit awning; and canopy, attached and freestanding.

Awning means an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning sign means a sign displayed on or attached flat against the surface or surfaces of an awning. See also wall or fascia sign.

Background area of sign means the entire area of a sign on which copy and/or graphics could be placed.

Back-lit awning means an awning whose covering material exhibits the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner means a flexible substrate on which copy or graphics may be displayed.

Banner sign means a sign utilizing a banner as its display surface.

Billboard. See off-premises sign and commercial outdoor advertising sign.

Building means any covered structure securely affixed to the land which is designed for the support, shelter, enclosure or protection of per sons, animals, chattels or other tangible property.

Building facade means that portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation.

Bulletin board means a sign which accommodates manually changeable copy and which displays information on activities and events on the premises.

Canopy (attached) means a multi-sided structure or architectural projection supported by attachment to a building on one (1) or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy maybe illuminated by means of internal or external sources of light; similar to a marquee.

Canopy (freestanding) means a multi-sided structure supported by columns . The surface(s) and/or soffit of freestanding canopy may be illuminated by means of internal or external sources of light.

Canopy sign means a sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated; similar to a marquee sign.

Changeable sign means a sign with the capability of content change by means of

manual or remote input. Includes the following types:

(1) *Manually activated*: Changeable sign whose message copy or content can be changed manually on a display surface.

(2) *Electrically activated*: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also electronic message sign or center.

Commercial outdoor advertising sign means a permanent off-premises sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

Construction sign means a temporary sign which denotes the architect, contractor or engineer, when placed on the lot which is a construction site of such architect, contractor or engineer.

Copy means the graphic content or message of a sign.

Copy area of sign means the actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed area(s) encompassing separate individual letters, words or graphic elements on that background.

Directional sign means any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Directory sign means a sign identifying the location of occupants of a building or group of buildings which are divided into rooms or suites used as separate offices or studios.

Double-faced sign means a sign with two (2) faces, commonly back to back.

Electric sign means any sign activated or illuminated by means of electrical energy.

Electronic message sign or center means an electrically activated changeable sign whose variable message capability can be electronically programmed.

Establishment means any one of the following:

(1) An institutional, business, commercial or industrial activity that is the sole occupant of one (1) or more buildings having at least one (1) frontage on a public street or roadway.

(2) An institutional, business, commercial or industrial activity that occupies a portion of a building.

Exterior sign means any sign placed outside a building.

Facade. See building facade.

Fascia sign. See wall sign.

Flashing sign. See animated sign, electrically activated.

Freestanding sign means a sign principally supported by one (1) or more columns, poles or braces, placed in or upon the ground.

Frontage (building) means the length of an exterior building wall or structure of a single premises along either a public way or other properties that it faces.

Frontage (property) means the length of the property line(s) of any single premises along either a public way or other properties on which it borders.

Grade means the elevation of the sidewalk at the midpoint of the lot line to which a sign is most closely located.

Gross area. See surface area.

Ground floor means any floor which is not more than three (3) feet above or below grade.

Height of sign means the vertical distance measured from the grade at the closest street right-of-way line where the sign is located to the highest point of such sign.

Identification sign means any sign identifying an institution, occupant, apartment, residence, school or church, and not advertising any product or service.

Illuminated sign means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

Interior sign means any sign placed within a building, but not including window signs as defined by this article. Interior signs, with the exception of window signs as defined, are not regulated by this article.

Item of information means a word, an abbreviation, a registered trademark, a number, a symbol or a geometric shape, excluding standard punctuation.

Lot means a zoning lot, except as the context in this article shall indicate a lot of record.

Lot, corner means a lot having two (2) intersecting lot lines which are also street lines.

Lot, line means a boundary of a zoning lot.

Mansard means a roof-like facade comparable to an exterior building wall.

Marquee. See canopy (attached). Definition is similar.

Marquee sign. See canopy sign. Definition is similar.

Menu board means a device which lists items for sale at a drive-thru restaurant.

Multiple-faced sign means a sign containing three (3) or more faces.

Noncommercial sign means any sign which directs attention to or is intended to communicate a position on any public issue or policy.

Nonilluminated sign means a sign with no internal or external artificial light source and only incidentally illuminated by ambient light conditions.

Off-premises sign means a sign whose message content may not necessarily bear any relationship to the activities conducted on the premises on which it is located, or to the expression of commercial or noncommercial speech by the owner or bona fide user of the premises on which it is located.

On-premises sign means a sign whose message content bears a direct relationship to the activities conducted on the premises on which it is located, or to the expression of any commercial or noncommercial speech by the

owner or bona fide user of the premises on which it is located.

Parapet means the extension of a building facade above the line of the structural roof.

Permanent window sign means any window sign which is displayed for more than thirty (30) consecutive days in any ninety-day period.

Pole sign. See freestanding sign.

Political sign means a temporary sign intended to advance a political statement, cause or candidate for office.

Portable sign means any sign not permanently attached to the ground or to a building or building surface.

Projecting sign means a sign other than a wall sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

Real estate sign means a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

Revolving sign means a sign that revolves three hundred and sixty (360) degrees about an axis. See also animated sign, mechanically activated.

Roof line means the uppermost line of the roof of a building or, in the case of an extended façade or parapet, the uppermost point of said facade or parapet.

Roof sign means a sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

Sign means any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

Sign area. See surface area.

Sign structure means any structure designed for the support of a sign.

Surface area means the area of the largest single face of the sign within a perimeter which forms the outside shape including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled. Any irregular shaped sign area shall be computed using multiple perimeters composed of squares, rectangles or triangles, which enclose the entire sign face.

Temporary sign means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

Under canopy sign or under marquee sign means a sign attached to the underside of a canopy or marquee.

Wall or fascia sign means a sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

Window sign means a sign affixed to the surface of a window with its message intended to be visible to the exterior environment. (Ord. No. 3-10-98, § 3) **Cross reference-Definitions and rules of construction generally, § 1-2.**

Sec. 5-324. Permits.

(a) Unless specifically exempted, a permit must be obtained from the building department for the erection and maintenance of all signs erected or maintained in the village. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this article.

(b) Before any permit is granted for the erection of a sign or sign structure requiring such permit, plans and specifications shall be tiled with the building department showing the dimensions, materials, and required details of construction including loads, stresses, anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

(c) No new sign shall hereafter be erected, constructed or maintained except as provided in this article and until after a permit, if required, has been issued by the building department.

(d) No sign shall be enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, display and/or graphic matter, or the content of any sign or sign structure shall not be deemed an alteration.

(e) Permit fees to erect, alter or relocate a sign shall be in accordance with the sign fee schedules as follows:

(1) Signboards and billboards:

a. Basic fee for the first 32 square feet ..... . $ 64.00

b. Per square foot over 32 square feet 0.50

Plus

c. Insurance and license as applicable

(2) Electrical signs:

a. Basic fee for the first 32 square feet ..... . $ 64.00

b. Per square foot over 32 square feet 0.50

Plus

c. Insurance and license as applicable

(3) Marquees:

a. Basic fee for the first 64 square feet ..... . $ 128.00

b. Per square foot of horizontal projection over 64 square feet 1.00

Plus

c. Insurance and license as applicable

(Ord. No. 3-10-98, § 4)
Cross reference-Licenses, permits and miscellaneous business regulations, Ch. 12.

Sec. 5-325. Electrical standards.

No sign shall be illuminated by other than electrical means, and electrical devices, components, and wiring shall be installed and maintained in accordance with the requirements of the electrical code as adopted by the village. In no case shall an open spark or flame be used for display purposes unless specifically approved by the building department.
(Ord. No. 3-10-98, § 5)

Sec. 5-326. Exempt signs.

The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number or area of signs allowed in each zone district or in calculations of items of information:

(1) One (1) construction sign not more than sixteen (16) square feet in surface area in residence districts and not more than sixty-four (64) square feet in surface area in nonresidence districts, which denotes the architect, contractor or engineer, when placed on the lot which is a construction site of such architect, contractor or engineer.

(2) One (1) bulletin board not more than sixteen (16) square feet in surface area for a church, library, school or other public building, provided such shall be located on the same lot as the principal building.

(3) Warning signs, such as, no trespassing, beware of dog, etc., each not more than two (2) square feet in size and not to exceed four (4) per zoning lot.

(4) Official federal, state or local government flags, banners, emblems or historical markers.

(5) Official federal, state or local government traffic, directional and information signs and notices issued by any court, person or officer in performance of a public duty or any other sign that is required to be posted by any government agency.

(6) Temporary signs warning of construction excavation or similar hazards so long as the hazard exists.

(7) Temporary holiday decorations.

(8) Political signs.

(9) Noncommercial signs.

(10) Temporary window signs.

(11) Miscellaneous permanent information signs in nonresidential zones, such as address, hours and days of operation, whether a business is open or closed, credit information, instructional information, name(s) of occupant, and telephone number provided that such items of information do not exceed six (6) inches in height.

(12) Signs showing the location of public telephones and signs placed by utilities to show the location of underground facilities.

(13) Directory signs not more than six (6) square feet in surface area.

(14) In residential districts, one (1) real estate sign not more than eight (8) square feet in surface area, except not more than thirty (30) square feet in commercial, business and industrial districts. One (1) real estate sign not more than sixteen (16) square feet in surface area per street frontage, which advertises the sale or rental of the premises on the lot upon which the sign is located.

(15) One (1) menu board not more than twenty (20) square feet in surface area and not more than five (5) feet in height and no less than twenty (20} feet from any lot line.

(Ord. No. 3-10-98, § 6)

Sec. 5-327. General provisions.

(a) Any sign hereafter erected or maintained shall conform to the provisions of this article and the provisions of the building code and of any other ordinance or regulations of the village.

(b) No sign other than an official traffic sign or similar sign shall be erected within the lines of any street or public way unless specifically authorized by other ordinances or regulations of the village or by specific authorization of the village authorities.

(c) Signs projecting over public walkways may do so only subject to the projection and clearance limits either defined in this article or, if not so defined, at a minimum height often (10) feet from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the village for such structures.

(d) No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic, sign, signal or device.

(e) If a premises contains walls facing more than one (1) property line or encompasses property frontage bounded by more than one (1) street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated may then be applied to permitted signs placed on each separate wall or property line frontage.

(f) Animated signs are permitted in commercial and industrial/manufacturing zones only. Changeable signs, manually activated, are permitted in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones, as well as for permitted institutional, multifamily, or other nonresidential uses in residential zones.

(g) Every sign permitted by this article must be kept in good condition and repair. When any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe by the building commissioner or designee, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this article,

the owner thereof or the person or firm using same shall, upon written notice by the building commissioner or designee forthwith in the case of immediate danger and in any case within not more than ten (10) days, make such sign conform to the provisions of this article, or shall remove it. If within ten (10) days, the order is not complied with, the building commissioner or designee may remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

(h) Any sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must be removed within ten (10) days after written notification from the building commissioner or designee; and upon failure to comply with such notice, the building commissioner or designee is hereby authorized to cause removal of such sign, and expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

(i) Any sign legally existing at the time of the passage of the ordinance from which this article was derived that does not conform in use, location, height or size with the regulations of the zone in which such sign is located shall be considered a protected nonconforming use and may continue in such status until such time as it is either abandoned or removed by its owner.

(j) Temporary signs, unless otherwise regulated by specific provisions of this article relating to size, use and zone in which placed, shall be subject to the following regulations:

(1) Except for those temporary signs whose time of display is specifically addressed elsewhere in this article, no temporary sign shall be permitted to be displayed for a period in excess of ninety (90) days in any one (1) period of three hundred sixty five (365) days, unless a longer span of display time is approved by the village zoning officer or board of trustees.

(2) Except for those temporary signs whose size is specifically addressed elsewhere in this article, the size of any temporary sign shall not be in excess of the size permitted for any permanent sign of like configuration and/or type in a given zone.

(3) Any temporary sign that is electrically energized or that contains any electrical device must conform to the same requirements that relate to permanent electric signs under this article.

(k) No sign shall be attached to a tree, utility pole or existing sign.

(l) No handbill shall be attached to any structure unless it is part of a permitted sign. **(Ord. No. 3-10-98, § 7)**

Sec. IS-328. Regulation by zone.

(a) *On-premises signs permitted in all zones*: In addition to any signs designated as permissible in the general provisions and/or in other sections of this article, the following signs and/or sign types are permitted in all zones:

(1) One (1) sign per premises or property, suitable for the display of commercial or noncommercial speech, provided that the area of any such sign shall not exceed six (6) square feet, and further provided that, if freestanding, such sign shall not exceed a height above the grade level on which it is placed of four (4) feet to the top of the sign. Premises

or properties with frontage on more than one (1) street shall be permitted one (1) such sign on each separate street frontage.

(2) Temporary real estate signs as defined in this article, provided that the area of such signs shall not exceed the following limitations by zone:

a. Residential: six (6) square feet.

b. All other zones except local business/office park/commercial: twelve (12) square feet.

c. Industrial/manufacturing: thirty six (36) square feet.

And further provided that not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign shall be permitted on each separate street frontage. All such signs shall be pennitted only during the time in which the property advertised is available for sale, lease, or rental and must be removed within ten (10) days after execution of an agreement of sale, lease or rental.

(3) Trespassing signs, signs indicating the private nature of a road, driveway or premises, provided that the area of any such sign shall not exceed six (6) square feet.

(4) Temporary signs erected in connection with the development or proposed development of the premises or property provided that the area of any such sign shall not exceed fifteen (15) square feet per each five thousand (5,000) square feet of lot area in the subject development, or ninety-six (96) square feet, whichever is smaller. Not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one (1) such sign shall be permitted on each separate street frontage. Such signs shall be removed within ten (10) days after the development has been completed and/or the last structure occupied.

(5) Temporary political signs as defined in this article provided that the area of any such sign shall not exceed sixty four (64) square feet and that not more than two (2) such signs shall be displayed on any single privately owned premises or property, unless such premises or property fronts on more than one (1} street in which case two (2) such signs shall be permitted on each separate street frontage. If used for the purpose of advertising political parties and/or candidates for election or issues subject to referendum, such signs shall be removed within fifteen (15) days following such election or referendum.

(6) Temporary signs advertising special events and/or promotions of a commercial or noncommercial nature, provided that such signs shall be nonilluminated, shall be displayed during a time period of no more than forty-five (45) days prior to the special event and/or promotion, and shall be removed within five (5) days following the special event and/or promotion; and

further provided that not more than one (1) such sign shall be placed on any single premises or property unless such premises or property fronts on more than one (1) street in which case one (1) such sign shall be permitted on each separate street frontage. The area of any such sign shall not exceed the following limitations by zone:

a. Residential: sixteen (16) square feet.

b. Apartment/office/professional: thirty two (32) square feet.

c. Commercial and/or industrial/manufacturing: sixty-four (64) square feet.

(7) Informational or public service signs as required on any premises or property for the purpose of advertising the availability of restrooms, telephones, or similar facilities of public convenience provided that the area of any such sign shall not exceed four (4) square feet.

(8) Memorial signs or historical signs or tablets, provided that the area of any such signs or tablet shall not exceed four (4) square feet.

(9) Directional signs as defined in this article and as required on any premises or property provided that the area of any such sign shall not exceed the following limitations by zone:

a. Residential: four (4) square feet.

b. All other zones: nine (9) square feet.

(b) *On-premises signs permitted in residential zones*:

(1) Signs displaying the name and address of the occupant of the premises provided that the area of any such sign shall not exceed two (2) square feet and not more than one (1) such sign shall be erected or displayed for each occupant of a premises, unless such premises fronts on more than one (1) street in which case one (1) such sign shall be permitted on each separate street frontage.

(2) Temporary signs of contractors or artisans displayed during the period such contractors or artisans are performing work on the premises on which such signs are displayed, provided that the area of any such sign shall not exceed twelve (12) square feet. Such signs shall be limited to one (1) sign per contractor or artisan, and shall be removed immediately upon completion of the work of the contractor or artisan.

(3) One (1) sign per premises advertising a home occupation or avocation provided that the area of any such sign shall not exceed two (2) square feet.

(4) Subdivision identification signs, and/or signs identifying apartment or condominium complexes, provided that the area of any such sign shall not exceed sixty-four (64) square feet, and further provided that one (1} such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment or condominium complex and/or each means of entrance to or exit from the subdivision, apartment or condominium complex.

(5} Signs for permitted nonresidential or permitted institutional uses provided that the area of any such sign shall not exceed forty-eight (48) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use.

(c} *General regulations for on-premises signs in residential zones*:

(1} Unless otherwise regulated by specific reference in this article, freestanding signs shall be limited to a height above the grade level on which they are placed of nine (9} feet to the top of the sign.

(2) Animated signs are prohibited.

(3) Roof signs are prohibited.

(d) *On-premises signs permitted in office park I commercial/ local business zones*:

(1) All signs permitted in a residential zone that relate to a use permitted in the office park/commercial/local business zones.

(2) Signs of an office or professional building, including a directory of tenants engaged in professional and/or commercial activity on the premises. The area of any such sign shall not exceed sixty-four (64) square feet, and not more than two (2) such signs shall be permitted on premises held in single and separate ownership unless such premises fronts on more than one (1) street in which case two (2} such signs shall be permitted on each separate street frontage, and further provided that one (1} sign, the area of which shall not exceed sixty-four (64) square feet, shall be permitted for each means of entrance to or exit from the premises.

(3) Signs for permitted uses within the zone other than an office or professional building provided that the area of any such sign shall not exceed forty-eight (48) square feet and further provided that not more than two (2) such signs shall be permitted for each separate street and/or separate building frontage occupied by the permitted use.

(e) *General regulations for on-premises signs in office park I commercial I local business zones:*

(1) Unless otherwise regulated by specific reference in this article, freestanding signs shall be limited to a height above the grade level on which they are placed of twelve (12) feet to the top of the sign.

(2) Animated signs are prohibited.

(3) Roof signs are prohibited.

(4) No advertising sign (billboard) shall be located within six hundred (600) feet of any residential districts.

(5) No advertising sign (billboard} shall be closer than one thousand (1,000) feet to another.

(f) *On-premises signs permitted in manufacturing I industrial zones*:

(1} Any signs permitted in a residential and/or office park/commercial/local business zone that relate to a use permitted in the manufacturing/industrial zones.

(2) No advertising sign (billboard) shall be located within six hundred (600) feet of any residential districts.

(3) No advertising sign (billboard) shall be closer than one thousand (1,000) feet to another.

(4) Signs at permitted uses as regulated by reference to types noted below:

a. Freestanding signs:

1. Freestanding signs shall be limited to one (1) except for a use that fronts on more than one (1) street or other property usage, in which case one (1) such sign shall be permitted for each separate street frontage or frontage on other property usage. If a use exceeds three hundred (300) lineal feet on any frontage, one (1) additional such sign on such frontage shall be permitted; and for each multiple of three hundred (300) lineal feet of frontage thereafter, one (1) additional such sign shall be permitted for each separate street frontage or frontage on other property usage.

2. In the case of a use designated as a shopping or planned industrial park, one (1) freestanding sign per each three hundred {300) lineal feet of frontage or multiple thereof shall be permitted for each separate street frontage, frontage on other property usage, and/or for each means of entrance to or exit from the use.

3. With the environs of a use designated as a shopping center or planned industrial park, freestanding signs shall be permitted as required for the primary purpose of promoting traffic safety through the provision of directional information within the environs of the use, provided that any such sign shall not exceed an area of one hundred (100) square feet nor a height above the grade level on which it is placed of sixteen (16) feet to the top of the sign.

b. Projecting signs:

1. Projecting signs shall be limited to one (1) per building façade on which any such sign is mounted except for a use that fronts on more than one (1) street or other property usage, in which case, one (1) such sign shall be permitted per façade for each separate street frontage or frontage on other property usage. In the case of a building in which any individual facade exceeds two hundred (200) lineal feet, one (1) such sign shall be permitted for each two hundred (200) lineal feet of such facade or multiple thereof on each separate street or other property usage on which such facade fronts.

2. The area of any projecting sign shall not exceed one (1) square foot per every two (2) lineal feet

of the building facade on which such sign is mounted, except that no such sign shall be larger in area than one hundred (100) square feet.

3. Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds of the width of the sidewalk.

4. Projecting signs shall not be permitted in addition to any permitted freestanding signs on any given property frontage, except, that, in the case in which a premises is permitted, either freestanding or projecting signs on any one (1) frontage, projecting signs may be substituted for any of the permitted freestanding signs on such frontage, provided that the requirements in this article specifically relating to size, height and extension of projecting signs are met.

c. *Temporary signs (exterior)*: Temporary signs, in the form of banners, portable signs, or other means of graphic communications shall be in accord with the provisions of section 6-327(j).

d. *Temporary signs (window):* Temporary signs displayed as window signs as defined in this article shall be in accord with the provisions of section 6-327(j) and shall not exceed an area equal to fifty (50) percent of the window area on which such signs are displayed.

(Ord. No. 3-10-98, § 9)

Sec. 5-329. Special use permits.

It is recognized that from time to time signs will be needed to exceed the standards set forth in this article. Permits for such signs shall be treated as a special use. (Ord. No. 3-10-98, § 10)

Sec. 5-380. Assignability.

No permit issued under this article may be assigned or transferred. (Ord. No. 3-10-98, § 11)

Sec. 5-331. Penalty.

It shall be unlawful for any person to install, maintain, repair or alter any sign within the village in violation of any provision of this article. Any person violating any provision of this article shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), and each day on which the violation exists shall be considered a separate violation. (Ord. No. 3-10-98, § 12)

Secs. 5-332—5-340. Reserved.

ARTICLE VIII. ALARM SYSTEMS

DIVISION 1. GENERALLY

Secs. 5-341-5-350. Reserved.

DIVSION 2. BURGLARY AND ROBBERY ALARM SYSTEMS

Sec. 5-361. Short title.

This division shall be known as the "Burglar and Robbery Alarm System Ordinance." (Ord. No. 2-26-91, § 1)

Sec. 5-352. Purpose.

The purpose of this division is to protect the police emergency services from misuse. (Ord. No. 2-26-91, § 2)

Sec. 5-358. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context dearly indicates a different meaning:

Alarm means any system or signaling device which is designed to detect and signal an unauthorized intrusion into a protected area, or to detect or signal an attempted robbery by the transmission of an electrical impulse, or any signal of any kind to a bell, siren, horn, tone or which causes any audible annunciation on the premises or to a remote monitoring location.

Alarm user means any person, including current lessee, on whose premises an alarm system is utilized within the village.

Automatic dialing device means any alarm system which automatically sends over regular telephone line, or by radio waves, a signal or prerecorded voice message indicating the existence of an emergency situation such as a burglary or robbery.

Emergency call out list means a list supplied to the police department by the alarm user that contains current names, addresses and telephone numbers of a minimum of two (2) persons who can respond t.o the premises when there is an alarm activation.

False alarm means the activation of an alarm system, by any cause, that alerts the police, by any means, that a burglary or robbery is occurring in a protected premises and no evidence of a burglary or robbery is detected by responding police.

Local alarm means an electrically operated instrument composed of sensory apparatus and related hardware which automatically emits an alarm (such as a siren, bell, horn or tone) which is audible beyond the premises being protected, upon receipt of a stimulus from a sensor that has detected a physical force or condition characteristic of an unauthorized entry.

Police chief means the chief of the police department or his designated representative.

Primary trunk line means a telephone line leading directly into the communication center of the police department. (Ord. No. 2-□ 1, § 3)
Cross reference—Definitions and rules of Construction generally, § 1-2.

Sec. 5-364. Application for alarm systems.

(a) Every alarm user shall apply for an alarm system permit and shall state on the application form to be prepared by the police department, his name, the address of the residence or business or businesses in or upon which the alarm system has been or will be installed, the telephone number, the type of alarm system, the alarm business or businesses selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system, and the name and telephone number of at least two (2) other persons (in the case of a corporate alarm user applicant, at least three (3) persons) who can be reached at any time, day or night, and who are authorized to respond to an alarm and who can open the premises in which the system is installed.

(b) Every alarm user authorized under this section shall be required to have its alarm

system inspected at least once a year by a licensed alarm business, and post a certificate of such inspection on the premises in plain view where the alarm system is maintained. Every alarm business that has a service line connected to the police department communication center shall pay an annual permit fee of twenty-five dollars ($25.00).

(c) The information contained in an alarm system application required by this section and other information received by the police chief through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by the police chief or certain officers or village employees specifically assigned the responsibility for handling or processing alarm user permit applications in the course of official duties. The police chief or any employee of the village who is found to have knowingly or willfully revealed information contained in an alarm user application or in correspondence or communications with an alarm user to any person for any purpose not related to this division or official law enforcement matters without the express written consent of the alarm user shall be subject to dismissal from the service of the village in the manner provided by law.
(Ord. No. 2-26-91, § 4)

Sec. 5-355. False alarms; prevention and payment of costs.

(a) After the police department has recorded two (2) false alarms within a calendar month from any alarm user, the police department shall notify the alarm user and the alarm business providing service or inspection to the alarm user, in writing by first class mail, or such fact, and require that the alarm user and/or the alarm business servicing the alarm user submit a report to the police chief within seven (7) days after the mailing of the notice, which report shall describe efforts taken to discover and eliminate the cause or causes of the false alarm. Failure to submit such report within seven (7) days shall constitute cause for revocation of the alarm system permit. If the police chief revokes the alarm system permit, the police chief shall give written notice by first class mail to the alarm user and the alarm business servicing the alarm user, advising of such revocation.

(b) If the report required by this section fails to show that reasonable steps have been taken to eliminate or reduce false alarms, then the police chief may revoke the alarm system permit and shall give written notice of such revocation as provided for in this section.

(c) An alarm user whose alarm system permit has been revoked is not precluded from applying for a new alarm system permit. The police chief, however, is not required to issue a new alarm permit unless he is satisfied that the alarm user's system has been properly serviced and its deficiencies corrected. The police chief may impose reasonable restrictions and conditions upon the issuance of a new alarm system permit to an alarm user with respect to the particular system for which the alarm system permit was revoked.

(d) In the event more than two (2) false alarms are received by the police department within a calendar month and the police chief does not revoke the alarm system permit, then there may be assessed against the alarm user a fee of thirty dollars ($30.00) for each false alarm thereafter transmitted within a calendar month.
(Ord. No. 2-26-91, § 5)

Sec. 5-356. Alarm systems standards.

Only alarm systems which are equivalent to or exceed the minimum applicable UL standards: UL 609 "Local Burglar Alarm Units and Systems"; UL 636 "Hold-up Alarm Units and Systems"; UL 681 "Installation and Classification of Mercantile and Bank Burglar Alarm Systems"; and UL Standard 1023 "Household Burglar Alarm System Units"; shall be authorized. The equipment and/or hardware used and the manner of installation of alarm systems shall correspond to the applicable standards contained in the UL requirements for each of the foregoing alarm systems. (Ord. No. 2-26-91, § 6)

Sec. 5-357. Testing of equipment.

No alarm system designed to transmit emergency messages directly to the police department shall be tested or demonstrated without first obtaining permission from the police chief. Failure to notify the police chief prior to testing an alarm system shall constitute a false alarm. (Ord. No. 2-26-91, § 7)

Sec. 5-358. Local alarms.

(a) No person shall be allowed to have a local alarm on any building, place or premises within the village without first having obtained authorization from the chief of police.

(b) Local alarms are those alarms that sound audible on the premises of the owner, renter or lessee. Local alarms may be in addition to other alarm systems. Local alarms shall not make a sound similar to that of a siren or emergency vehicle or of ESDA warning systems. Owners of said local alarms will be responsible to maintain said alarms and to turn the audible signal off at the request of the police department or an officer thereof. The continued sounding of such local alarms for more than ten (10) minutes after the appropriate agency has responded is hereby declared to be a violation of this division.

(c) Alarms affixed to vehicles of any type are not classified as local alarms and are exempt. (Ord. No. 2-26-91, § 8)

Sec. 5-359. Automatic telephone dialers.

All automatic telephone dialers shall transmit recorded messages on the (708) 385-4124 telephone line to the police department. (Ord. No. 2-26-91, § 9)

Sec. 5-360. Responsibility of village.

Neither the village nor any of its officials, officers or representatives shall be responsible for the functioning or malfunctioning of any alarm system, nor shall the village nor any of its officials, officers or representatives, be responsible for the failure of the police department to respond to any alarm. (Ord. No. 2-26-91, § 10)

Sec. 5-361. Acceptance.

By acceptance of an alarm system permit, each alarm user shall agree to be governed by the terms of this division and to pay any fees assessed against such alarm users as provided for in this division. (Ord. No. 2-26-91, § 11)

Sec. 5-362. Penalty.

Any person violating or failing to comply with any provision of this division shall, upon conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or

continues.
(Ord. No. 2-26-91, § 12)

Secs. 5-363-5-370. Reserved.

DIVSION 3. FIRE ALARM SYSTEMS

Sec. 5-371. Short title.

This division shall be known as the "Fire Alarm Ordinance."
(Ord. No. 2-26-91A, § 1)

Sec. 5-372. Purpose.

The purpose of this division is to protect the fire department emergency services from misuse.
(Ord. No. 2-26-91A, § 2)

Sec. 5-373. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means any system or signaling device which is protected area by the transmission of an electrical impulse or any signal of any kind to a bell, siren, horn, or which system causes any audible annunciation on the premises or to a remote monitoring location.

Alarm user means any person, including current lessee, on whose premises an alarm system is utilized within the village.

Automatic dialing device means any alarm system which automatically sends over regular telephone lines, or by radio waves a signal or prerecorded voice message indicating the existence of an emergency situation such as a fire.

Emergency call out list means a list supplied to the fire department by the alarm user that contains current names, addresses and telephone numbers of a minimum of two (2) persons who can respond to the premises when there is an alarm activation.

False alarm means the activation of an alarm system, by any cause, that alerts the fire department that a fire is in progress in a protected premises when, in fact, there is no evidence of any such fire detected by responding firefighters. Fire chief means the chief of the fire department or his designated representative.

Local alarm means any electrically operated instrument composed of sensory apparatus and related hardware which automatically emits an alarm (such as a siren, bell, horn or tone) which is audible beyond the premises being protected, upon receipt of a stimulus from a sensor that has detected a physical force or condition characteristic of an unauthorized entry.

Primary trunk line means a telephone line leading directly into the communication center of the fire department.
(Ord. No. 2-26-91A, § 3)
Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 5-374. Application for alarm systems.

(a) Every alarm user shall apply for an alarm system permit and shall state on the application form to be prepared by the fire department, his name, the address of the residence or business or businesses in or upon which the alarm system has been or will be installed, his telephone number, the type of alarm system, the alarm business or businesses selling, installing, monitoring, inspecting, responding to or maintaining the alarm system, and the name

and telephone number of at least two (2) other persons (in the case of a corporate alarm user applicant, at least three (3) persons) who can be reached at any time, day or night, and who are authorized to respond to an alarm and who can open the premises in which the system is installed.

(b) Every alarm user authorized under this section shall be required to have its alarm system inspected at least once a year by a licensed alarm business, and post a certificate of such inspection on the premises in plain view where the alarm system is maintained. Every alarm business that has a service line connected to the police department communication center shall pay an annual permit fee of twenty-five dollars ($25.00).

(c) The information contained in an alarm system application required by this section and other information received by the fire chief through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by the fire chief or certain officers or village employees specifically assigned the responsibility for handling and processing alarm user permit applications in the course of official duties. The fire chief or any employee of the village who is found to have knowingly or willfully revealed information contained in an alarm user application or in correspondence or communications with an alarm user to any person for any purpose not related to this division or official law enforcement matters without the express written consent of the alarm user shall be subject to dismissal from the service of the village in the manner provided by law.

(d) Alarms which are designed to detect the products of combustion and which sound an alarm which is not audible outside the protected area, "smoke detector," which is installed in single family or two-family residential structures and which is not connected to any outside communication line shall be exempt from the licensing provisions of this section. (Ord. No. 2-26-91A, § 4)

Sec. 5-375. False alarms; prevention and payment of costs.

(a) After the fire department has recorded two (2) false alarms within a calendar month for any alarm user, the fire department shall notify the alarm user and the alarm business providing service or inspection to the alarm user, in writing by first class mail, of such fact, and require that the alarm user or the alarm business servicing the alarm user submit a report to the fire chief within seven (7) days after the mailing of the notice, which report shall describe efforts taken to discover and eliminate the cause or causes of the false alarm. Failure to submit such report within seven (7) days shall constitute cause for revocation of the alarm system permit. If the fire chief revokes the alarm system permit, the fire chief shall give written notice by first class mail to the alarm user and the alarm business servicing the alarm user advising of such revocation.

(b) If the report required by this section fails to show that reasonable steps have been taken to eliminate or reduce false alarms, then the fire chief may revoke the alarm system permit and shall give written notice of such revocation as provided for in this section.

(c) An alarm user whose alarm system permit has been revoked is not precluded from applying for a new alarm system permit. The fire chief, however, is not required to issue a new alarm system permit unless he is satisfied the

alarm user's system has been properly serviced and its deficiencies corrected. The fire chief may impose reasonable restrictions and conditions upon the issuance of a new alarm system permit to an alarm user with respect to the particular system for which the alarm system permit was revoked.

(d) In the event more than two (2) false alarms are received by the fire department within a calendar month and the fire chief does not revoke the alarm system permit, then there may be assessed against the alarm user a fee of thirty dollars ($30.00) for each false alarm thereafter transmitted within a calendar month. (Ord. No. 2-26-91A, § 5)

Sec. 5-376, Alarm systems standards.

Only alarm systems which are equivalent to or exceed the minimum applicable standards as listed in the fire prevention code of the village shall be authorized. The equipment or hardware used and the manner of installation of alarm systems shall correspond to the applicable standards contained in the fire code for each of the alarm systems described in this section. (Ord. No. 2-26-91A, § 6)

Sec. 5-377. Testing of equipment.

No alarm system designed to transmit emergency messages directly to the fire department shall be tested or demonstrated without first obtaining permission from the fire chief. Failure to notify the fire chief prior to testing an alarm system shall constitute a false alarm.
(Ord. No. 2-26-91A, § 7}

Sec. 5-378. Local alarms.

(a) No person shall be allowed to have a local alarm on any building, place or premises within the village without first having obtained authorization from the fire chief.

(b) Local alarms may be in addition to other alarm systems. Local alarms shall not make a sound similar to that of a siren or emergency vehicle or of ESDA warning systems. Owners of said local alarms will be responsible to maintain said alarms and to turn the audible signal off at the request of the fire department or an officer thereof. The continued sounding of such local alarms for more than ten (10) minutes after the appropriate agency has responded is hereby declared to be a violation of this division. (Ord. No. 2-26-91A, § 8)

Sec. 5-379. Automatic telephone dialers.

No automatic telephone dialers shall transmit a recorded message on any primary trunk line to the police department or fire department. (Ord. No. 2-26-91A, § 9)

Sec. 5-380. Responsibility of village.

Neither the village nor any of its officials, officers or representatives shall be responsible for the functioning or malfunctioning of any alarm system, nor shall the village nor any of its officials, officers or representatives, be responsible for the failure of the fire department to respond to any alarm. (Ord. No. 2-26-91A, § 10)

Sec. 5-381. Acceptance.

By acceptance of an alarm system permit, each alarm user shall agree to be governed by the terms of this division and to pay any fees assessed against such alarm users as provided for in this division. (Ord. No. 2-26-91A, § 11)

Sec. 5-382. Unlawful installation.

It shall be unlawful for any fire alarm user to install, modify or repair an alarm system without first notifying the fire chief. It shall further be a violation of this division for an alarm user to permit any false alarm as a result of such installation, modification or repair. (Ord. No. 2-26-91A, § 12)

Sec. 5-383. Fees.

The fees required in this division shall be as follows:

(1) For an alarm system permit including the first year's permit fee ..... . $ 30.00

(2) Annual permit fee renewal . 25.00

(Ord. No. 2-26-91A, § 13)

Sec. 6-384. Penalty.

Any person violating or failing to comply with any provision of this division shall, upon conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
(Ord. No. 2-26-91A, § 14)

Secs. 5-385-5-390. Reserved.

ARTICLE IX. PROPERTY MAINTENANCE CODE

Sec. 5-391. Adoption.

A certain document, three (3) copies of which are on file in the office of the clerk of the village, being marked and designated as the BOCA National Property Maintenance Code, Fifth Edition, 1996 as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the property maintenance code of the village; for the control of buildings and structures as provided in this article; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 5-392. (Ord. No. 8-26-97B, § 1)

Sec. 5-392. Additions, insertions and changes.

The BOCA National Property Maintenance Code adopted in section 5-391 is amended and revised in the following respects:

Section PM-101 Title, is hereby amended to read as follows:

> These regulations shall be known as the Property Maintenance Code of the Village of Robbins hereinafter referred to as "this code.11”

Section PM-106.2 Penalty, is hereby amended to read as follows:

> Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or imprisonment for a term not to exceed thirty (30) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section PM-304.15 Insect screens, is hereby amended to read as follows:

> During the period from May 1 to October 1, every door, window, and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working order.

Section PM-602.2.1 Heat supply, is hereby amended to read as follows:

> Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees Fahrenheit (16 degrees Celsius) during other hours.

Section PM-602.3 Nonresidential structures, is hereby amended to read as follows:

> Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 66 degrees Fahrenheit (18 degrees Celsius) during all working hours.

(Ord. No. 8-26-97B, § 3)

Secs. 5-393-400. Reserved.

ARTICLE X. ABANDONED VEWCLES AND PERSONAL PROPERTY

Sec. 5-401. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

Abandoned vehicle and personal property means unsheltered storage of old, unused, wrecked, derelict, stripped, junked and other automobiles not in good and safe operating condition, whether licensed or unlicensed, and any other vehicles, machinery, implements and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, which hereinafter are collectively described as "said personalty," which, for a period of at least ten (10) days, is incapable of being driven under its own power or used for the purpose for which it was manufactured, is hereby declared to be abandoned. Historic or antique vehicles on the premises of a place of business legally licensed and engaged in wrecking,junking or repairing motor vehicles shall not be deemed abandoned.

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

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

Vehicle means a machine propelled by power other than human power designed to travel

along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, the following: automobile, truck, trailer, motorcycle, tractor, buggy and wagon.
(Ord. No. 11-25-97, § 1)
Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 5.402. Nuisance declared.

(a) Unsheltered storage of vehicles and personalty. Unsheltered storage of old, wrecked, derelict, unused, stripped, junked and other automobiles not in good and safe operating condition, whether licensed or unlicensed, and other vehicles, machinery, implements and/or equipment and personal property of any kind which are no longer safely usable for the purpose for which they were manufactured, which are located on any street or highway in the village or on any real property, public or private, within the corporate limits of the village for a period of ten (10) days or more, is hereby declared to be a nuisance and dangerous to the public health, safety and welfare of the general public.

(b) Vehicle repairs on residential streets. Any repairs to automobiles or motor vehicles in the residential section of the village other than in completely enclosed buildings is declared to be a nuisance and dangerous to the public safety.
(Ord. No. 11-25-97, § 2)

Sec. 5-403. Duty of owner.

(a) The owner, owners, tenants, lessees and/or occupants of any real property within the corporate limits of the village upon which such storage is made, and also the owner, owners and/or lessees of said personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners") shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings if within the corporate limits of the village, or otherwise to remove it to a location outside of said corporate limits of the village.

(b) All persons are required to dispose of any abandoned property under their control upon written notice received from the corporate authorities or from the chief of police or any member of his/her department designated by him/her commanding such disposition of said abandoned property.
(Ord. No. 11-25-97, § 3)

Sec. 5-404. Abatement by village; costs to owner.

(a) The chief of police or any member of his/her department designated by him/her is hereby authorized to remove or have removed any abandoned property left any place within the village which reasonably appears to be in violation of this article or which reasonably appears to be lost, stolen or unclaimed, or which is abandoned as defined in this article. Such property shall be impounded until lawfully claimed or disposed of according to law.

(b) Whenever said owners fail to abate such nuisance, then the village shall remove the said personalty to a location of its selection, the expenses therefor to be billed to said owners, jointly and severally, said bill to be recoverable in a suit at law.
(Ord. No. 11-25-97, § 4)

Sec. 5-406. Sale of personalty; disposition of funds.

When said personalty has been removed and placed in storage by the village, as provided for

in this article, said personalty shall be sold by the village after the lapse of such time as is provided by law. If the proceeds are insufficient to pay the costs of the abatement, said owners shall be liable to the village for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of the costs, the balance shall be paid to said owners, if known, or deposited in the village treasury for their use.
(Ord. No. 11-25-97, § 5)

Sec. 5-406. Nonliability of village or towing service.

The corporate authorities or law enforcement officer or 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 any abandoned property when said abandoned property was processed or disposed of according to this article.
(Ord. No. 11-25-97, § 6)

Sec. 5-407. Penalties.

If said owners allow said nuisance to exist or fail to abate said nuisance, they, and each of them, shall, upon conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00). A separate offense shall be deemed committed on each day on which said nuisance is permitted to exist.
(Ord. No. 11-25-97, § 7)

Chapter 6

CIVIL DEFENSE*
(Reserved)

***Cross references—Administration, Ch. 2 ; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 7; flood damage prevention and control, Ch. 8; motor vehicles and traffic, Ch. 16; Streets and sidewalks, Ch. 17.**

Chapter 7

FIRE PREVENTION AND PROTECTION•

Article L In General

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Secs. 7-2-7-25. Reserved.

Article II. Department

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Sec. 7-27. Prohibited acts.

Sec. 7-28. Cleanup service charges.

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Secs. 7-30--7-45. Reserved.

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Sec. 7-46. Creation.

Sec. 7-47. Tax levy.

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Sec. 7-50. Board of trustees-Created; composition.

Sec. 7-51. Same-Meetings.

Sec. 7-52. Powers and duties.

Secs. 7-53-7-70. Reserved.

Sec. 7-71. Adopted.

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Sec. 7-73. Enforcement.

Article III. Code

Sec. 7-74. Flammable liquid districts.

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Secs. 7-7S-7-90. Reserved.

Article IV. Spiller Pay•

Sec. 7-91. Definitions.

Sec. 7-92. Prohibited acts.

Sec. 7-93. Response authority.

Sec. 7-94. Liability for costs.

Sec. 7-95. Defenses.

Sec. 7-96. Costs and penalties.

•Cross references-Board of local improvements, § 2-186 et seq.; public works department, § 2-206 et seq.; buildings and building regulations, Ch. 5; civil defense, Ch. 6; health and sanitation, Ch. 10; mobile homes and mobile home parks, Ch. 13; police, Ch. 16; foreign fire insurance company tax, § 18-86 et seq.

ARTICLE I. IN GENERAL

Sec. 7-1. Enforcement.

It shall be the duty of all officers of the fire department and all police officers of the municipality to see that the provisions of this chapter are enforced and to arrest on view any person who shall be found violating any of the provisions of this chapter or who shall hinder, resist or refuse to obey any such officer in the discharge of his duty, and to that end all such officers are hereby vested with the usual power and authority of police officers. (Code 1972, § 34.025)

Secs. 7-2-7-25. Reserved.

ARTICLE II, DEPARTMENT

DIVISION 1. GENERALLY

Sec. 7-26. Appointment of officers.

(a) The board of fire and police commissioners shall appoint all officers and members of the fire department of the municipality, except the chief of the fire department, who shall be appointed by the mayor with the consent of the board of trustees.

(b) All appointments to each department other than that of the lowest rank, however, shall be from the rank next below that to which the appointment is made except the chief of the fire department, regardless of rank, unless the council or board of trustees shall have by ordinance as to them otherwise provided.

(c) The sole authority to issue certificates of appointment shall be vested in the board of fire and police commissioners and all certificates of appointments issued to any officer or member of the fire department of a municipality shall be signed by the chairman and secretary respectively of the board of fire and police commissioners of such municipality, upon appointment of such officer or member of the fire department of such municipality by action of the board of fire and police commissioners.

(d) Any full-time member of the fire department of the village is a village officer. (Code 1972, § 34.010)

Sec. 7-27. Prohibited acts.

(a) No person shall use any fire apparatus belonging to the municipality for any private purpose, other than the extinguishment of fires.

(b) No person shall willfully break, deface or injure any fire apparatus belonging to the municipality.
(Code 1972, § 34.030)

Sec. 7-28. Cleanup service charges.

(a) The owner and operator of any truck or other motor vehicle operated in the village shall be jointly and severally liable for the cost of any washdown or cleanup performed by the village, necessitated by an accident, spillage, or leakage onto the roadway of any substance being transported or contained in any such truck or other motor vehicle. For the purpose of this section, said cost shall be the sum of the following figures.

(1) An amount to be established by the mayor and board of trustees from time to time for each hour or fraction thereof for the use of each pumper truck used;

(2) The hourly wage for each hour or fraction thereof for each village employee used;

(3) The cost to the village of all materials and supplies used.

(b) The chief of the fire department shall be responsible for the assessment of any charges, and the village may take such actions that it deems necessary to collect such charges. All moneys shall be collected by the billing clerk and shall be delivered to the village treasurer forthwith.

(c) Any person who has availed himself of the services of the village fire department, and who has willfully refused to pay the charges hereby established for a period of ninety (90) days from the date such services are rendered, shall be deemed to have violated the provisions of this section and upon conviction thereof shall be punished as provided in section 1-14 of this Code, including any subsequent court charges. Each separate violation shall constitute a separate offense.
(Ord. No. 1-14-86A, §§ 1-3)

Sec. 7-29. Ambulance service charges.

(a) Any person who is transported to a hospital by an ambulance by the village shall pay a fee as established by the mayor and board of trustees from time to time for such service.

(b) The billing clerk shall be responsible for the assessment of any charges, and the village may take such action that it deems necessary to collect such charges. All moneys shall be collected by the village billing clerk and shall be delivered to the village treasurer and deposited in the fire department's ambulance fund account.

(c) Any person who has availed himself of the village ambulance service, and who has willfully refused to pay the charges hereby established for a period of ninety (90) days from billing date, shall be deemed to have violated the provisions of this section and upon conviction thereof shall be subject to punishment as provided in section 1-14 of this Code. Each separate violation shall constitute a separate offense.

(d) In all actions for violation of this section, the village may obtain service of summons upon any person charged with a violation of this section by certified mail, return receipt requested, whether service is to be within or without the state.
(Ord. No. 1•14-86, §§ 1-4)

Secs. 7-30-7-415. Reserved.

DIVISION 2. PENSION FUND*

Sec. 7-46. Creation.

There is hereby established a firefighters' pension fund in accordance with the provisions of an act of the legislature of the State of Illinois entitled "Firefighters' Pension Fund-Municipalities 500,000 and Under," Illinois Revised Statutes, chapter 108½, sections 4-101 through 4-144, inclusive.
(Code 1972, § 34.101)

Sec. 7-47. Tax levy.

The board of trustees shall annually hereafter levy a tax upon all taxable property of the village at the rate on the dollar of all such taxable property which will produce an amount which when added to the deductions from the salaries or wages of firefighters and receipts available from all other sources as hereinafter referred to will equal a sufficient sum to meet the annual actuarial requirements of the pension fund. Such tax shall be levied and collected in like manner with general taxes of

the village and shall be in addition to all other taxes now or hereafter authorized to be levied upon all property within the village. If the pension fund in any year, over and above the reserve fund, is sufficient to meet all demands of those requiring payment therefrom in such year, the board of trustees may dispense with the levy of such tax. (Code 1972, § 34.105)

Sec. 7-48. Funding.

The firefighters' pension fund shall consist of the following moneys which shall be set apart by the treasurer of the municipality:

(1) All moneys derived from the taxes levied under this division;

(2) Contributions by firefighters as provided under Illinois Revised Statutes, chapter 1081/3, paragraph 4-118.1;

(3) All rewards in money, fees, gifts, and emoluments that may be paid or given for or on account of extraordinary service by the fire department or any member thereof, except when allowed to be retained by competitive awards; and

(4) Any money, real estate or personal property received by the board.

Sec. 7-49. Eligibility.

(a) "Firemen" as used in this division means any person employed by the village in its fire service as a firefighter, fire engineer, marine engineer, fire pilot, bomb technician, or scuba diver; and, in any of these positions whose duties also include those of a firefighter and are certified in the same manner as a firefighter in the village.

(b) This chapter is applicable to all firefighters of the village who meet the qualifications set forth in Illinois Revised Statutes, chapter 1081/2 of the "Firemen's Pension Fund-Municipalities 500,000 and Under."

(c) All firefighters and spouses or dependents are eligible for pension benefits from the fund who qualify under paragraphs 4-109 and 4-114 of Illinois Revised Statutes, chapter 1081/2 of the "Firefighters' Pension Fund-Municipalities and Under 500,000." (Code 1972, § 34.115)

Sec. 7-50. Board of trustees-Created; composition.

There is created in the village a board of trustees to be known as the "Board of Trustees of the Firefighters' Pension Fund." The membership of the board shall be the president of the village board of trustees, the village clerk, village attorney, village treasurer, and the chief officer of the fire department, and three (3) additional persons chosen from the villages active firefighters and one (1) other person who has retired under the Illinois Revised Statutes, chapter 24, former paragraph 918 et seq., or chapter 1081/2, paragraphs 4-101 through 4-144.

Sec. 7-51. Same-Meetings.

The board of trustees of the firefighters' pension fund shall hold quarterly meetings on the second Tuesday of July, October, January, and April of each year and special meetings upon the call of the president of the board. At the first meeting of such board it shall elect one (1) of its members as president of such board for a period of one (1) year or until such time as his successor is elected and qualified; it shall elect a secretary and vice president, both of whom shall serve for a period of one (1) year or

until such time as their successors are elected and qualified.
(Code 1972, § 34.125)

Sec. 7-52. Powers and duties.

The board of trustees of the firefighters' pension fund shall have the powers and duties set out in the Illinois Revised Statutes, chapter 1081/2, paragraphs 4-123 through 4-129.1.
(Code 1972, § 34.130)

Secs. 7-53-7-70. Reserved.

ARTICLE III. CODE*

Sec. 7-71. Adopted.

The BOCA National Fire Prevention Code, Seventh Edition, 1987, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the fire prevention code of the village, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of such code are hereby referred to, adopted and made a part hereof, as if fully set out in this section with the additions, insertions, deletions and changes, if any, provided in section 7-72.
(Ord. No. 11-14-89C, § 1)

Sec. 7-72. Amendments.

The code amended by section 7-71 is amended as follows:

Section F-100.1 Title, is hereby amended to read as follows:

> These regulations shall be known as the Fire Prevention Code of the Village of Robbins, Cook County, Illinois and hereinafter shall be referred to as the "code."

(Ord. No. 11 -14-89C, § 2)

Sec. 7-73. Enforcement.

The code adopted by this article shall be enforced by the chief of the fire department.
(Code 1972, § 153.005)

Sec. 7·74. Flammable liquid districts.

The limits referred to in section F-3002.1 of the code hereby adopted, in which built storage of liquefied petroleum gas is restricted, and the limits referred to in section F-2601.2 of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: "within the territorial limits of the village."
(Code 1972, § 153.010)

Sec. 7-75. Modifications.

The chief of the fire department shall have the power to modify any of the provisions of the code adopted by this article upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that, the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.
(Code 1972, § 153.015)

Sec. 7·76. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted by this

article do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the village board of trustees within thirty (30) days from the date of the decision appealed.
(Code 1972, § 153.020)

Sec. 7·77. Penalty.

(a) Any person who shall violate any of the provisions of the code adopted by this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the village board of trustees or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 1-14 of this Code. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
(Code 1972, § 163.999)

Secs. 7·78-7·90. Reserved.

ARTICLE IV. SPILLER PAYS

Sec. 7·91. Definitions.

As used in this article, the following terms shall have the following meanings:

Costs means all expenses incurred by the village fire department or any other public agency assisting the fire department as a result of any removal or remedial action.

Facility means any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works , well, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock or aircraft. Also any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located.

Hazardous materials means any material, substance or mixture of materials or substances which are toxic, flammable, corrosive, explosive, carcinogenic or radioactive including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U .S.C.A., sections 1801, et seq.) in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed.

Mutual aid means any action taken by the fire department or any other public agency pursuant to an intergovernmental agreement, including but not limited to the District II Mutual Aid Agreement.

Release means any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous material or any constituent thereof may enter the environment.

Remedial action means any action consistent with permanent, remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternate water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment.

Removal means the cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threat of release of hazardous materials, the disposal of removed material, or the taking of such action as may be necessary to prevent, minimize or mitigate damage to the public health or welfare of the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation of threatened individuals.

Response means any removal or remedial action.

(Ord. No. 12-9-97B, § 2)

Cross reference-Definitions and rules of construction generally,§ 1-2.

Sec. 7-92. Prohibited acts.

No person shall cause, threaten or allow the release of hazardous materials into the environment unless such release is in accordance with an appropriate permit granted by the state environmental protection agency or other state or federal agency having primary jurisdiction over the release and such release in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment. (Ord. No. 12□9-97B, § 3)

Sec. 7-93. Response authority.

(a) The fire chief or his authorized representative shall have authority to respond to any release or threatened release of hazardous materials within the territory of the fire department or affecting the public water supply, wells or sewage treatment works located within the fire department or pursuant to any lawful intergovernmental agreement of which the fire department is a party. This authority includes, but is not limited to, remedial action or removal.

(b) The fire chief shall have primary authority to respond to any release or threatened release of hazardous materials as described above. The fire chief shall report any release or threatened release of hazardous materials to all appropriate federal, state and local public

health, safety and emergency agencies within twenty-four (24) hours of any substantial release of hazardous materials. The fire chief shall relinquish his response authority at such time, if any, as the federal, state or local public health, safety or emergency agency having primary jurisdiction over the release or threatened release has assumed responsibility for response to the release or threatened release.

(c) The fire chief, during such time as response authority is vested in him, shall be authorized to utilize all district personnel and equipment and he may, in his sole discretion, take such remedial or removal action as he may deem necessary or appropriate to respond to the release or threatened release of hazardous materials.

(d) All responding personnel shall cooperate with and operate under the direction of the fire chief or other person then exercising response authority under this article until such time as the person exercising such response authority has determined that the response is complete or responsibility for response is assumed by the federal, state or local public health, safety or emergency agency having primary jurisdiction over the release or threatened release.

(e) The person exercising response authority under this article shall coordinate and/or cooperate with other federal, state or local public health, safety or emergency agencies involved in response to the release or threatened release of hazardous materials. (Ord. No. 12-9-97B, § 4)

Sec. 7-94. Liability for costs.

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in section 7-95, the following persons shall be jointly and severally liable for all costs of removal and remedial action incurred by the fire department as a result of a release or threatened release of a hazardous material.

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous material.

(2) Any person who, at the time of disposal, transport, storage or treatment of a hazardous material, owned or operated the facility or vessel used in such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous materials.

(3) Any person who contracted with, agreed with, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous substances.

(4) Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of release of such hazardous substances.

(Ord. No. 12-9-97B, § 6)

Sec. 7-95. Defenses.

There shall be no liability under section 7-94 for a person otherwise liable who can establish by a preponderance of the evidence that the release or substantial threat of release of a hazardous material and the damages resulting therefrom were caused solely by:

(1) An act of nature over which he or she had no control;

(2) An act of war; or

(3) Any combination of the foregoing.

(Ord. No. 12-9-97B, § 6)

Sec. 7-96. Costs and penalties.

(a) Any person who is liable for the release or threatened release of a hazardous material who fails without sufficient cause to pay for or provide removal or remedial action upon or in accordance with a notice and request of the fire department, or in accordance with any order of any court having jurisdiction on the matter, shall be liable to the fire department for any costs incurred by the fire department as a result of such failure to provide or take such removal or remedial action, together with the cost of any removal or remedial action taken by the fire department in accordance with this article, and all attorneys' fees and related legal costs incurred in connection therewith.

(b) In addition, any such person shall be guilty of a violation of this article and shall be fined no less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each offense. A separate offense shall be deemed committed for each day on which a violation occurs or continues. Where such violation is found to be the result of willful and/or wanton conduct or gross negligence, or the person committing such violation attempts to evade responsibility hereunder by leaving the scene of the occurrence or by other means, that person shall be subject to a fine as provided for above or a fine in an amount equal to three (3) times the costs, including attorneys' fees and legal costs. for which it is liable under subsection (a), whichever is greater.

(c) Charges for removal or remedial action when rendered by the fire department or any other agency rendering mutual aid shall be as follows:

(1) The reasonable cost of each vehicle responding as determined by the responding agency, but in no case less than seventy-five dollars ($75.00) per hour per vehicle; and

(2) The cost of all personnel including any overtime cost to the fire department or to any responding agency, incurred as a result of the removal or remedial action; and

(3) The cost of all materials and equipment used, expended, depleted, destroyed or removed from service in accordance with federal, state or local ordinance as a result of the mitigation or containment operations if or at the request of the fire department or responding agency; and

(4) The cost of services and/or goods provided by a private or public entity which are used, expired, depleted or destroyed as a result of the response at the request of the fire department or any responding agency.

(Ord. No. 12-9-97B, § 7)

Chapter 8

FLOOD DAMAGE PREVENTION AND CONTROL*

Sec. 8-1. Purpose.

Sec. 8-2. Definitions.

Sec. 8-3. How to use this chapter.

Sec. 8-4. Duties of the enforcement official.

Sec. 8-5. Base flood elevation.

Sec. 8-6. Occupation and use of flood fringe areas.

Sec. 8-7. Occupation and use of identified floodways.

Sec. 8-8. Occupation and use of SFHA areas where floodways are not identified.

Sec. 8-9. Permitting requirements applicable to all floodplain areas.

Sec. 8-10. Other development requirements.

Sec. 8-11. Variances.

Sec. 8-12. Disclaimer of liability.

Sec. 8-13. Penalty.

Sec. 8-14. Abrogation and greater restrictions.

•Cross references-Buildings and building regulations, Ch. 5; civil defense, Ch. 6; garbage and refuse, Ch. 9; health and sanitation, Ch. 10; mobile homes and mobile home parks, Ch. 13; streets and sidewalks, Ch. 17; water, sewers and sewage disposal, Ch. 21.

Sec. 8-1. Purpose.

This chapter is enacted pursuant to the police powers granted to the village by Illinois Revised Statutes, chapter 24, sections 1-2, 11-12-12, 11-30-8 and 11-31-2:

(1) To meet the requirements of 111inois Revised Statutes, chapter 19, paragraph 65(g), An Act in Relation to the Regulation of the Rivers, Lakes and Streams of the State of Illinois, approved June 10, 1911, as amended;

(2) To assure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;

(3) To protect new buildings and major improvements to buildings from flood damage;

(4) To protect human life and health from the hazards of flooding;

(5) To lessen the burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations;

(6) To make federally subsidized flood insurance available for property in the village by fulfilling the requirements of the National Flood Insurance Program;

(7) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 56-79, as amended;

(8) To protect, conserve and promote the orderly development of land and water resources;

(9) To preserve the natural hydrologic and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats; and

(10) To preserve the natural characteristics of stream corridors 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.

(Ord. No. 4-13-93, § 200; Ord. No. 12-14-93A, § 1)

Sec. 8-2. Definitions.

For the purposes of this chapter, the following definitions are adopted:

Act means "an act in relation to the regulation of the rivers, lakes and streams of the state," Illinois Revised Statutes 1987, chapter 19, paragraph 52 et seq.

Applicant means any person, firm, corporation or agency which submits an application.

Appropriate use means only uses of the regulatory floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in section 8-7(c).

Base flood means the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in section 8-5.

Building means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days, unless they are fully licensed and ready for highway use.

Channel means any river, stream, creek, brook, branch, natural or artificial depression, ponded areas, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway, which has a definite bed and banks or shoreline, in or into which surface water or groundwater flows, either perennially or intermittently.

Channel modification means alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris or trash from the channel. Channelization is a severe form of channel modification typically involving the relocation of the existing channel (e.g. straightening).

Compensatory storage means an artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase offsite floodwater elevations and flows.

Conditional approval of a regulatory floodway map change means preconstruction approval by DWR and the Federal Emergency Management Agency of a proposed change to the floodway map. This preconstruction approval, pursuant to this chapter, gives assurances to the property owner that once an appropriate use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as·built plans.

Conditional letter of map revision (CLOMR) means a letter which indicates that the Federal Emergency Management Agency will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective flood hazard boundary map or flood insurance rate map, once the as-built plans are submitted and approved.

Control structure means a structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

Dam means all obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

Development means any manmade change to real estate, including:

(1) Construction, reconstruction, repair or placement of a building or any addition to a building.

(2) Installing 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. If the travel trailer or recreational vehicle is on a site for less than one hundred eighty (180) days, it must be fully licensed and ready for highway use.

(3) Drilling, mining, installing utilities, construction of roads, bridges or similar projects.

(4) Demolition of a structure or redevelopment of a site.

(5) Clearing of land as an adjunct of construction.

(6) Construction or erection of levees, walls, fences, dams or culverts; channel modification; filling, dredging, grading, excavating, paving, or other nonagricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste.

(7) Any other activity of man that might change the direction, height, or velocity of floodwater or surface water including extensive vegetation removal.

Development does not include maintenance of existing buildings and facilities such as reroofing or resurfacing of roads when there is not increase in elevation, or gardening, plowing and similar agricultural practices that do not involve filing, grading or construction of levees.

DWR means Illinois Department of Transportation, Division of Water Resources.

Elevation certificates means a form published by the Federal Emergency Management Agency that is used to certify the elevation to which a building has been elevated.

Erosion means the general process whereby soils are moved by flowing water or wave action.

Exempt organization means organizations which are exempt from the ordinance per the Ill. Rev. Stat. including state, federal or local units of government.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads is completed before April, 1990).

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

FEMA means Federal Emergency Management Agency and its regulations at 44 CFR 59-79 effective as of October 1, 1986. This incorporation does not include any later editions or amendments.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood frequency means a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

Flood fringe means that portion of the floodplain outside of the regulatory floodway.

Flood insurance rate maps (FIRM) means a map prepared by the Federal Emergency Management Agency that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

Flood protection elevation (FPE) means the elevation of the base flood or 100-year frequency flood plus one (1) foot of freeboard at any given location in the SFHA.

Floodplain means that land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached special flood hazard areas, ponding areas, etc. The floodplain is also known as the special flood hazard area (SFHA). The floodplains are those lands within the jurisdiction of the village that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the village are generally identified as such on the flood insurance rate map of the village prepared by the U.S. department of housing and urban development and dated September 29, 1978. SFHA's of those parts of unincorporated areas of the county that are within the extraterritorial jurisdiction of the village or may be annexed into the village are generally identified as such on the flood insurance rate map prepared for the county by the Federal Emergency Management Agency and dated December 4, 1984.

Floodproofing means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodproofing certificate means 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.

Freeboard means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic structure means structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(3) Individually listed on the state inventory of historic places by the state historic preservation agency;

(4) Individually listed on a local inventory of historic places that has been certified by the state historic preservation agency.

Hydrologic and hydraulic calculations means engineering analysis which determine expected

flood flows and flood elevations based on land characteristics and rainfall events.

Letter of map amendment (LOMA) means official determination by FEMA that a specific structure is not in a 100 year flood zone; amends the effective flood hazard boundary map or FIRM.

Letter of map revision (LOMR) means letter that revises base flood or 100 year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term 11manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mitigation includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control and channel restoration.

Natural, when used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is reestablished. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

NGVD means national geodetic vertical datum of 1929 which is the reference surface set by the national geodetic survey deduced from a continental adjustment of all existing adjustments in 1929.

New manufactured home park or subdivision means manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after April 1, 1990.

Ordinary high water mark (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

Public flood control project means a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction

or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

Publicly navigable waters means all streams and lakes capable of being navigated by water craft.

Recreational vehicles or travel trailer means a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel or seasonal use.

Registered land surveyor means a land surveyor registered in the state, under The Illinois Land Surveyors Act (Ill. Rev. Stat. 1997, ch. 111, pars. 3201-3234).

Registered professional engineer means an engineer registered in the state, under the Illinois Professional Engineering Act (Ill. Rev. Stat. 1987, ch. 111, pars. 5101--5137).

Regulatory floodway means the channel, including onstream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by DWR, which is needed to store and convey the existing and anticipated future 100- year frequency discharge with no more than an 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten (10) percent increase in velocities. The regulatory floodways are designated for the Midlothian Creek on the flood boundary and floodway map prepared by the department of housing and urban development dated September 29, 1978, and for the Midlothian Creek on the regulatory floodplain map prepared by DWR dated June 1, 1976. Whichever is most restrictive will be used for regulatory purposes. The regulatory floodways for those parts of unincorporated areas of the county that are within the extraterritorial jurisdiction of the village that may be annexed into the village are designated for the Midlothian Creek on the flood boundary and the floodway map prepared by FEMA dated December 4, 1984, or the regulatory floodplain maps prepared by the DWR dated June 1, 1976, whichever is more restrictive. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory flood way boundary, the division should be contacted for the interpretation.

Repair, remodeling or maintenance means development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

Retention I detention facility means as follows:

(1) A retention facility stores stormwater runoff without a gravity release.

(2) A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

Riverine SFHA means any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow or other areas not subject to overbank flooding.

Runoff means the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

Sedimentation means the processes that deposit soils, debris and other materials either on other ground surfaces or in bodies of water or watercourses.

Special flood hazard area (SFHA) means any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a flood hazard boundary map or flood insurance rate map as zones A, AO, Al-30, AE, A99, AH, VO, V30, VE, V, M or E.

Structure means the results of a manmade change to the land constructed on or below ground, including the construction, reconstruction or placement of a building or any addition to a building; installing 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, unless they are fully licensed and ready for highway use.

Substantial improvement means any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (i) before the improvement or repair is started, or (ii) if the structure has been damaged from any source, and is being restored, before the damage occurred. This term includes structures which were damaged whereby the cost of restoring the structure to its predamaged condition would equal or exceed fifty (50) percent of the market value before the damage occurred, regardless of the actual repair work performed. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural parts of a building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either, any project for improvement of a structure to comply with any existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a historic structure provided that the alterations will not preclude the structures continued designations as a historic structure.

Transition section means reaches of the stream or floodway where water flows from a narrow cross section to a wide cross section or vice versa. (Ord. No. 4·13·93, § 300; Ord. No. 12·14·93A, §§ 2, 3; Ord. No. 12·28·93, §§ 1-10; Ord. No. 5·23·95, § 1)
Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 8-3. How to use this chapter.

(a) The building official (Robinson Engineering {RW}) shall be responsible for fulfilling all of the duties listed in section 8·4.

(b) To fulfill those duties, the building official first should use the criteria listed in section 8·5, base flood elevations, to determine whether the development site is located within a floodplain. Once it has been determined that a site is

located within a floodplain, the building official must determine whether the development site is within a flood fringe, a regulatory floodway or within an SFHA or floodplain on which no floodway has been identified. If the site is within a flood fringe, the building official shall require that the minimum requirements of section 8·6 be met. If the site is located within an SFHA or floodplain for which no detailed study has been completed and approved, the building official shall require that the minimum requirements of section 8·8 be met.

(c) In addition, the general requirements of section 8·9 shall be met for all developments meeting the requirements of section 8·6, 8·7 or 8·8. The building official shall assure that all subdivision proposals shall meet the requirements of section 8·10.

(d) If a variance is to be granted for a proposal, the building official shall review the requirements of section 8-11 to make sure they are met. In addition, the building official shall complete all notification requirements.

(e) In order to assure that property owners obtain permits as required in this chapter, the building official may take any and all actions as outlined in section 8·13. (Ord. No. 4·13·93, § 400; Ord. No. 12·14·93A, § 4)

Sec. 8-4. Duties of the enforcement official.

The building official shall be responsible for the general administration and enforcement of this chapter which shall include the following:

(1) *Determining the f1.oodplain designation*. Check all new development sites to determine whether they are in a special flood hazard area (SFHA). If they are in an SFHA, determine whether they are in a floodway, flood fringe or a floodplain on which a detailed study has not been conducted which drains more than one (1) square mile.

(2) *Professional engineer review*. If the development site is within a floodway or in a floodplain on which a detailed study has not been conducted which drains more than one (1) square mile then the permit shall be referred to a registered professional engineer (P.E.) under the employ of the village for review to ensure that the development meets the requirements of section 8· 7. In the case of an appropriate use, the P.E. shall state in writing that the development meets the requirements of section 8- 7.

(3) *Dam safety requirements*. Ensure that a DWR dam safety permit has been issued or a letter indicating no dam safety permit is required, if the proposed development activity includes construction of a dam as defined in section 8-2. Regulated dams may include weirs, restrictive culverts or impoundment structures.

(4) Other permit requirements. Ensure that any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.

(5) Plan review and permit issuance. Ensure that all development activities within the SFHA's of the jurisdiction of the village meet the requirements of this chapter and issue a floodplain development permit in accordance with the provisions of this chapter and other regulations of this community when the development meets the conditions of this chapter.

(6) Inspection review. Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure they comply with the provisions of this chapter.

(7) Elevation and floodproofing certificates. Maintain in the permit files an elevation certificate certifying the elevation of the lowest floor (including basement) of a residential or nonresidential building or the elevation to which a nonresidential building has been floodproofed, using a floodproofing certificate, for all buildings subject to section 8-9 for public inspection and provide copies of same.

(8) Records for public inspection. Maintain for public inspection and furnish upon request base flood data, SFHA and regulatory floodway maps, copies of federal or state permit documents, variance documentation, conditional letter of map revision, letter of map revision, letter of map amendment and "as built" elevation and floodproofing certificates for all buildings constructed subject to this chapter.

(9) State permits. Ensure that construction authorization has been granted by the state division of water resources, for all development projects subject to sections 8-7 and 8-8, unless enforcement responsibility has been designated to the village. Upon acceptance of this chapter by DWR and FEMA, responsibility is hereby designated to the village as per 92 Ill. Adm. Code 708 for construction in the regulatory floodway and floodplain when floodways have not been defined in sections 8-7 and 8-8. However, the following review approvals are not delegated to the village and shall require review or permits from DWR:

a. Organizations which are exempt from this chapter, as per the Illinois Revised Statutes;

b. Department of transportation projects, dams or impoundment structures as defined in section 8-2 and all other state, federal or local unit of government projects, including projects of the village and county, except for those projects meeting the requirements of section 8-7(c)(6);

c. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per section 8-7(c)(2)e.;

d. An engineer's analysis of the flood profile due to section 8-7(c)(2)d.;

e. Alternative transition sections and hydraulically equivalent compensatory storage as indicated in section 8-7(c)(2)a., b. and h.;

f. Permit issuance of structures within or over publicly navigable rivers, lakes and streams;

g. Base flood elevation determinations where none now exist.

(10) *Cooperation with other agencies*.

a. Cooperate with state and federal floodplain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this chapter;

b. Submit data to DWR and the Federal Emergency Management Agency for proposed revisions of a regulatory map;

c. Submit reports as required for the National Flood Insurance Program;

d. Notify the Federal Emergency Management Agency of any proposed amendments to this chapter.

(11) Promulgate regulations. Promulgate rules and regulations as necessary to administer and enforce the provisions of this chapter, subject however to the review and approval of DWR and FEMA for any changes to this chapter.

(Ord. No. 4-13-93, § 500; Ord. No. 12-14-93A, § 5)

Sec. 8-3. Base flood elevation.

(a) This chapter's protection standard is based on the flood insurance study for the village. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available in the state water survey's flood plain information repository. When a party disagrees with the best available data, he may finance the detailed engineering study needed to replace existing data with better data and submit it to DWR and FEMA.

(b) The base flood or 100-year frequency flood elevation for SFHA's of the Midlothian Creek shall be delineated on the 100-year flood profiles in the flood insurance study of the village prepared by the department of housing and urban development and dated March 1, 1978, or the 100-year flood profiles dated June 1, 1976, prepared by the division of water resources and such amendments to such study and maps as may be prepared from time to time.

(c) The base flood or 100-year frequency flood elevation for the SFHA's of those parts of the unincorporated county that are within the extraterritorial jurisdiction of the village or that may be annexed into the village shall be delineated on the 100-year flood profiles in the flood insurance study of the county prepared by FEMA dated December 4, 1984, or the 100-year flood profiles dated June 1, 1976, prepared by the division of water resources and such amendments or revisions to such study and maps as may be prepared from time to time.

(d) The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the flood insurance map of the village.

(e) The base flood or 100-year frequency flood elevation for each of the remaining SFHA's delineated as an "A Zone" on the flood insurance rate map of the village shall be according to the best existing data available in the state water survey flood plain information repository. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a

backwater model, such as HEC-11, WSP-2, or a dynamic model such as HIP. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-I TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. Flood flows should be based on anticipated future land use conditions in the watershed as determined from adopted local and regional land use plans. Along any watercourses draining more than one (1) square mile, the above analysis shall be submitted to DWR for approval; once approved, it must be submitted to the state water survey flood plain information repository for filing. For a nonriverine SFHA, the base flood elevation shall be the historic flood of record plus three (3) feet, unless calculated by a detailed engineering study and approved by the state water survey. (Ord. No. 4-13-93, § 600; Ord. No. 12-14·93A, §§ 6-8; Ord. No. 5-23-95, §§ 2, 3)

Sec. 8-6. Occupation and use of flood fringe areas.

(a) *Generally*. Development in and/or filling the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage and other provisions of this chapter are met. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of section 8-9.

(b) *Development permit*.

(1) No person not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the building official.

(2) Application for a development permit shall be made on a form provided by the building official. The application shall be accompanied by drawings of the sit.e, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in M.S.L., 1929 adj. datum or NGVD and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of section 8-9.

(3) Upon receipt of a development permit application, the building official shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the site's first flood insurance rate identification is not in the SFHA and, therefore, not subject to the requirements of this chapter. The building official 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.

(4) A soil erosion and sedimentation control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

(5) The building official shall be responsible for obtaining from the applicant, copies of all other local, state and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The building official shall not issue a permit unless all other local, state and federal permits have been obtained.

(c) *Preventing increased damages*.

(1) No development in the flood fringe shall create a threat to public health and safety.

(2) If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.

(3) Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100 year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

(Ord. No. 4-13-93, § 700; Ord. No. 12□14-93A, §§ 9-12)

Sec. 8-7. Occupation and use of identified floodways.

(a) *Generally*. This section applies to proposed development, redevelopment, site modification or building modification within a regulatory floodway. This regulatory flood way for the Midlothian Creek shall be delineated on the regulatory floodway maps designated by DWR and referenced in the definition of "regulatory floodway." Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the pw-pose of the project. The development shall also meet the requirements of section 8-9.

(b) *Development permit.*

(1) No person not exempted by state law shall commence any development in a floodway without first obtaining a

development permit from the building official.

(2) Application for a development permit shall be made on a form provided by the building official. The application shall include the following information:

a. Name and address of applicant;

b. Site location (including legal description) of the property, drawn to scale, on the regulatory floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;

c. Name of stream or body of water affected;

d. Description of proposed activity;

e. Statement of purpose of proposed activity;

f. Anticipated dates of initiation and completion of activity;

g. Name and mailing address of the owner of the subject property if different from the applicant;

h. Signature of applicant or the applicant's agent;

i. If the applicant is a corporation, the president or other authorized officer shall sign the application form;

j. If the applicant is a partnership, each partner shall sign the application form; and

k. If the applicant is a land trust, the trust officer shall sign the name of the trustee by him as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.

l. Plans of the proposed activity shall be provided which include as a minimum:

1. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

2. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or NGVD, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), regulatory floodway limit, floodplain limit, specifications and

dimensions of any proposed channel modifications, locations and orientation of cross sections, north arrow and a graphic or numerical scale;

3. Cross section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plain view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);

4. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance;

5. A copy of the regulatory floodway map, marked to reflect any proposed change in the regulatory floodway location.

m. Any and all other local, state and federal permits or approval letters that may be required for this type of development.

n. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of subsection (c).

o. If the regulatory floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until DWR has indicated conditional approval of the regulatory floodway map change. No structures may be built until a letter of map revision has been approved by FEMA.

p. The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway

limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 8-9.

q. If the proposed project involves a channel modification, the applicant shall submit the following information:

1. A discussion of the purpose and need for the proposed work;

2. A discussion of the feasibility of using alternative locations or methods to accomplish the purpose of the proposed work;

3. An analysis of the extent and permanence of the impacts the project would have on the physical and biological conditions of the body of water affected;

4. An analysis of the extent and permanence of the impacts each feasible alternative identified in subsection (c)(2)d.1. would have on the physical and biological conditions of the body of water affected; and

5. An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.

(3) The building official shall be responsible for obtaining from the applicant copies of all other local, state and federal permits and approvals that may be required for this type of activity. The building official shall not issue the development permit unless all required federal and state permits have been obtained. A registered professional engineer, under the employ or contract of the village shall review and approve applications reviewed under this section.

(c) *Preventing increased damages and a list of appropriate uses*.

(1) Appropriate uses. The only development in a floodway which will be allowed are appropriate uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by

appropriate mitigation methods as called for in this chapter. Only those appropriate uses listed in 92 Ill. Adm. Code 708 will be allowed. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise nonappropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as appropriate use. The approved appropriate uses are as follows:

a. Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion or water quality or habitat for fish and wildlife;

b. Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;

c. Storm and sanitary sewer outfalls;

d. Underground and overhead utilities;

e. Recreational facilities such as playing fields and trail systems including any related fencing (at least fifty (50) percent open when viewed from any one (1) direction) built parallel to the direction of flood flows, and including open air pavilions;

f. Detached garages, storage sheds or other nonhabitable accessory structures without toilet facilities to existing buildings that will not block flood flows, nor reduce floodway storage;

g. Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification hereto;

h. Parking lots and any modifications thereto (where depth of flooding at the 100-year frequency flood event will not exceed one (1) foot) and aircraft parking aprons built at or below ground elevation;

i. Regulatory floodway regrading, without till, to create a positive nonerosive slope toward a watercourse;

j. Floodproofing activities to protect previously existing lawful structures including the construction of water· tight window wells, elevating structures or construction of floodwalls around residential, commercial or industrial structures where the outside toe of the floodwall shall be more than ten (10) feet away from the exterior wall of the existing structure and which are not considered substantial improvements to the structure;

k. In the case of damaged or replacement buildings,

reconstruction or repairs made to a building that are valued at less than fifty (50) percent of the market value of the building before it was damaged or replaced and which do not increase the out- side dimensions of the building;

l. Additions to existing buildings above the BFE that do not increase the building's footprint and are valued at less than fifty (50) percent of the market value of the building.

(2) Engineering and mitigation criteria. Within the regulatory floodway as identified on the regulatory floodway maps designated by DWR, the construction of an appropriate use will be considered a permissible project if the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of section 8-9:

a. *Preservation of flood conveyance, so as not to increase flood storage upstream*. For appropriate uses other than bridge or culvert crossing, onstream structures or dams, all effective regulatory floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective regulatory floodway conveyance, the following factors shall be taken into consideration:

1. Regulatory floodway conveyance,
'K' = 1.486/n AR 2/3 where 11n11 is Manning's roughness factor, 11A11 is the effective area of the cross section, and "R" is the ratio of the area to the wetted perimeter. (See Open channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York).

2. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a nonvegetative land cover.

3. Transition sections shall be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to DWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

(i) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one (1) foot horizontal for every four (4) feet of the flooded stream's length.

(ii) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one (1) foot horizontal for every one (1) foot of the flooded stream's length.

(iii) When expanding or contracting flows in a vertical direction, a minimum of one (1) foot vertical transition for every ten (10) feet of stream length shall be used.

(iv) Transition sections shall be provided between cross sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties.

(v) All cross sections used in the calculations shall be located perpendicular to flood flows.

b. *Preservation of floodway storage so as not to increase downstream flooding*. Compensatory storage shall be provided for any regulatory floodway storage lost due to the proposed work from the volume of fill or structure placed and the impact of any related flood control projects. Compensatory storage for fill or structures shall be equal to at least 1.5 times the volume of floodplain storage lost. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory regulatory floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All regulatory floodway storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All regulatory floodway storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to DWR through a determination of flood discharges and water surface elevations that the compensatory

storage is hydraulically equivalent. Finally, there shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.

c. *Preservation of floodway velocities so as not to increase stream erosion or flood heights*. For all appropriate uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or regulatory floodway velocities or stage, for all flood events up to and including the 100-year frequency event. However in the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

d. *Construction of new bridges or culvert crossings and roadway approaches*. The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood state increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or floodwalls or within recorded flood easements. If the proposed construction will increase upstream flood stages greater than 0.1 foot, the developer must contact DWR, dam safety section for a dam safety permit or waiver.

1. The engineering analysis of upstream flood states must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in section 8-5. Culverts must be analyzed using the U.S. DOT, FHWA hydraulic chart for the selection of highways culverts. Bridges must be analyzed using the U.S. DOT/Federal highway administration hydraulics of bridge waterways calculation procedures.

2. Lost floodway storage must be compensated for per subsection (c)(2)b.

3. Velocity increases must be mitigated per section 8-8(c)(2)c.

4. If the crossing is proposed over a public water that is used for recreational or commercial navigation, a department of

transportation permit must be received.

5. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to DWR for concurrence that a CLOMR is not required by subsection (c).

6. All excavation for the construction of the crossing shall be designed per subsection (cX2)h.

e. *Reconstruction or modification of existing bridges, culverts and approach roads.*

1. The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.

2. If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects of flood states on upstream and downstream properties.

3. The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with the department of transportation Rules 92 fil. Adm. Code 708 (floodway construction in Northeastern Illinois) and submitted to the division for review and concurrence before a permit is issued.

f. *On-stream structures built for the purpose of backing up water*. Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or floodwalls or within recorded flood easements. A permit or letter indicating a permit is not required must be obtained from DWR, dam safety section for a dam safety permit or waiver for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams an impoundment structures as defined

in section 8-2 shall meet the permitting requirements of 92 Ill. Adm. Code 702 (construction and maintenance of dams).

g. *Floodproofing of existing habitable, residential and commercial structures*. If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than ten (10) feet outside of the building. Compensation of lost storage and conveyance will not be required for floodproofing activities.

h. *Excavation in the floodway*. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other appropriate uses, transition sections shall be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to DWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

    1. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one (1) foot horizontal for every four (4) feet of the flooded stream's length;

    2. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one (1) foot horizontal for every one (1) foot of the flooded stream's length;

    3. When expanding or contracting flows in a vertical direction, a minimum of one (1) foot vertical transition for every ten (10) feet of stream length shall be used; and

    4. Erosion/scour protection shall be provided inland upstream and downstream of the transition.

i. *Channel modifications*. If the proposed activity involves a channel modification, it shall be demonstrated that:

    1. There are not practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, floodproofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or

greenbelt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;

2. Water quality, habitat and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed or the impacts are offset by the replacement of an equivalent degree of natural resource values;

3. The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:

   (i) The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.

   (ii) Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.

   (iii) One-sided construction of a channel shall be used when feasible. Removal of stream side (riparian) vegetation should be limited to one (1) side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.

   (iv) Clearing of vegetation shall be limited to that which is essential for construction of the channel.

   (v) Channel banks shall be constructed with a side slope no steeper than 3: 1 horizontal to vertical, wherever practicable. Natural vegetation and gradual side slopes are the preferred methods for bank stabilization.

Where high velocities or sharp bends necessitate the use of alternative stabilization measures, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, gabions or construction rubble should be avoided unless there are no practicable alternatives.

(vi) All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover.

(vii) If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.

(viii) A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.

(ix) New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.

(x) There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project.

(xi) Unless the modification is for a public flood control project, there shall be

no reduction in the volume of floodwater storage outside the floodway as a result of the modification.

4. The project otherwise complies with the requirements of this section.

j. *Seeding and stabilization plan*. For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

k. *Soil erosion and sedimentation measures*. For all activities in the floodway, including grading, filling and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:

1. The construction area shall be minimized to preserve the minimum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed or disturbed more than fifteen (15) days prior to the initiation of improvements.

2. Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within fifteen (15) days after final grade is reached on any portion of the site, and within fifteen (15) days to denuded areas which may not be at final grade but will remain undisturbed for longer than sixty (60) days.

3. Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off the site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches and sediment basins.

4. A vegetated buffer strip of at least twenty-five (25) feet in width shall be preserved and/or re-established, where possible, along existing channels (see sub- section (c)(2)p.). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.

5. Soil erosion and sedimentation control

measures shall be designed and implemented consistent with ''Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" (1988) also known as the "Green Book" and "Standards and Specifications for Soil Erosion and Sediment Control" (IEPA 1987).

l. *Public flood control projects*. For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to DWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

m. *General criteria for analysis of flood elevations*.

1. The flood profiles, flows and floodway data in the regulatory floodway study, referenced in section 8-5, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, DWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

2. If the 100-year regulatory floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the 100-year frequency flood elevations of the regulatory floodway conditions and conditions with the receiving stream at normal water elevations.

3. If the applicant learns from DWR, local governments or private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

n. *Conditional letter of map revision*. If the appropriate use would result in a change in the regulatory floodway location or the 100-year

frequency flood elevation, the applicant shall submit to DWR and to FEMA all the information, calculations and documents necessary to be issued a conditional regulatory floodway map revision and receive from DWR a conditional approval of the regulatory floodway change before a permit is issued. However, the final regulatory floodway map will not be changed by DWR until as-built plans or record drawings are submitted and accepted by FEMA and DWR. In the case of nongovernment projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional regulatory floodway map revision before DWR approval can be given. No filling, grading, dredging or excavating shall take place until a conditional approval is issued. No further development activities shall take place until a final letter of map revision (LOMR) is issued by FEMA and DWR.

o. *Professional engineer's supervision*. All engineering analyses that shall be performed by or under the supervision of a registered professional engineer.

p. *Construction near channel*. For all activities in the floodway involving construction within twenty-five (25) feet of the channel, the following criteria shall be met:

1. A natural vegetation buffer strip shall be preserved within at least twenty-five (25) feet of the ordinary high water mark of the channel.

2. Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.

3. The use of native riparian vegetation is preferred in the buffer strip. Access through this buffer strip shall be provided, when necessary, for stream maintenance purposes. After receipt of conditional approval of the regulatory floodway change and issuance of a permit and a conditional letter of map revision, construction as necessary to change the regulatory floodway designation may proceed but no buildings or structures or other construction that is not an appropriate use may be placed in that area until the regulatory floodway map is changed and a final letter of map revision is received. The regulatory floodway map will be revised upon acceptance and concurrence by DWR and FEMA of the "as built" plans.

(3) *State review*. For those projects listed below located in regulatory floodway, the following criteria shall be submitted to DWR for their review and concurrence prior to the issuance of a permit:

a. The DWR will review an engineer's analysis of the flood profile due to a proposed bridge pursuant to subsection (c)(2)d.

b. The DWR will review an engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to subsection (c)(2)e.

c. The DWR will review alternative transition sections and hydraulically equivalent storage pursuant to subsection (c)(2)a., b. and h.

d. The DWR will review and approve prior to the start of construction any department projects, dams (as defined in section 8-2) and all other state, federal or local units of government projects, including projects of the municipality or county.

(4) *Other permits*. In addition to the other requirements of this chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from DWR, issued pursuant to Illinois Revised Statutes, chapter 19, section 62 et seq. No permit from DWR shall be required if the division has delegated this responsibility to the village.

(5) *Dam safety permits*. Any work involving the construction, modification or removal of a dam as defined in section 8-2 per 92 Ill. Adm. Code 702 (rules for construction of dams) shall obtain a state division of water resources dam safety permit prior to the start of construction of a dam. If the building official finds a dam that does not have a DWR permit, the building official shall immediately notify the dam safety section of the division of water resources. If the building official finds a dam which is believed to be in unsafe condition, the building official shall immediately notify the owner of the dam, DWR, dam safety section in Springfield and the state emergency services and disaster agency (ESDA).

(6) *Activities that do not require a registered professional engineer's review*. The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this chapter, including the mitigation requirements.

a. Underground and overhead utilities that:

1. Do not result in any increase in existing ground elevations, or

2. Do not require the placement of aboveground structures in the floodway, or

3. In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of three (3) feet below the existing streambed, and

4. In the case of overhead utilities, no supporting towers are placed in the watercourse and are designed in such a fashion as not to catch debris.

b. Storm and sanitary sewer outfalls that:

1. Do not extend riverward or lakeward of the existing adjacent natural bank slope; and

2. Do not result in an increase in ground elevation; and

3. Are designed so as not to cause stream erosion at the outfall location.

c. Construction of sidewalks, athletic fields (excluding fences), properly anchored playground equipment and patios at grade.

d. Construction of shoreline and stream bank protection that:

1. Does not exceed one thousand (1,000) feet in length.

2. Materials are not placed higher than the existing top of bank.

3. Materials are placed so as not to reduce the cross sectional area of the stream or channel or bank of the lake.

4. Vegetative stabilization and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble and gabions should be avoided unless there are no practicable alternatives.

e. Temporary stream crossings in which:

1. The approach roads will be one-half foot or less above natural grade.

2. The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.

3. The top of the roadway fill in the channel will be at least two (2) feet below the top of the lowest bank. Any fill in the channel shall be

nonerosive material, such as rip-rap or gravel.

4. All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.

5. The access road will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.

(Ord. No. 4-13-93, § 800; Ord. No. 12-14-93A, §§ 13-17; Ord. No. 6-23-95, §§ 4, 6)

Sec. 8-8. Occupation and use of SFHA areas where floodways are not identified.

(a) *Generally*. In SFHA or floodplains, (including AO zones, AH zones or unnumbered A zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

(b) *Development permit*.

(1) No person, firm, corporation or governmental body, not exempted by state law, shall commence any development in an SFHA or floodplain without first obtaining a development permit from the building official. Application for a development permit shall be made on a form provided by the building official. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 8-9.

(2) The application for a development permit shall also include the following information:

a. A detailed description of the proposed activity, its purpose and intended use;

b. Site location (including legal description) of the property, drawn to scale, on the regulatory floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;

c. Anticipated dates of initiation and completion of activity;

d. Plans of the proposed activity shall be provided which include as a minimum:

1. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the

vicinity of the site, graphic or numerical sale, and north arrow;

2. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or NGVD, adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), floodplain limit, location and orientation of cross sections, north arrow, and a graphical or numerical scale;

3. Cross section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation and graphical or numerical scales (horizontal and vertical); and

4. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

e. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of subsection (c).

f. Any and ail other local, state and federal permits or approvals that may be required for this type of development.

(3) Based on the best available existing data according to the state water survey's flood plain information repository, the building official shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to section 8-5(e). Any development located on land that can be shown to have been higher than the base flood elevation as of the site's first flood insurance rate map identification is not

in the SFHA, and, therefor, not subject to the requirements of this chapter. The building official shall maintain documentation 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 map identification.

(4) The building official shall be responsible for obtaining from the applicant copies of all other local, state and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The building official shall not issue the development permit unless all required local, state and federal permits have been obtained.

(c) *Preventing increased damages*.

(1) *Mitigation required*. No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter.

(2) *Standards*. Within ail riverine SFHA's where the floodway has not been determined, the following standards shall apply:

a. The developer shall have a registered professional engineer state in writing and show through supporting plans, calculations and data that the project meets the engineering requirements of section 8-7(c)(2)a.-l. for the entire floodplain as calculated under the provisions of section 8-5(e). As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to DWR for acceptance as a regulatory floodway. Upon acceptance of their floodway by the department, the developer shall then demonstrate that the project meets the requirements of section 8-7 for the regulatory floodway. The floodway shall be defined according to the definition in section 8-2.

b. A development permit shall not be issued unless the applicant first obtains a permit from DWR or written documentation that a permit is not required from DWR.

c. No permit from DWR shall be required if the division has delegated permit responsibility to the village per 92 Ill. Adm. Code, Part 708 for regulatory floodways, per DWR state wide permit entitled "Construction in Flood Plains with No Designated Floodways in Northeastern Illinois."

d. Any work involving the construction, modification or removal of a dam or an on-stream structure to impound water as defined in section 8-2 shall obtain a state division of water resources dam safety permit or letter indicating a permit is not required prior to the start of construction of a dam. If the building official finds a dam does not have a DWR permit, the building official shall immediately notify the dam safety section of the division of water rewriting sources. If the building official finds a dam which is believed to be in unsafe condition, the building official shall immediately notify the owner of the dam and the state emergency services and disaster agency (ESDA) and DWR, dam safety section in Springfield.

e. The following activities may be permitted without a registered professional engineer's review or calculation of a base flood elevation and regulatory floodway. Such activities shall still meet the other requirements of this chapter:

1. Underground and overhead utilities that:

(i) Do not result in any increase in existing ground elevations, or

(ii) Do not require the placement of aboveground structures in the floodway; or

(iii) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of three (3) feet below the existing streambed; and

(iv) In the case of overhead utilities, no supporting towers are placed in the watercourse and are designed in such a fashion as not to catch debris.

2. Storm and sanitary sewer outfalls that:

(i) Do not extend riverward or lakeward of the existing adjacent natural bank slope; and

(ii) Do not result in an increase in ground elevations; and

(iii) Axe designed so as not to cause stream bank erosion at the outfall location.

3. Construction of shoreline and streambed protection that:

   (i) Does not exceed one thousand (1,000) feet in length or two (2) cubic yards per lineal foot of streambed.

   (ii) Materials are not placed higher than the existing top of bank.

   (iii) Materials are placed so as not to reduce the cross-sectional area of the stream channel by more than ten (10) percent.

   (iv) Vegetative stabilization and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, natural rock or rip- rap are preferred materials. Artificial materials such as concrete, construction rubble and gabions should be avoided unless there are no practicable alternatives.

4. Temporary stream crossings in which:

   (i) The approach roads will be one-half foot or less above natural grade.

   (ii) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.

   (iii) The top of the roadway fill in the channel will be at least two (2) feet below the top of the lowest bank. Any fill in the channel shall be nonerosive material, such as rip-rap or gravel.

   (iv) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.

   (v) The access road and temporary crossings will be removed within one (1) year after authorization.

5. The construction of light poles, signposts and similar structures;

6. The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;

7. The construction of properly anchored, unwalled, open structures such as playground equipment, pavillons and carports built at or below existing grade that would not obstruct the flow of floodwaters;

8. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) feet in any one dimension (e.g., animal shelters and tool sheds);

9. The construction of additions to existing buildings which do not increase the first floor area by more than twenty (20) percent, which are located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of floodwaters;

10. Minor maintenance dredging of a stream channel where:

    (i) The affected length of stream is less than one thousand (1,000) feet;

    (ii) The work is confined to reestablishing flows in natural stream channels; or

    (iii) The cross sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.

f. The flood-carrying capacity within any altered or relocated watercourse shall be maintained.

(3) Compensatory storage. Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. Ali floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. Ali floodplain storage lost above the existing 10-year flood elevation shall be replaced above the 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

(Ord. No. 4-13-93, § 900; Ord. No. 12-14-93A, §§ 18----20; Ord. No. 5-23-95, § 6)

Sec. 8-9. Permitting requirements applicable to all floodplain areas.

In addition to the requirements found in sections 8-6, 8-7 and 8-8 for development in flood fringes, regulatory floodways, and SFHA or floodplains where no floodways have been identified (zones A, AO, AH, AE, A1-A30, A99, VO, V1-30, VE, V, M or E), the following requirements shall be met:

(1) *Public health standards*.

a. No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE.

b. New and replacement water supply system, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing ail manholes or other aboveground openings located below the FPE are watertight.

(2) *Carrying capacity and notification*. For all projects involving channel modification, fill or stream maintenance (including levees), the flood-carrying capacity of the watercourse shall be maintained. In addition, the village shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(3) *Protecting buildings*.

a. All buildings located within a 100-year flood plain also known as SFHA, shall be protected from flood damage below the flood protection elevation. However, existing buildings located within a regulatory floodway shall also meet the more restrictive appropriate use standards included in section 8-7. The building protection criteria applies to the following situations:

1. Construction or placement of a new building;

2. A structural alteration to an existing building that either increases the first floor area by more than twenty (20) percent or the building's market value by more than fifty (50) percent. This alteration shall be figured cumulatively, beginning with any alteration which bas taken place subsequent to April 1, 1990;

3. Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and

4. Installing a travel trailer on a site for more than one hundred eighty (180) days.

b. This building protection requirement may be met by one of the following methods.

1. A residential or nonresidential building, when allowed, may be constructed on permanent land fill in accordance with the following:

(i) The lowest floor, (including basement) shall be at or above the flood protection elevation.

(ii) The fill shall be placed in layers no greater than one (1) foot deep before compaction and should extend at least ten (10) feet beyond the foundation of the building before sloping below the flood protection elevation. The top of the fill shall be above the flood protection elevation. However, the ten (10) foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures. The fill shall be protected against erosion and scour. The fill shall not adversely effect the flow or surface drainage from or onto neighboring properties.

2. A residential or nonresidential building may be elevated in accordance with the following:

(i) The building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to floodwaters and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. The permanent openings shall be no more than one (1) foot above grade, and consist of a minimum of two (2) openings. The openings must have 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.

(ii) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so

as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.

(iii) Ali areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and ail electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service facilities may be located below the flood protection elevation.

(iv) No area below the flood protection elevation shall be used for storage of items or materials.

(v) Manufactured homes shall be 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 Ill. Adm. Code 870. In addition, all manufactured homes shall meet the following elevation requirements:

A. In the case of manufactured homes placed or substantially improved outside of a new manufactured home park or subdivision, ii. in a new manufactured home park or subdivision, iii. in an expansion to an existing manufactured home park or subdivision, or iv. in an existing manufactured home park or subdivision on which a manufactured home bas incurred substantial damage from a flood, the top of

the lowest floor shall be elevated to or above the flood protection elevation.

B. In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least thirty-six (36) inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.

(vi) Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of subsection (3)b.2.(v) unless:

A. They are on site for less than one hundred eighty (180) consecutive days; and

B. They are fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices and has no permanently attached additions.

3. Only a nonresidential building may be structurally dry floodproofed (in lieu of elevation) provided that a registered professional engineer shall certify that the building has been structurally dry floodproofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and

hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Floodproofing measures shall be 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.

4. Nonconforming structures located in a regulatory floodway may remain in use, but may not be enlarged, replaced or structurally altered. A nonconforming structure damaged by flood, tire, wind or other natural or manmade disaster may be restored unless the damage exceeds fifty (50) percent of its market value before it was damaged, in which case it shall conform to this chapter.

(Ord. No. 4-13-93, § 1000; Ord. No. 12-28-93, §§ 11-14)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 12.

Sec. 8-10. Other development requirements.

(a) The board of trustees shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.

(b) New subdivisions, manufactured home parks, annexation agreements, and planned unit developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with sections 8-6-8-9 and the need to minimize flood damage. Plats or plans for new subdivisions, manufactured home parks and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act (Illinois Revised Statutes, chapter 109, section 2).

(c) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.

(d) The board of trustees shall not approve any planned unit development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this chapter. (Ord. No. 4-13*93, § 1100)

Sec. 8-11. Variances.

(a) No variances shall be granted to any development located in a regulatory floodway, as defined in section 8-2. However, when a development proposal is located outside a regulatory floodway, and whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the board of appeals for a variance. The variance board shall review the applicant's request for a variance and shall submit its recommendation to the board of trustees.

(b) No variance shall be granted unless the applicant demonstrates that:

(1) The development activity cannot be located outside the SFHA;

(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 the public health, safety, beneficial stream uses and functions, especially aquatic habitat or creation of a nuisance;

(5) There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing or repairs to streambeds and banks, roads, utilities or other public facilities;

(6) The provisions of sections 8-6(c) and 8-8(c) shall still be met;

(7) The activity is not in a regulatory floodway;

(8) The applicant's circumstances are unique and do not represent a general problem; and

(9) The granting of the variance will not alter the essential character of the area involved including existing stream uses.

(c) The building official shall notify an applicant in writing that a variance from the requirements of section 8-9 that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage;

(2) Increases the risks to the life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.

(d) Variances requested in connection with restoration of a site or building listed on the National Register of Historical Places or documented as worthy of preservation by the state historic preservation agency may be granted using criteria more permissive than the requirements of subsections (b) and (c), subject to the conditions that:

(1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and

(2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(Ord. No. 4-13-93, § 1200; Ord. No. 12-14-93A, § 21; Ord. No . 12-28-93, § 15; Ord. No. 5-23-95, § 7)

Sec. 8-12. Disclaimer of liability.

The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage. This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance

on this chapter or any administrative decision made lawfully thereunder. (Ord. No. 4-13-93, § 1300)

Sec. 8-13. Penalty.

(a) Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation, the building official may determine that a violation of the minimum standards of this chapter exist. The building official shall notify the owner in writing of such violation.

(b) If such owner fails after ten (10) days notice to correct the violation:

(1) The village may make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter.

(2) Any person who violates this chapter shall, upon conviction thereof, be fined not less than fifty dollars ($60.00) or more than one thousand dollars ($1,000.00) for each offense.

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The village may record a notice of violation on the title to the property.

(c) The village shall inform the owner that any such violation is considered a willful act to increase flood damages and therefor, may cause coverage by a standard flood insurance policy to be suspended.

(d) Nothing in this section shall prevent the village from taking such other lawful action to prevent or remedy any violations. Ali costs connected therewith shall accrue to the person or persons responsible.

(Ord. No. 4-13-93, § 1400; Ord. No. 12-14-93A, §§ 22-25)

Sec. S.14. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. This chapter is intended to repeal the original ordinance or resolution which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the village passed in order to establish initial eligibility for the program. (Ord. No. 4-13-93, § 1500)

Chapter 9

GARBAGE AND REFUSE*

Sec. 9-1. Garbage pickup established.

Sec. 9-2. Charge for pickup.

Sec. 9-3. Receptacle required.

Sec. 9-4. Deposits in streets prohibited.

Sec. 9-5. Dumping material on public ways or vacant private property.

*cross references-Buildings and building regulations, Ch. 5; flood damage prevention and control, Ch. 8; health and sanitation, Ch. 10; licenses, permits and miscellaneous business regulations, Ch. 12; mobile homes and mobile home parka, Ch. 1.3; water, sewers and sewage disposal, Ch. 21.

Sec. 9-1. Garbage pickup established.

There is hereby established a garbage pickup system for the village, to include service to all buildings unless otherwise provided. Owners may provide for collection by private contractors but must provide evidence of such contract to the village. (Code 1972, § 91.001)

Sec. 9-2. Charge for pickup.

The fee for garbage and rubbish collection by the village shall be a monthly charge as established by the mayor and board of trustees from time to time payable in advance. (Code 1972, § 91.005)

Sec. 9-3. Receptacle required.

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

(b) It shall be the duty of every such occupant to deposit nothing but garbage or paper in the receptacle provided for the same, and nothing but tin cans or bottles in the receptacle provided for the same. (Code 1972, § 91.015)

Sec. 9-4. Deposits in streets prohibited.

No garbage or refuse of any kind shall be deposited in any street, alley or public way, excepting as is provided in this chapter, and no such refuse shall be so placed so that it can be blown or scattered by the wind. (Code 1972, § 91.030; Ord. No. 10-25-83, § 1)

Sec. 9-5. Dumping material on public ways or vacant private property.

(a) It shall be unlawful for the owner and/or the operator of any vehicle used in the transportation of any refuse, junk, dirt, excavated material or any other material, to dump the contents of such vehicle, in whole or in part, on any public way or vacant public or private property in the village without having first obtained permission of the owner of such property to do so.

(b) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or be imprisoned in the county jail for a period not exceeding six (6) months, or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Code 1972, § 91.030; Ord. No. 10-25-83, § 1; Ord. No. 9-ll-90A, § 2)

Chapter 10

HEALTH AND SANITATION*

Article I. In General

Sec. 10-1. County health laws adopted.

Sec. 10-2. Board of health.

Sec. 10-3. Appointment of officers.

Secs. 10-4-10-25. Reserved.

Article II. Littering

Sec. 10-26. Short title.

Sec. 10-27. Definitions.

Sec. 10-28. Public littering prohibited.

Sec. 10-29. Receptacles to be used.

Sec. 10-30. Litter in gutters prohibited.

Sec. 10-31. Merchants' littering prohibited.

Sec. 10-32. Litter thrown from vehicles.

Sec. 10-33. Truck loads causing litter.

Sec. 10-34. Litter in parks

Sec. 10-35. Litter in lakes and fountains.

Sec. 10-36. Commercial handbills.

Sec. 10-37. Dropping litter from aircraft..

Sec. 10-38. Posting notices prohibited.

Sec. 10-39. Litter on occupied private property.

Sec. 10-40. Owner to maintain premises .

Sec. 10-41, Litter on vacant lots.

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Article m. Noise

Sec. 10-61. Unnecessary noises prohibited.

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Article IV. Nuisance•

Sec. 10-71. Common law nuisances.

Sec. 10-72. Nuisances defined.

Sec. 10-73. Nuisances prohibited.

Sec. 10-74. Notice to abate.

Sec. 10-75. Abatement by village.

Sec. 10-76. Penalties.

*Cross references—Garbage and refuse, Ch. 9; food and food handlers, § 12-26 et se4.; nursing homes and similar facilities, § 12-121 et seq.; water, sewers and sewage disposal, Ch. 21.

ARTICLE I. IN GENERAL

Sec. 10-1. County health laws adopted.

The ordinances, resolutions, rules and regulations of the county pertaining to health and sanitation applicable to unincorporated areas in the county are hereby adopted by reference and are declared to be applicable to the village.

Sec. 10-2. Board of health.

(a) There is hereby created a board of health of the village to consist of three (3) members appointed by the mayor with the consent of the board of trustees.

(b) Each member shall serve for a period of three (3) years. (Code 1972, § 92.001)

Sec. 10-3. Appointment of officers.

The chief health inspector of the village shall be appointed by the mayor and board of trustees. All other health inspectors shall be appointed by the board of health with the consent of the board of trustees. (Code 1972, § 92.002)

Secs. 10-4-10-25. Reserved.

ARTICLE II. LITTERING

Sec. 10-26. Short title.

This article shall be known and may be cited as "The Village of Robbins Anti-Litter Ordinance." (Code 1972, § 93.001)

Sec. 10-27. Definitions.

The following words, terms and phrases, and their derivations, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aircraft means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle means a litter storage and collection receptacle as required and authorized in the village refuse collection system ordinance.

Commercial handbill means any printed or written matter, any sample or circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature which:

(1) Advertises for sale any merchandise, product, commodity, or thing; or

(2) Directs 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

(3) Directs attention to or advertises 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; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not obscene under state law; provided

that, nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this village; or

(4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter means garbage, refuse, and rubbish as such terms defined in this section, and all other waste material which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety and welfare.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

Noncommercial handbill means any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper, as provided in this section.

Park means a park, reservation, playground, recreation center or any other public area in the village, owned or used by the village and devoted to active or passive recreation.

Private premises means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

Public place means any and all streets, side-walks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Refuse means all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Code 1972, § 93.005)

Cross references— Definitions and rules of construction generally, § 1-2.

Sec. 10-28. Public littering prohibited.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the village except in public receptacles, in authorized private receptacles for collection, or in official village dumps.
(Code 1972, § 93.010)

Sec. 10-29. Receptacles to be used.

Persona placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
(Code 1972, § 93.015)

Sec. 10-80. Litter in gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persona owning or occupying property, shall keep the sidewalk in front of their premises free of litter.
(Code 1972, § 93.020)

Sec. 10-81. Merchants' littering prohibited.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the village shall keep the sidewalk in front of their business premises free of litter.
(Code 1972, § 93.025)

Sec. 10-32. Litter thrown from vehicles.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the village, or upon private property.
(Code 1972, § 93.030)

Sec. 10-33. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the village unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the village, the wheels or tires of which carry into or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.
(Code 1972, § 93.035)

Sec. 10-84. Litter in parks.

No person shall throw or deposit litter in any park within the village except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part or the park or upon any street or other public place. Where public receptacles are not provided, ail such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article.
(Code 1972, § 93.040)

Sec. 10-35. Litter in lakes and fountains.

No person shall throw or deposit litter in any fountain, pond, stream or any other body of water in a park or elsewhere within the village.
(Code 1972, § 93.045)

Sec. 10-36. Commercial handbills.

(a) No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the village.

(b) No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(c) No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "No 'Trespassing," "No Peddlers or Agents/ ''No Advertisement," or any similar notice or indication in any matter that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(d) No person shall throw, deposit or distribute any commercial or noncommercial handbills in or upon private premises which are inhabited, except by handling or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, however, that, in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalk, street, or other public place, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(e) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
(Code 1972, § 93.050)

Sec. 10-37. Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the village any letter, handbill or any other object.
(Code 1972, § 93.055)

Sec. 10-38. 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, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.
(Code 1972, § 93.060)

Sec. 10-89. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the village, whether owned by such person or not, except that the owner or person in control of private property may 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 street, sidewalk or other public place or upon any private property.
(Code 1972, § 93.065)

Sec. 10-40. Owner to maintain premises.

The owner or person in control of any private property shall at al1 times maintain the premises free of litter; provided, however, that, this section shall not prohibit the storage of litter in authorized private receptacles for collection.
(Code 1972, § 93.070)

Sec. 10-41. Litter on vacant lots.

(a) No person shall throw or deposit litter on any open or vacant private property within the village whether owned by such person or not.

(b) The village health inspector shall give notice to the owner of inhabited private property or vacant private property within the village or to the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail, addressed to the owner at his last known address.

(c) Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety o welfare within three (3) days after receipt of written notice provided for in paragraph (b) of this section, or within seven (7) days after the date of such notice in the event the same is returned to the village postal service office because of its inability to make delivery thereof, provided the same was properly addressed t.o the last known address of such owner, or agent, the village health inspector is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the village.

(d) When the village has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six (6) percent per annum from the date of completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the village, and the charge shall be due and payable by the owner at the time of payment of such bill.

(e) Where the full amount due the village is not paid by such owner within seven (7) days after the disposal of such litter, as provided for in paragraphs (b) and (c) of this section above, the village health inspector shall cause to be recorded in the recorder's office of the county a sworn statement showing the costs and expenses incurred for the work, the date the work was done and the location of the property on which such work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment bas been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further, shall be subject to a delinquent penalty of six (6) percent if the same is not paid in full on or before the date the tax bill upon . which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that ail legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.
(Code 1972, § 93.075)

Secs. 10-42-10-60. Reserved.

ARTICLE III. NOISE

Sec. 10-61. Unnecessary noises prohibited.

It shall be unlawful for any person within the village to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise which either annoys, disturbs, injures, or endangers the comfort, repose, convenience, health, peace, or safety of others within the limits of the village. (Code 1972, § 93.200)

Sec. 10-62. Prohibited noises.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article, but such enumerations shall not be deemed to be exclusive, namely:

(1) *Homs, signaling devices, etc*. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of this village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) *Radios, phonographs, etc*. The playing, using, operating, or permitting to be played, used or operated. of any radio receiving set, musical instruments, phonograph, jukebox, television receiving set, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or with louder volume than is necessary for the convenient hearing for the persons who are in the room, chamber, vehicle, or outdoor area, within the village limits, in which or where such machine or device is played, used or operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, jukebox or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of fifty (50) feet from the location of such set, instrument, or device, shall be prima evidence of the violation of this section.

(3) *Loudspeakers, amplifiers for advertising, etc*. The playing, using, operating, or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or any other machine or device for the producing or reproducing of sound which is cast upon the public streets of the village for the purpose of commercial advertising or of attracting the attention of the public to any building or structure.

(4) *Yelling, shouting, etc*. Yelling, shouting, whistling, or singing on the public streets of the village, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any tune or place 80 as to annoy, or disturb the peace, quiet, comfort or repose of persons in any office, or in any dwelling, hotel, or other

type of residence, or of persona in the vicinity, within the limits of the village.

(5) *Animals, birds, etc*. The keeping of any animal or bird shut up or tied up in any yard, enclosure, stable, house or other place within the village which, by barking, bowling, crying, singing, or causing frequent or long continued noise, shall disturb the comfort or repose of persons in the vicinity.

(6) *Steam whistles*. The blowing within the limits of the village of any steam whistle attached to any stationary boiler, except to give warning of the time to begin or stop work; as a warning of fire, danger, or other emergency, or upon request of proper village authorities.

(7) *Engine exhaust*. The discharge into the open air within the village of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, or motor vehicle, except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.

(8) *Defect in vehicle or load*. The use within the village of any wagon, cart, automobile, truck, motorcycle, or other vehicle, so out of repair or loaded in such manner or with material of such nature as to create loud and unnecessary grating, grinding, rattling, or other noises.

(9) *Schools, courts, churches and hospitals*. The creation within the village of an excessive noise in the vicinity of any school, institution of learning, church, court, nursing home or hospital while the same is in use, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the nursing home or hospital, provided conspicuous signs are displayed in the vicinity of any such building indicating that the same is a school, nursing home, hospital, court, or church.

(10) *Hawkers, peddlers, etc*. The shouting and crying within the village of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood. (Code 1972, § 93.205)

Secs. 10·68-10.70. Reserved.

ARTICLE IV. NUISANCES

Sec. 10.11. Common law nuisances.

In all cases where no provision is made defining what are iltiisan.ces and how the same may be removed, abated or prevented, in addition to what may be declared such in this article, those offenses which are known to be the common law of the land, the statutes of the state and other ordinances of this village may, in case the same exists within the village limits, be treated as such and proceeded against as provided in this article. (Ord. No. 5-12-98A, § 1)

Sec. 10·72. Nuisances defined.

Whatever is dangerous to human health or renders ground, water, air or food dangerous or injurious to human health, the following specific acts, conditions and things, each and all of them are hereby declared to constitute nuisances:

(1) *Offensive substances*.

a. The deposit or accumulation of any foul, decaying or putrescent substance, or other offensive matter, in or upon any private or public place.

b. The storage of any foul, decaying or putrescent matter in liquid or solid form in any vault, cesspool or other receptacle.

c. The overflow of any foul liquid or the escape of any gases to such an extent that the same shall become or be likely to become hazardous to health or shall by reason of offensive odors, become a source of discomfort to persons living in or passing by the vicinity thereof.

(2) *Animal carcasses; offal*.

a. 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. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any watercourse, lake, pond, spring, well, common sewer or public place.

(3) *Water pollution*. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake to the injury or prejudice of others.

(4) *Obstructions and encroachments*. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places and ways to burying places.

(5) *Offensive businesses*. 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 to the public.

(6) Unauthorized advertising. To advertise wares or occupation 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 corporate authorities.

(7) *Improper building construction*.

a. A building or a portion of a building occupied as a dwelling which is not lighted and ventilated by means of at least one (1) window in each room, said room opening to outer air.

b. A building, or dwelling unit in said building, which is not provided with a plentiful supply of pure water.

c. A building, or dwelling unit in said building, which is not provided with one (1) sink for each family, said sink to be connected to sewerage system or a properly constructed cesspool if no sewer main is available.

(8) *Stagnant ponds*. The accumulation of water in which mosquito larvae may breed.

(9) *Spitting in public*. It shall be unlawful to spit or expectorate in or on any public place, or in or on the premises of any store, theater, hall, public vehicle or other place frequented by the public or to which the public is invited.

(10) *Improper fill*.

a. It shall be unlawful to fill any lot, parcel or piece of property with garbage.

b. Property which is filled with stones, concrete or other similar material, excluding soil, shall be leveled and covered with a minimum of three (3) inches of soil.

(Ord. No. 5-12-98A, § 2)
Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 10-73. Nuisances prohibited.

It shall be unlawful for any person to permit or maintain the existence of any nuisance in fact on any property under the control of said property, whether such nuisance is specifically recognized by this article or not.
(Ord. No. 5-12-98A, § 3)

Sec. 10-74. Notice to abate.

When a nuisance is created, or in fact exists, notice of same shall be given to the person who created or caused such nuisance. If such person is unknown, then notice shall be given to the person occupying the land where said nuisance is located. Notice shall also be given to the person who is listed as the person who is obligated to pay the general taxes on said property as disclosed by the tax rolls in the county collector1s office. The notice shall be in writing and delivered in person to the person entitled to notice or sent by registered or certified mail. The notice shall contain a description of the nuisance location and shall direct that the nuisance be abated within five (5) days after the delivery of said notice. If said nuisance is not abated within five (6) days, then the chief of police or the building commissioner may take the necessary steps to abate the nuisance.
(Ord. No. 5-12-98A, § 4)

Sec. 10-75. Abatement by village.

The chief of police, the building commissioner and the health inspector are hereby authorized to abate any such nuisance after notice as provided in section 10-74. In the event of any imminent danger to the health and safety of the village and its citizens, the nuisance may be abated summarily by the chief of police, the building commissioner or the health inspector.
(Ord. No. 5-12-98A, § 5)

Sec. 10-76. Penalties.

Any person violating any provisions of this article shall be fined not less .than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a nuisance occurs or continues.
(Ord. No. 5-12-98A, § 6)

Chapter 11

HUMAN RELATIONS*

Article I. In General

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Article II. Commission

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Sec. 11-57. Solicitations.

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ARTICLE I. IN GENERAL

Secs. 11-1-11-25. Reserved.

ARTICLE 11. COMMISSION

Sec. 11-26. Created; composition; members' terms; purpose.

(a) There is hereby created a commission on human relations consisting of thirteen (13) mem-bers who are residents of the municipality, who shall each serve for terms of three (3) years, after the initial members. Each member shall be ap-pointed, and the chairman and vice-chairman shall be annually designated by the chief execu-tive officer of the municipality, with the advice and consent of the board of trustees.

(b) The purpose of the commission shall be to foster, encourage and stimulate the improvement of human relations among and between citizens of all races, colors, creeds, national origins and eco-nomic and educational levels so as to provide ail individuals with an equal opportunity to grow, participate and share to the best of their ability in the economic, educational, political, social and judicial systems.
(Ord. No. 5-18-86, § 7)

Sec. 11-27. Duties—Generally.

To improve human relations in the municipal-ity, the duties of the commission on human rela-tions shall include, but shall not be limited to:

(1) Advising the elected officials and staff' on human relations matters.

(2) Serving as an educational arm of the municipality in fields of human relations to all persons, areas, groups and institu-tions in the municipality.

(3) Acting. as a bridge between municipal government, citizens, and citizens groups.

(4) Performing as a catalyst in improving human relations and equitable living con-ditions.

(5) Carrying on research and studies in the field of human relations in an effort to equalize opportunities and lessen preju-dice and discrimination based on race, color, religion, sex, creed, physical or men-tal handicap, ancestry or national origin.

(6) Performing an advocacy role by assisting and encouraging citizen residents in the pursuit of their rights under the laws of the state, the United States, and the ordinances of the municipality.

(7) Performing other duties as may be as-signed to it by the corporate authorities.

(Ord. No. 5-13-86, § 7)

Sec. 11-28. Same—Additional duties.

(a) The commission on human relations shall provide for the exchange of information related to the provisions of article III of this chapter among real estate brokers and salesmen, bankers, lend-ers, municipal officials and community groups within and outside the municipality.

(b) The commission shall provide educational material and make recommendations to eliminate discrimination, and shall take such further steps as it may determine are appropriate to further the purposes of article III of this chapter.
(Ord. No. 5-13-86, § 12)

Sec. 11-29. Meetings; rules; reports.

The commission on human relations shall meet regularly and adopt its own rules of procedure, and all meetings shall be held in accordance with such rules. The commission shall submit to the municipality an annual report and such special reports as it may from time to time deem advis-able.
(Ord. No. 5-13-86, § 7)

Sec. 11-30. Investigatory powers.

When authorized by the corporate authorities by resolution, the commission on human relations may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter un-der investigation and hearing. The chairman may sign a subpoena which may be served by any police officer of the village or by any person lawfully authorized to serve a subpoena under the laws of the state. The attendance of witnesses or the production of documentary evidence may be required at such designated place of the hearing within the municipality and before the commission as a whole, or before a duly constituted committee of the commission. Witnesses summoned before the commission, or a committee of the commission, shall be paid the same fees and mileage that are paid witnesses in the circuit court. In case of disobedience by a person to the subpoena, the commission may petition the circuit court of the county for an order requiring the attendance and testimony of witnesses, for the production of documentary evidence, or both. The chairman of the commission or the commission member conducting the hearing is authorized to administer oaths and is required to provide for the preservation of ail testimony taken.
(Ord. No. 5-13-86, § 7)

Secs. 11-31—11-45. Reserved.

ARTICLE III. FAIR HOUSING

Sec. 11-46. Short title.

This article may be known and cited as the "Fair Housing Ordinance.11
(Ord. No. 5-13-86, § 1)

Sec. 11-47. Policy.

It shall be the policy of the municipality and the purpose of this article, in the exercise of the police and regulatory powers of the municipality, for the protection of the public safety, for the health, morale, and for the maintenance and promotion of commerce, industry and good government in the municipality, to prevent and eliminate segregation, and to secure to all persons living and working in the municipality and to ail persons desiring to live and/or work in the municipality the right to purchase, lease, rent, finance or occupy real estate without discrimination based on race, color, religion, sex, creed, physical or mental handicap, ancestry or national origin.
(Ord. No. 5-13-86, § 2)

Sec. 11-48. Definitions.

As used in this article, the following terms have the following meaning:

Administrator means the person designated by the corporate authorities of the municipality to administer the provisions of this article.

Affirmative marketing means coming to a full understanding of the detrimental effects of a dual housing market, then working, actively to attract to a development of a community members of racial and/or ethnic groups which would not ordinarily be expected to be attracted in the normal mechanisms of the

commercial market, thus using that understanding to modify the behavior of the homeseeker.

Board means the fair housing review board.

Commission means the commission on human relations.

Homeowners means individuals selling or leasing the home in which they live and own.

Housing provider means any real estate broker listing or showing real estate in the municipality, and any developer, owner, lessee, sublessee, assignee, managing agent, or other person, firm, or corporation having the right to sell, rent, lease, or sublease two (2) or more housing units within the municipality.

Lease includes any sublease, assignment, or rental and any contract to do any of the foregoing.

Lending institution means any bank, insurance company, savings and loan association or any other person in the business offending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees u agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which loans or instruments are secured by title to or a security interest in real estate.

Owner means any person who bolds legal or equitable title to, or owns any beneficial interest in any real estate.

Person includes one (1) or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or organizations of any kind.

Purchase includes any contract to purchase.

Real estate agent means any real estate broker, any real estate salesman, and any other person who, as employee or agent or otherwise, engages in the sale, rental, management or operation of any real estate. This term includes persons sometimes known as "finders" who seek to locate and match buyers with sellers and/or lessors with lessees.

Real estate broker means any person required by law to be licensed as a real estate broker.

Real estate salesman means any person required by law to be licensed as a real estate salesman.

Real estate transaction means the purchase, sale, exchange, rental or lease of any real estate, or an option to do any of the foregoing or any negotiations, listing or contracts in connection therewith.

Solicitation includes solicitation by mail, by telephone, by distribution of written or printed material, or in person.

Target population means that population, nonminority or minority, which is not presently being attracted to the municipality and is not participating regularly in the marketplace of the municipality.

(Ord. No. 5-13-86, §§ 4, 15, 16(A)(1H4))

Cross reference--Definitions and rules of construction generally, § 1-2.

Sec. 11-49. Review board.

(a) There is hereby created a fair housing review board consisting of nine (9) persons, residents of the municipality, who shall each serve for a term of three (3) years, after the initial members' terms. No person shall simultaneously serve as a member of the board

and of the human relations commission of the municipality. Each member shall be appointed, and the chairman and vice-chairman shall be annually designated by the chief executive officer of the municipality, with the advice and consent of the board of trustees.

(b) The board's duties shall include:

(1) Receiving and investigating complaints charging discrimination in housing, seeking conciliation of such complaints and compliance with this article.

(2) Holding hearings and making findings of fact and recommendations in accordance with the provisions of this article.

(3) Adopting, promulgating, amending and rescinding rules, regulations and procedures.

(4) Administering oaths and taking sworn testimony at hearings.

(c) The board shall have power to subpoena witnesses and pertinent documents, and its subpoena power may be enforced by proper petition to any court of competent jurisdiction.

(d) The board may hold meetings which are closed to the public, but only for the purpose of conciliating complaints of discrimination.

(e) The board shall make an annual report to the corporate authorities of the municipality concerning its activities and shall communicate its recommendations related thereto. (Ord. No. 15-13-86, § 8)

Sec. 11-50. Administrator.

An administrator of this article shall be appointed by the chief executive -officer of the municipality, with the advice . and consent of the board of trustees. ·The administrator, who may hold another position in the municipality, shall have such duties and responsibilities as are provided in this article and additionally as may be provided by the corporate authorities. (Ord. No. 6-13-86, § 9)

Sec. 11-51. Prohibited discriminatory acts.

No owner, lessee, or sublessee of real estate, real estate agent, lending institution, or agent of any of the foregoing, shall discriminate against any person because of race, color, sex, religion, creed, physical or mental handicap, ancestry or national origin, or the race; color, sex, religion, creed, physical or mental handicap, ancestry or national origin of the person's friends, guests, or associates, in regard to any real estate transaction. Without limiting the foregoing, it is a viola-tion of this article-for any person to:

(1) Publish or circulate, or cause to be published or circulated any written materials or oral statements or announce a policy or use any form of application for the pur-chase, lease, rental or financing of real estate or make any record or inquiry in connection with the prospective purchase, rental or lease of real estate which ex-press any limitation or discrimination be-cause of race, color, religion, sex, creed, physical or mental handicap, ancestry or national origin.

(2) Deceive, or overcharge any person for real estate in the municipality or to make any discrimination against any person based on race, color, religion, sex, creed, physi-cal handicap, ancestry or national origin as to the conditions or

privileges of any kind relating to the sale, rental, lease or occupancy of real estate.

(3) Discriminate based on race, color, creed, religion, sex, physical or mental handi-cap, ancestry or national origin or partic-ipate in discrimination in connection with borrowing or lending money, guarantee-ing loans, accepting mortgages or other-wise obtaining OJ' making available funds for the purchase, acquisition, construc-tion, rehabilitation, repairs or mainte-nance of any real estate in the municipal-ity.

(4) Solicit or to enter into an agreement for the sale, lease or listing for sale, or lease, of any real estate within the municipality on grounds of loss of value due to the present or prospective entry into any neigh-borhood of any person of any particular race, color, religion, sex, creed, physical or mental handicap, ancestry or natural origin.

(5) Distribute or cause to be distributed any written material or make any oral state-ment designed to induce any owner of any real estate within the municipality to sell or lease because of any present or prospec-tive changes in the race, color, religion, sex, creed, physical or mental handicap, ancestry or national origin of persona on any given street, block, neighborhood or community.

(6) Make any misrepresentations concerning the race, color, religion, sex, creed, physi-cal or mental handicap, ancestry or national origin of persons in a locality or any part thereof for the purpose of inducing or discouraging a listing for sale or rental or the sale or rental of any real estate.

(7) Refuse to show, sell or rent or otherwise to make unavailable real estate because of race, color, religion, sex, creed, physical or mental handicap, ancestry or national or-igin.

(8) Refuse or fail to offer to show to any person who has specified his needs, and affirmed disability to finance the pur-chase or lease of real estate, records identifying all available real estate reasonably meeting such specifications.

(9) Discriminate in the sale of insurance in connection with real estate or the ap-praisal of real estate or to differentiate in lending in connection with mortgage loans to be secured by real estate in the munic-ipality because of race, color, religion, sex, creed, physical or mental handicap, ances-try or national origin of the persons living in the municipality or in the particular neighborhood of the property to be used as security for loans or because of prospec-tive or present changes in such categories of such persons living in the municipality or in the neighborhood of the property to be used as security for the sale mortgage loan. For the purpose of this paragraph, differentiation in lending shall include:

a. Refusal to make loans; or ·

b. Differentiation in the type of loans including interest rates, charges to buyer or seller, duration and amount of loan; or

c. Influencing appraisals in connection with loans; or

d. Delaying processing of loan applica-tions.

(10) Intentionally create any alarm or fear of the residents of a neighborhood commu-nity by transmitting in any manner, in-cluding telephone, any warnings or threats or other communications designed to in-duce owners to sell or lease real estate because of any present or-prospective en-try into the community of persons of a particular race, color, religion, sex, creed, physical or mental handicap, ancestry or national origin.

(11) Enter into a listing agreement which pro-hibits the sale or rental of real estate to any person because of race, color, religion, sex, creed, physical or mental handicap, ancestry or national origin

(12) Act or undertake to act as a real estate broker or real estate salesman with re-spect to any property the disposition of which is prohibited to any person because of race, color, religion, sex, creed, physical or mental handicap, ancestry or national origin.

(13) Volunteer information on the race, color, religion, sex, creed, physical or mental handicap, ancestry or national origin of the residents of a community or part thereof in any manner which reasonably would be expected to influence a person to restrict or limit his consideration. of real estate for purchase or lease.

(14) Influence or attempt to influence by any words or acts a prospective seller, pur-chaser, occupant, landlord or· tenant of real estate, in connection with viewing, buying or leasing of real estate, so as to promote, or tend to promote, the continu-ance or maintenance of racially and reli-giously segregated housing, or so as to retard, obstruct or discourage racially in-tegrated housing on or in any street, black, neighborhood or community.

(15) Make differential treatment against any person to his detriment because of race, color, religion, sex, creed, physical or men-tal handicap, ancestry or national origin.

(16) Pay a commission or any consideration for acts or services performed in violation of this article.

(Ord. No. 5-13-86, § 5)

Sec. 11-52. Exemptions.

(a) This article shall not apply to the rental, lease or the use of any room in an owner-occupied single-family dwelling.

(b) Nothing in this article shall bar any reli-gious or denominational institution or organiza-tion or any charitable or educational organization operated, supervised or controlled by or in con-nection with a religious organization from limit-ing living accommodations or giving preference with respect thereto to persons of the same reli-gion or denomination.

(c) Nothing in this chapter shall require an owner or others to offer for sale or lease real property to the public at large where any

appli-cable federal, state or local laws or ordinances provide otherwise.

(d) Nothing in this article shall be interpreted. as prohibiting or discouraging any person engaged as a real estate agent or otherwise .engaged in a real estate transaction from affirmative mar-keting; that is, taking special care to make minor-ity group people positively aware of housing op-portunities in areas where they are presently underrepresented in the current housing de-mand, and similarly taking special care to make nonminority people positively aware of housing opportunities in areas where they are presently underrepresented in the housing demand.

(e) Nothing in this article shall prevent any person from maintaining records in furtherance of the purposes of this article.

(f) Nothing in this article shall prohibit provi-sions for housing counseling. (Ord. No. 5·13-86, § 6)

Sec. 11-53. Complaints and enforcement.

(a) Proceedings under this article shall be commenced by the filing of a complaint, within sixty (60) days of the alleged violation, with the administrator. The complaint shall contain a short and plain statement of the alleged violation, the name and an address of the person charged and shall be signed by the aggrieved party or the commission on human relations by its chairman or vice chairman. The aggrieved party may be assisted in the filing of the complaint by members of the commission on human relations.

(b) After the complaint is filed, the administrator shall, within five (5) days, serve a copy of the complaint personally or by certified mail, return receipt requested, on the person charged and shall furnish copies thereof to the fair housing review board.

(c) If the administrator determines that the allegations, as stated in the complaint, is true, would constitute a violation of this article, the complaint shall be investigated. If it is found by that investigation that the allegations appear to be supported by the facts, a time and place shall be set for a conference and the parties notified. At such conference, the administrator shall interview the complainant and the person against whom the complaint bas been filed and shall attempt to resolve the same by conciliation.

(d) If the administrator determines that the allegation, as stated in the complaint, if true, would not constitute a violation of this article, or if it is found by an investigation that the allegations appear not to be supported by the facts, the administrator shall dismiss the complaint an notify all parties thereof.

(e) If the administrator is unable to conciliate the complaint within fourteen (14) days of the filing of the complaint, he shall promptly notify the chairman of the fair housing review board, and the board shall promptly hold a hearing on the complaint.

(f) If, in the discretion of the administrator and in an emergency situation, immediate court action is necessary, he may at any time request the municipal attorney to file a complaint in any court of competent jurisdiction for a fine, injunction, or other appropriate relief. Such action may be taken even though administrative hearings on the complaint are still pending before the board.

(g) At hearings conducted by the board, not less than three (3) of the same members of the board, must be present at all tunes. Only those

members who have attended all hearings may participate in the final determination of the complaint. At the conclusion of the hearings, the board shall render a written report with findings of fact and recommendations which shall be served by certified mail, return receipt requested, upon the ·complaint and the respondent or their attorneys when represented by counsel. Such decision of the board must receive the affirmative consent of a majority of those members of the board who have been present at all the hearings above referred to. Such report shall be rendered on or before sixty (60) days after the date of the first hearing, unless such time has been waived by agreement of the complainant and the respondent or their attorneys and accepted by the board. Nothing in this section shall preclude a complainant from withdrawing a complaint at any time after filing.

(h) The board may recommend that the corporate authorities direct the municipal attorney to file with the state or any 9ther agency or organization a complaint against any person found guilty of violating any provision of this article, seeking suspension or revocation of the license issued to such person by the state, or other appropriate relief.

(i) If a respondent bas been found by the board to be guilty of a violation of this article, in accordance with the procedures specified herein, the determination of the nature and extent of the penalty shall be vested in the entire board.

j) If a complaint is dismissed by the administrator or if there is a refusal to act on a complaint, the complaint shall be forwarded to the fair housing review board by the administrator together with reasons therefor. The board shall review every complaint thus filed.

(k) If a majority of the board determines after such review that probable cause exists for the allegations made in the complaint, the board shall set a date for a full hearing as above provided and follow the procedure accordingly.

(l) After a hearing, if a majority of the board determines that a respondent bas not engaged in any unlawful practice, it shall state its findings in writing and dismiss the complaint.

(m) Any person aggrieved in any manner by a violation of this article who has exhausted the administrative remedies provided in this article, may apply to any court of competent jurisdiction for appropriate relief from such violation, includ-ing:

(1) An order compelling compliance with this article.

(2) An order to prohibit any person found by the court to have violated this article from the sale, lease, exchange, transfer, convey-ance, or assignment of any real property.

(3) Compensatory damages.

(4) Such other and further relief as may be deemed appropriate by the court for the enforcement of this article and the elimi-nation of violations thereof.

These remedies shall be available notwithstand-ing the imposition of other penalties as are pro-vided for violations of the ordinances of the mu-nicipality. (Ord. No. 5-13-86, § 10)

Sec. 11-54. Record keeping.

All persons subject to the application of this article shall maintain such records as may be necessary to demonstrate compliance with the provisions of this article. (Ord. No. 6-13-86, § 11)

Sec. 11-55. Counseling.

In order to encourage the development of a racially integrated and stable community, noth-ing in this chapter shall be construed to prohibit any person from referring a prospective tenant or purchaser ·to the human relations commission of the municipality for counseling. Counseling which may be conducted by the human relations com-mission in connection with applicants so referred shall consist of:

(1) Furnishing statistical data regarding the racial composition of blocks, neighbor-hoods and school districts.

(2) Furnishing data regarding the policy of the municipality to promote and maintain racial diversity.

(3) Furnishing data regarding state guide-lines in connection with minority enroll-ment in schools.

(Ord. No. 5-13-86, § 13)

Sec. 11-56. Notification of intent to sell or rent residential property.

The purpose and intent of this article is to promote stable, racially integrated housing and to eliminate or prevent segregation in housing. Ali owners, agents, brokers, or any individual or legal entity having ownership or control of any residen-tial property which is offered for sale or rental within the municipality shall n9tify the building commissioner within five (5) days after the first real estate listing agreement is entered into, and/ or public notification of such intent to sell or rent is made, whichever shall occur first. (Ord. No. 5-13-86, § 14)

Sec. 11-57. Solicitations.

The following procedures shall be followed in connection with any listing or offer to list residen-tial real property for sale, lease or rental within the municipality:

(1) Before any real estate broker, salesman, or agent enters into any form of solicita-tion for listing of residential real estate for sale, lease, or rental within the munic-ipality such broker, salesman, or agent shall complete and file with the clerk a statement, on the form provided, stating the particular block(s), street(s), or ar-ea(s) to be solicited, the proposed date(s) of such solicitation, and a statement that such solicitation will not violate fair hous-ing laws.

(2) The statement required by subparagraph (1) of this section must be filed with the clerk no less than thirty (30) nor more than sixty (60) days prior to the date on which the proposed solicitation will take place if authorized.

(3) A copy of such statement shall be immediately transmitted by the clerk to the human relations commission, for their consideration. The commission shall thereupon and in any case within two (2) weeks of the proposed date of the solicitation review such statement and the attendant circumstances. If the commission finds that the proposed solicitation would be detrimental to the principles and policies set forth in this article, or fair housing laws, they shall

make written findings and so notify the clerk and the applicant(s) for solicitation privileges in writ-ing. Such notification shall operate as a denial of such privileges. If the commis-sion deems that the proposed solicitation would not be detrimental as above, they shall so· notify the clerk and the appli-cant(s), and such notification shall oper-ate as a granting of such privilege, subject to the remaining terms of this section.

(4) Applicants for authority to solicit, as pro-vided above, may appear before the com-mission in support of their applications, or in order to modify the same so as to merit approval which would otherwise be denied.

(5) The commission will not approve re-peated solicitation of the same persons or households, by the same real estate bro-kerage or sales firm or their agents or salesmen, at an interval of less than six (6) months.

(Ord. No. 5-13-86, § 15)

Sec. 11-58. Affirmative marketing.

(a) Before any housing provider can sell, rent, lease or sublease any residential housing unit in the municipality, he must prepare and file an affirmative marketing plan, on forms as required by the municipality that:

(1) Complies with the regulations and standards required by the municipality.

(2) Identifies advertisements in publications whose general circulation appears to appeal to the target population as well as advertisements in publications of general circulation.

(3) Indicates the contacts that have been or will be made with the municipality, fair housing centers, other interested organizations and large employers in the area seeking assistance in implementation of the affirmative marketing plan to the target population.

(4) Details:

a. Samples of advertising (brochures, pictures, copy, mailers, billboards, etc.) which accurately depict the di-verse social, ethnic life-style of mu-nicipality;

b. Date or where such will be dis-played, when, and for what length of time;

c. The current statue of education and training of staff in affirmative mar-keting in conformity with training manuals, supplied by the municipality.

(5) Indicates, when appropriate, the training to be done with sales/rental staff in mar-keting dwelling units to the target popu-lation, including training in federal, state and local fair housing laws.

(6i Indicates agreement to report monthly to the human relations commission of the municipality, giving traffic and sales/rental data from the time that the dwell-ing unit(s) is (are) offered for sale or rent to the completion of such transaction(s).

(b) Upon submitting the affirmative market-ing plan as outlined above in paragraph (a) of this section, signed by the housing provider, the plan shall be reviewed by the human relations

commis-sion and, upon approval of the commission, be- come a binding affirmative marketing agreement. (Ord. No. 5wl3-86, § 16)

Sec. 11-59. Penalty.

Any owner, agent, broker, individual or legal entity violating any provision of this article shall be subject to punishment as provided in section 1-14 of this Code for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. No. 5-13-86, § 14)

Chapter 12

LICENSES, PERMITS, AND MISCELLANEOUS BUSINESS REGULATIONS*[2]

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[2] *Cross references—Duty of commissioner of public works regarding issuance of permits, $ 2-208 et seq.; retail license for alcoholic liquor, $ 3-41 et seq.; dog licenses, $ 4-46 et seq.; building permits personally, $ 5-3; licensed plumber required for plumbing work, $ 5-303; permits for signs, $ 5-324; permits for construction in floodplains, $ 3-9; mobile home park operator's license and construction permit, $ 13-46 et seq.; permit required for planting trees or bushes in public streets or parkways, $ 19-1; removal permit required for removing trees and shrubs from public places, $ 19-2; taxicab vehicle license, $ 20-41 et seq.

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ARTICLE I. IN GENERAL

Sec. 12-1. Businesses requiring licenses.

It is hereby made a requirement that certain businesses operating in the village be licensed. Such licenses shall be issued by the village clerk. The clerk shall keep a list of all businesses requiring licenses. Such list and the fees for such licenses shall be as established and revised by the mayor and board of trustees from time to time.

(Code 1972, $$ 110.001, 110.005; Ord. No. 3-11-86A, $ 1)

Sec. 12-2. License renewal.

All business licenses shall be renewed annually.
(Code 1972, $ 110.010)

Secs. 12-3—12-25. Reserved.

ARTICLE II. FOOD AND FOOD HANDLERS

DIVISION 1. GENERALLY

Sec. 12-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

Food means and includes meat, fish, fowl, milk and milk products, vegetables, fruit, condiments, confectionery, beverages (except alcoholic beverages), and all products of every sort intended or used for human consumption.

Food establishment means and includes every shop, place or premises, where any food, as herein defined, is sold or offered for sale, and the equipment and foods herein contained. For the purpose of this article such establishments shall be classified as follows: groceries and meat markets.

Grocery means an establishment for the retail sale of any or all foods except raw, fresh or frozen meats, fish, poultry and game. This definition includes also delicatessen shops and fruit and vegetable stores.

Meat market means an establishment for the retail sale of raw, fresh or frozen meats, fish, poultry or game.
(Code 1972, $ 113.001)

Cross reference—Definitions and rules of construction generally, $ 1-2

Sec. 12-27. License.

(a) ***Required; application.*** No person shall engage in the business of operating any meat market or grocery in the village without first obtaining a license therefor. Application for such license shall be made, and the license issued pursuant to provisions set forth from time to time by the board of trustees.

(b) ***Fees.*** The annual license fee for the operation of a meat market or a grocery store shall be set by the board of trustees.
(Code 1972, $$ 113.005, 113.010)

Sec. 12-28. Sale of unwholesome food prohibited.

No food of any kind which is not healthy, fresh, sound, wholesome and safe for human food shall be brought into the village or stored, kept or offered for sale within the village.
(Code 1972, $ 113.015)

Sec. 12-29. Misrepresentation.

No food shall knowingly be bought, sold, held, offered for sale, labeled or any representation made in respect thereof under a false name or quality as respects wholesomeness, soundness or safety for food or drink.
(Code 1972, $ 113.020)

Sec. 12-30. Meat inspection.

No meat shall be offered for sale within the village which has not been subject to regular inspection by the Bureau of Animal Industry of the United States Department of Agriculture, or in such other manner as is specified by law.
(Code 1972, $ 113.025)

Sec. 12-31. Sanitation in food establishments.

Every owner, lessee or person in charge of any shop, store, room or premises where food is prepared, packed, stored, kept or offered for sale shall maintain such shop, store, room or premises in a thoroughly clean and sanitary conditions, adequately drained, lighted, plumbed and ventilated with regard to the health of all persons employed therein and the cleanliness and wholesomeness of such food. All woodwork therein shall be kept thoroughly painted and the walls, floors and

counters shall be kept clean.
(Code 1972, $ 113.030)

Sec. 12-32. Equipment.

All shelving and equipment used in connection with the preparation, storing, display, distribution or sale of food, and all vehicles used for the transportation thereof, shall be kept in a clean and sanitary condition. All containers for refuse or waste food or food products subject to spoiling or decomposition shall be removed from the premises daily. The clothing of all persons employed in any food establishment shall be kept clean at all times. (Code 1972, $ 113.035)

Sec. 12-33. Production of foods.

All foods and food products which are exposed or offered for sale shall at all times be protected from flies, dust, dirt and other contamination. No food shall be exposed or stored on the sidewalk or outside any place of business or in any open door or window, nor b transported upon a pubic or private way, unless they are covered by cases of glass, wood, metal, paper or other proper covering. No vegetables or fruit to be sold for human consumption shall be displayed or stored except in clean receptacles. Bo bakery or dairy food products or food prepared for immediate consumption, such as cooked meat, mince meat, pickles, sauerkraut, candy or similar products, shall be displayed except in glass cases or under proper covers. Raw meats shall be kept in a strictly sanitary condition. No fruits, vegetables, meats, seafoods, confectionery or other articles kept or offered for sale for human food shall be stored or displayed in any shop or store unless they are placed on a platform elevated above the floor level or otherwise suitably protected from contamination from the floor and refuse thereon. (Code 1972, $ 113.040)

Sec. 12-34. Proper doors, screens required.

All buildings or parts thereof used or maintained for the purpose of the manufacture, distribution or sale of food or food products shall be provided with proper doors and window screens adequate to prevent contamination of the food by flies. (Code 1972, $ 113.045)

Sec. 12-35. Sleeping in food establishment prohibited.

No person shall sleep or be allowed to sleep in any room where food is manufactured, prepared for sale, stored, served, or sold.
(Code 1972, $ 113.050)

Sec. 12-36. Diseased employees.

No employer shall require or permit any person who is affected with any contagious or venereal disease to work, and no person so affected shall work in any building or in any vehicles used for the production, storage, sale, transportation or distribution of food.
(Code 1972, $ 113.055)

Sec. 12-37. Toilets and lavatories.

All groceries, meat markets, restaurants, and food factories shall be supplied with sanitary toilets and with sanitary lavatories with running water. Lavatories and washrooms shall be furnished with soap, running water and clean towels and be maintained in a sanitary condition. Clerks, employees, operatives and all persons handling food shall wash their hands thoroughly before beginning work and after visiting the toilet. No person shall expectorate on food, utensils, floors or side walls in any food establishment.
(Code 1972, $ 113.060)

Sec. 12-38. Inspection.

Every owner, lessee or person in charge of any food establishment shall allow the duly authorized inspectors or agents of the board of health to enter into and to inspect such premises and equipment and all articles there held or offered for sale, and shall answer all reasonable questions asked by such inspectors or agents relating to the condition thereof.
(Code 1972, $ 113.065)

Sec. 12-39. Dogs prohibited.

No owner of or person having the care or custody of any dog, other than a guide dog wearing a harness and accompanying a blind, hearing impaired or physically handicapped person, shall permit such dog to enter or remain in any food establishment. (Code 1972, $ 113.070)

Secs. 12-40—12-55. Reserved.

DIVISION 2. RESTAURANTS

Sec. 12-56. Definition.

For the purposes of this division the term "restaurant" shall mean any establishment wherein refreshments, whether food or drink, are sold and served to the public for consumption on the premises, including, but without limitation thereto, ordinaries, lunch rooms, cafeterias, ice cream parlors, soda fountains and retail drugstores serving counter lunches or drinks.
(Code 1972, $ 113.100)

Cross reference—Definitions and rules of construction generally, $ 1-2

Sec. 12-57. License required; application.

No person shall conduct or operate a restaurant within the village without first obtaining a license so to do. Application for such license shall be made to and the license shall be issued as provided by the board of trustees.
(Code 1972, $ 113.105)

Sec. 12-58. Sanitation of premises.

Every keeper of a restaurant shall at all times keep the premises wherein such restaurant is located clean and in a proper hygienic and sanitary condition. All utensils, appliances, vessels, receptacles, refrigerators, pantries, rooms, and any other place or thing which is used for the purpose of storage, preparation, cooking or serving of foods, shall at all times be kept in a clean, wholesome and sanitary condition. No decayed, unwholesome or impure food of any kind whatsoever shall be kept, sold, offered for sale or served in any restaurant. (Code 1972, $ 113.115)

Sec. 12-59. Soda fountains, utensils.

All soda water fountains and all places where any soda water or nonintoxicating drink of any kind or ice cream is sold or offered for sale, shall be kept in a clean and sanitary condition and there shall be a sufficient supply of glasses, dishes, spoons and other utensils to serve such refreshments in a clean and sanitary manner, and all such glasses, dishes, spoons and other utensils shall be washed in clean, hot, soapy water and thoroughly rinsed after each time such glasses, dishes, spoons and other utensils are used.
(Code 1972, $ 113.120)

Sec. 12-60. Protection of foods.

All food which is received and which is intended to be used or prepared for human consumption upon being received by any person in any food dispensing establishments, shall be adequately protected from dust, flies, vermin and insects.

Sec. 12-61. Inspection; samples.

The board of health shall from time to time cause the examination and inspection of all premises wherein restaurants are conducted, for the purposes of ascertaining whether the provisions of this division and the laws of the state relative to the keeping of restaurants are being complied with, and shall cause all such ordinances and laws to be strictly enforced. Every keeper of a restaurant shall permit such inspections to be made, and when required, shall on receiving payment therefor, furnish samples of any food kept, sold, offered for sale or served in such restaurant which samples shall be examined or analyzed by or under the direction of such board of health; a record of such examination or analysis shall be made and kept on file in the office of the board of health.
(Code 1972, $ 113.130)

Secs. 12-62—12-75. Reserved.

DIVISION 3. FOOD DELIVERY VEHICLES

Sec. 12-76. License—Required.

It shall be unlawful to use or permit the use of any vehicle, including wagons and motor vehicles and vehicles propelled by human power for the storage or carrying of any meat, poultry, fish, butter, cheese, lard, vegetables, bread or bakery products, or any other provisions intended for human consumption, including beverages, in the village for the purpose of delivering any such foodstuffs to any place in the village for use and consumption at wholesale or retail, unless a license for such vehicle is first; secured and the provisions of this article are fully complied with.
(Code 1972, $ 113.200)

Sec. 12-77. Same—Application; fees.

(a) Applications for food delivery vehicle licenses shall be made to the village clerk, and shall recite the name and address of the owner of the vehicles, the

names of the persons from whom such deliveries are made, and the nature of the goods carried. The clerk shall issue such licenses, and shall give to the president a list of all such licenses issued.

(b) The annual fee for such licenses shall be fifteen dollars ($15.00) for such vehicle, and shall be issued for one (1) year. Such fees shall be paid to the village clerk who shall turn them over to the village treasurer.
(Code 1972, $ 113.205)

Sec. 12-78. Same—Revocation.

Any license issued under the provision of this division may be revoked by the mayor for any violation of any regulation hereof and such revocations shall be in addition to any fine imposed by virtue of this division.
(Code 1972, $ 113.999)

Sec. 12-79. Exemption.

No license fee shall be required for any vehicle used to deliver foodstuffs from any establishment in the village, but all provisions of this chapter, other than that providing for the payment of a fee, shall be complied with in connection with such vehicles.
(Code 1972, $ 113.210)

Sec. 12-80. Sanitary regulations.

(a) All food delivery vehicles shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day they are so used. It shall be unlawful to permit stale food, decaying matter, or any other waste material or product to accumulate in or on any such vehicle while it is so used.

(b) If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and inspects.
(Code 1972, $ 113.215)

Sec. 12-81. Inspections.

It shall be the duty of the mayor to make or cause to be made such inspections as may be necessary to ensure compliance with the provisions of this article.
(Code 1972, $ 113.220)

Secs. 12-82—12-100. Reserved.

ARTICLE III. JUNK DEALERS*

Sec. 12-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fence means and includes any place for the purchase, reception, or keeping of stolen goods.

Junk means and includes automobile iron, chain, brass, copper, tin, lead, or other base metals, rope, bags, rags, wastepaper, paper clippings, scrape of woolens, clips, begging, rubber and glass, and empty bottles of different kinds and sizes when the number of each kind or size is less than one (1) gross, 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 means and includes every person that shall engage in the business of buying, selling, bartering, or exchanging, or that shall collect, receive, store, or hold in possession for sale, barter, or exchange any of the things defined herein as junk, whether dealing at wholesale or at retail, or as a junk peddler.

Junkyard means any yard, place, or enclosure other than a junk store where junk is bought, sold, bartered, or exchanged, either at wholesale or retail, or where junk is collected, received, stored, or held in possession for resale, barter, or exchange, either at wholesale or retail.

Retail junk dealer means and includes every person that shall engage in the business of buying, selling, bartering, or exchanging, or that shall collect, receive, store, or hold in possession for sale, barter, or exchange any of the things defined herein as junk where the usual and customary purchases consist of quantities of less than the amounts customarily purchased by wholesale junk dealers as herein defined, or purchases from junk peddler as herein defined who does not occupy premises leased or purchased especially for the purpose of such business shall not be deemed a retail junk dealer under the terms of this article.

Wholesale junk dealer means and includes every person engaged in the business of buying, selling,

bartering, or exchanging in large quantities, or that shall collect, receive, store, or hold in possession for sale, barter, or exchange in large quantities any of the things defined herein as junk; provided that, dealing in large quantities shall be understood to mean that the customary and usual separate transactions both of purchase and sales shall consist of the purchase or sale of car load lots, or lots of ten (10) tons or more of metals or lots of ten (10) bales or more of rags, and correspondingly large lots of any other junk dealt in; provided, further, that purchases of old or waste metals in large quantities shall be regarded as wholesale junk dealers unless they actually operate within the villae a plant for the smelting or refining of such metals.
(Code 1972, $ 114.001)

Cross reference—Definitions and rules of construction generally, $ 1-2.

Sec. 12-102. License—Required; application.

(a) No person shall operate as a junk dealer nor engage in the business of keeping a junk store or junkyard without first licensed for such business. Every person that shall engage in both a retail junk business and a wholesale junk business shall procure a separate license for each, and if more than one (1) retail junk business, for each such retail business. A separate license shall be procured by every junk dealer for each separate junk store or junkyard located on separate premises and for each junk wagon used in the business. Where a junk store and a junkyard located upon the same or contiguous or adjoining premises are conducted or operated by the same person, such business shall be considered as one (1) business and only one (1) license shall be required therefor, except where such person shall be engaged in both wholesale and retail junk business.

(b) An application for any of the license under this article shall be made in conformity with the general requirements of ordinances relating to applications for licenses. In addition, the applicant shall set forth that the purpose of his business is to engage in the retail junk business or the wholesale junk business, as the case may be and that such person will observe and comply with all provisions of this article now in force or which may hereafter be passed respecting retail junk dealers and wholesale junk dealers, respectively, as the case may be.

(c) Every person applying for a license as a junk dealer shall state in his written application that he has not kept, conducted or operated and that he has not been convicted of keeping, operating or conducting, a fence within one (1) year prior to the date of such application. Every corporation making application for a license as a junk dealer shall state in its written application that it has not, not has any of its officers, stockholders, or employees, kept, operated, or conducted or been convicted of keeping, operating or conducting a fence during the period of one (1) year to the date of such application. (Code 1972, $ 114.005)

Sec. 12-103. Same—Fees.

The annual license fee for a retail or wholesale junk dealer shall be payable in semiannual installment in the amount of one-half of the annual fee.
(Code 1972, $ 114.010)

Sec. 12-104—12-120. Reserved.

ARTICLE IV. NURSING HOMES AND SIMILAR FACILITIES*

DIVISION 1. GENERALLY

Sec. 12-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person making application for a license under this article.

Home for the aged means any home operated not for profit under the auspices of a religious, fraternal, charitable or other nonprofit organization, or operated not for profit under an endowment, which through its ownership or management, and as its principal objective, provides maintenance, person care, nursing or sheltered care to aged person, and in the conduct of which provides such service or services to not less than three (3) persons over sixty (60) years of age, who are not related to the applicant or owner by blood or marriage.

Maintenance means food, shelter and laundry.

Nursing means professional nursing or practical nursing, as these terms are defined in the Illinois Revised Statutes, chapter 111, paragraph 3503, as the same is now or may hereafter be amended, for

sick or infirm persons who are under the care and supervision of licensed medical practitioners.

Nursing home means a private home, institution, building, residence, or other place, whether occupied for profit or not, for the infirm, which provides, through its ownership or management, maintenance personal care or nursing for three (3) or more persons, not related to the applicant or owner by blood or marriage, who by reason of illness or physical infirmity, are receiving such care.

Personal care means assistance with meals, dressing, transportation and movement, and such other general oversight of the physical well-being of the residents of the home, exclusive of nursing, as may be required by their condition.

Owner means, in the case of a license who is an individual, the licensee, and in the case of a firm, partnership or association licensee, each member thereof.

Resident means any person admitted to a nursing home, sheltered care home or home for the aged for care.

Sheltered care means maintenance and personal care.

Sheltered care home means a private boarding home, institution, building, residence, or other place operated for profit, which through its ownership or management, provides sheltered care to three (3) or more adults who are not related to the applicant or owner by blood or marriage. (Code 1972, $ 116.001)

Cross reference—Definitions and rules of construction generally, $ 1-2

Sec. 12-122. Compliance with state regulations required.

Each facility licensed under this article shall comply with the minimum standards established by the state department of public health.

Sec. 12-123. Minimum standards.

(a) The building used as a nursing home, sheltered care home, or home for the aged as defined by section 12-121, shall comply with the building and zoning provisions and fire regulations of the village, and the minimum standards for nursing homes, sheltered care homes and homes for the aged as prescribed by the board of health.

(b) If, in those cases permitted by this section, a single or multiple dwelling is used for a home as herein defined, and such dwelling has sleeping accommodations above the first story, it shall be provided with at least two (2) stairways, each of which shall be not less than three (3) feet wide. Each such stairway shall be enclosed with walls, partitions, floors and ceilings of noncombustible construction or of construction consisting of wood studs or wood joists and a noncombustible surface material providing fire resistance of not less than one (1) hour, the door openings of which shall be protected by self-closing Class B fire-resistive doors. A separate door exit shall be provided for each such stairway and for each exit from the basement to the outside of the building.
(Code 1972, $ 116.050)

Sec. 12-124. Isolation room.

(a) Each nursing home, sheltered care home or home for the aged shall be provided with a suitable room or rooms, approved by the board of health, to be used for cases of serious illness, terminal cases and for the isolation of cases of contagious, infections, epidemic or communicable diseases. The room or rooms thus provided shall have a stationary wash-stand with hot and cold running water supply.

(b) It shall be the duty of every person conducting or operating any nursing home, sheltered care home or home for the aged within the city to cooperate with the board of health in minimizing the danger of transmission of communicable diseases as set forth in the rules and regulations promulgated by the board of health.
(Code 1972, $ 116.055)

Sec. 12-125. Removal of the dead.

(a) There shall be provided in each home referred to in section 12-124 a suitable room or area approved by the board of health for the proper care of the dead pending their removal after the person has been pronounced dead by a duly licensed physician admitted to practice in the state.

(b) No person acting as superintendent or manager, or who is otherwise in charge or control of any nursing home, sheltered care home or home for the aged, nor any person connected with any nursing

home, sheltered care home, or home for the aged, in any capacity whatsoever as nurse, physician, or attendant, shall order, permit or allow the body of any resident or person who has been under care in such nursing home, sheltered care home, or home for the aged, and, who shall have died therein to be removed from such home at any time within twenty-four (24) hours after the hour of death, unless the removal of such body has been authorized in writing by some member of the immediate family of such deceased person or by some other person legally authorized to order or permit such a removal; provided that, no body shall be kept at any nursing home, sheltered care home, or home for the aged longer than thirty-six (36) hours after death without permission from the board of health. (Code 1972, $ 116.060)

Sec. 12-126. Records required.

(a) Each nursing home, sheltered care home or home for the aged shall maintain individual records for each resident and shall include resident's admission record, which record shall show the name, address, age, sex, marital status, information required for the filling in of death certificate, and the date of admission and discharge or disposition of each resident in the home, a medical record, physician's order record, nursing notes, and list of resident's belongings.

(b) Accurate records of financial transactions involving use of resident's funds shall be on file in the nursing home, sheltered care home or home for the aged.

(c) Personnel files shall be maintained for all employees and shall include records of education, experience, and findings of physical examinations as to physical and mental fitness and also showing freedom from any communicable disease. Daily work and time schedule of employees shall be maintained.

(d) Each home shall maintain a permanent residents' registry book in which the name of each resident is entered in chronological order with the date and number of entry.

(e) All records shall be open at all times to the inspection of the board of health or its duly aythorized representatives.
(Code 1972, $ 116.065)

Sec. 12-127. Rules and regulations.

Nursing homes, sheltered care homes or homes for the aged shall comply with rules and regulations set forth by the board of health. In addition, the board of health may adopt and enforce rules and regulations relating to the operation and conduct of nursing homes, sheltered care homes or homes for the aged, and the care, treatment, rehabilitation, recreation, and maintenance of the residents of such homes as it shall deem necessary.
(Code 1972, $ 116.070)

Sec. 12-128. Certain reports required.

(a) It shall be the duty of every person conducting or operating any nursing home, sheltered care home or home for the aged within the city to make a report to the board of health daily, by telephone and by mail of all epidemic, communicable, or contagious diseases. Such daily reports shall contain the names and residences of all persons suffering from any of these diseases, together with such other information as may be required by the board of health.

(b) It shall be the further duty of all such persons to make written reports to the board of health on or before the fifth day of each calendar month, showing a complete record of such nursing home, sheltered care home or home for the aged during the preceding month, including the names and addresses of residents who have died during the month, the cause of each death, and such other information as may be specified by the board of health.

(c) All reports required under this section shall be made in full upon forms furnished for that purpose by the board of health, and shall be signed by the chief physician, manager or licensee in charge of such nursing home, sheltered care home, or home for the aged.
(Code 1972, $ 116.075)

Sec. 12-129. Homes subject to inspection.

Every home regulated by this article shall be open at all reasonable times to inspection by the board of health, the building department and the fire department, as often as is deemed necessary. (Code 1972, $ 116.080)

Sec. 12-130. Spiritual treatment.

Nothing in the provisions of this article or the rules and regulations adopted pursuant thereto shall be construed as authorizing the medical supervision,

regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination. A license is required and all remaining rules and regulations and minimum standards shall apply. (Code 1972, $ 116.085)

Sec. 12-131. Mandatory closing.

Whenever an inspection of a nursing home, sheltered care home for the aged discloses that the continued operation of such home would be found to be an immediate and serious menace to public health and safety, the president of the board of health or the village president is hereby authorized to close such home forthwith. (Code 1972, $ 116.090)

Sec. 12-132. Penalty.

Any person violating any of the provisions of this article shall be punished as provided in section 1-14 of this Code. If any person is convicted by any court of record for a violation of any of the provisions of this article relating to the health, safety and accommodations of patients or residents, it shall be the duty of the board of health and it is hereby authorized and empowered to close such nursing home, sheltered care home, or home for the aged, and to cause its vacation of all residents or patients therefrom, pending the repairs, alterations or additions necessary to make it safe and proper for the occupancy of its patients or residents and to make it comply with the terms of this chapter. (Code 1972, $ 116.999)

Secs. 12-133—12-150. Reserved.

DIVISION2. LICENSES

Sec. 12-151. Required.

It shall be unlawful for any person other than the regularly constituted authorities of the United States, the state, the county, or the city to conduct or operate any nursing home, sheltered care home or home for the aged within the city without first obtaining a license therefor. (Code 1972, $ 116.005)

Sec. 12-152. Application; fee; exemption.

(a) Application for a license to conduct and operate a nursing home, sheltered care home, or home for the aged, shall be made in conformity with the general requirements of the board of trustees relating to applications for licenses. The application shall be under oath and shall contain:

(1) The name and address of the applicant if an individual and if a firm, partnership, or association, of every member thereof, and in the case of a corporation, the name and address thereof and of its officers, and in the case of a municipality or political subdivision, the name and address of its chief executive officer.

(2) The location of the home for which a license is sought.

(3) The name of the person under whose management or supervision the home will be conducted.

(4) The number and type of residents for which maintenance, personal care, or nursing is to be provided.

(5) Such information relating to the number, experience and training of the employees of the home, and of the moral character of the applicant and employees as the Chicago board of Health may deem necessary. Each application shall be accompanied by a statement relative to the financial status of the applicant.

(b) The annual fee for a license to conduct a nursing home, sheltered care home or home for the aged shall be set by the board of trustees.

(c) Homes which are operated without a charge being made for the care of inmates shall be exempt from the payment of a license fee. An application for license for such home shall be accompanied by an affidavit stating that no charge is made for the care of inmates. After investigation by the board of health and upon the recommendation of that body any home that is not operated for gain, but where a charge is made for the care of patients, shall be exempt from payment of the license fee provided for in paragraph (b) of this section by a specific ordinance of the village board. Such exemption shall continue only for the duration of the license period. (Code 1972, $$ 116.010, 116.015)

Sec. 12-153. Investigation of applicant.

The village clerk, upon the receipt of an application for a license under this division, shall cause the board of health, the fire department and the building department to make a thorough investigation of the premises proposed to be licensed and if satisfied that the minimum standards prescribed in section 12-123 are met, and if the applicant is otherwise qualified, the village clerk shall, pursuant to a favorable report from the above-named departments of their findings in writing, issue a license to the applicant to conduct a home of the class designated at the location specified, which license shall state the maximum number of residents that may be accommodated at any one (1) time.
(Code 1972, $ 116.025)

Sec. 12-154. Denial—Generally.

If the application for a license under this division is denied, the applicant may, within thirty (30) days thereafter, file a petition for review of the action denying such application, which petition shall be under oath and shall be filed with the hearing board as provided herein.
(Code 1972, $ 116.030)

Sec. 12-155. Same-Hearing board.

The mayor shall appoint a hearing board consisting of the president of the board of health, the fire commissioner, the commissioner of buildings, the village attorney, and the city collector or a duly qualified employee designated by the head of the department in which such person is employed. The board shall pass on applications for license for nursing homes, shelter care homes, homes for the aged which have been denied for any of the following reasons:

(1) Failure to meet the minimum standards prescribed in this article.

(2) Conviction of the applicant, or if the applicant is a firm, partnership or association of any of its members, or if a corporation, any of its officers or directors, or of the person designated to manage or supervise the home, of a felony or of two (2) or more misdemeanors involving moral turpitude as shown by a certified copy of the record of conviction, or in the case of a conviction of a misdemeanor by a court not of record, as shown by other evidence or other satisfactory evidence that the moral character of the applicant, manager or supervisor of the home is not reputable.

(3) Personnel insufficient in number or unqualified by training or experience to provide, proper and adequate care for the number and type of residents.

(4) Insufficient financial or other resources to operate and conduct the home in accordance with the requirements of this article and the minimum standards, rules and regulations promulgated thereunder.

(Code 1972, $ 116.035)

Sec. 12-156. Display; transferability.

The license required by this division shall be displayed in a conspicuous place in the hall or near the main entrance inside the home. A license shall be valid only in the hands of the person to whom it is issued and it shall not be subject to sale, assignment, or other transfer, voluntary or involuntary, nor shall a license be valid for any premises other than those for which originally issued. Licensees shall conform to all standards, riles and regulations of the board of health relating to the operation of the types of homes covered by this article. (Code 1972, $ 116.020)

Sec. 12-157. Revocation; renewal.

A license issued under this division may be revoked, or a renewal thereof denied, for any of the following reasons:

(1) Cruelty or indifference to the welfare of a resident.

(2) Misappropriation of the property of a resident.

(3) Conversion of the property of a resident.

(4) Violation of any provision of this article or of the minimum standards, rules and regulations promulgated thereunder.

(5) Any ground upon which an application for a license may be denied as prescribed thereunder.
(Code 1972, $ 116.040)

Sec. 12-158. Hearing procedure on revocation or denial.

(a) The hearing board may, upon the petition of an applicant whose petition for license has been denied, or upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for the denial of an application for a license, the refusal of renewal of a license and the revocation of a license, investigate the applicant or licensee. Before denying an application or refusing to renew a license, or revoking a license, the board shall notify the applicant or licensee, in writing, of a hearing to be held thereon. Such notice shall specify the date, time and place of the hearing and shall not be less than ten (10) days after the notice is mailed, or delivered in person. The notice shall also state the nature of the charges or reasons for the board's contemplated actions, denial, refusal to renew or revocation of license.

(b) The hearing shall be conducted by the board of the majority thereof and shall permit the applicant or licensee to appear in person and to be represented by counsel at the hearing, at which time the applicant or licensee shall be afforded an opportunity to present all relevant matters in support of his application for license or renewal of license or in resisting the revocation thereof. Such hearing scheduled for a day certain may be continued for some other data if any witness whose testimony is relevant to the issues of such hearing is unable to be present on such day.

(c) The board shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure but shall conduct hearings in such manner as seems best calculated to result in substantial justice.

(d) The hearing board shall make findings of fact and render a decision which shall be entered upon the record of the board. The applicant shall have the right to review such decision as provided herein.

(e) All final administrative decisions rendered by the board shall be subject to judicial review pursuant to the provisions of the Illinois Revised Statutes, chapter 110, paragraph 3-101 et seq., and modifications thereof and the rules adopted pursuant thereto. The term "administrative decision" is as defined in such statute.

(f) The board at its expense shall provide a stenographer to take the testimony and preserve a record of all proceedings under this article. The notice of hearing, the complaint and all other documents in the nature of pleadings and written motions filed in proceedings, the transcript of testimony and the findings of fact and decisions shall be the record of the proceedings of such record to any person interested as a party to such hearing upon payment therefor of such charge as established by the mayor and board of trustees from time to time.

(g) The board shall not be required to certify any record or file any answer or otherwise appear in any proceedings for judicial review unless the party filing the complaint deposits the sum as established by the mayor and board of trustees from time to time per page representing costs of such certification. Failure on the part of the plaintiff to make such deposits shall be grounds for dismissal of the action. Upon judicial review the secretary of the board shall certify the record.
(Code 1972, $ 116.045)

Secs. 12-159—12-175. Reserved.

ARTICLE V. USED CAR LOTS

DIVISION 1. GENERALLY

Sec. 12-176. Proximity of automobiles to boundary lines restricted.

All automobiles or any type vehicles on the premises of a used car lot must be kept within the boundary of two (2) feet of the property line. (Ord. No. 3-11-86, $ 4)

Sec. 12-177. Fences.

Only chain link or other metal fences no more than four (4) feet high, or concrete blocks as "stops" will be permitted for used car lots. (Ord. No. 3-11-86, $ 5)

Sec. 12-178. Premises to be kept clean.

The premises of a used car lot must be kept clean and fee from debris at all lines.
(Ord. No. 3-11-86, $ 6)

Sec. 12-179. Repairs, etc., of vehicles prohibited.

No body, fender, mechanical or repair work, or adjustment of or to vehicle is permitted on the premises of a used car lot.
(Ord. No. 3-11-86, $ 7)

Sec. 12-180. Responsibility for taxes, licenses or assessments.

The owner of a used car lot is solely responsible for all taxes, licensee, or assessments required by federal, state, county or local laws. (Ord. No. 3-11-86, $ 8)

Sec. 12-181. Liability for damages, claims.

The owner of a used car lot shall be solely responsible for the public safety, claims or damages for any injury, or suits arising on or about the premises.
(Ord. No. 3-11-86, $ 9)

Secs. 12-182—12-195. Reserved.

DIVISION 2. LICENSE

Sec. 12-196. Required.

A license is required to operate a used car lot.
(Ord. No. 3-11-86, $ 1)

Sec. 12-197. Application.

(a) To secure a license for a used car lot an application is required.

(b) The application must provide, the name and address of the applicant, address of the business, registered agent, if a corporation, the dimensions of the lot, and the signature of the applicant.
(Ord. No. 3-11-86, $$ 2,3)

Sec. 12-198. Fee.

The license fee for a used car lot shall be such amount as is established by the mayor and board of trustees from time to time prepaid, for a period of one (1) year beginning with the date of acceptance of the application.
(Ord. No. 3-11-86, $ 10)

Secs. 12-199—12-215. Reserved

ARTICLE VI. ENTERPRISE ZONE

Sec. 12-216. Establishment.

(a) The board of trustees herewith establishes an enterprise zone under the provisions of the Illinois Enterprise Zone Act. The enterprise zone, as amended, is established in cooperation with the City of Blue Island, the Villages of Alsip and Robbins, as certified by IDCCA on July 1, 1985, and amended on April 5, 1990, to include the Villages of Calumet Park and Robbins, and again on November 15, 1991, to include Cook County, and shall pending approval by IDCCA, establish inclusion of portions of the village of Alsip outside the present enterprise zone boundaries.

(b) The enterprise zone meets the qualifications of Section four of the Enterprise Zone Act, as described herein;

(1) It is a contiguous area.

(2) It comprises a minimum of one-half square mile and not more than fifteen (15) square miles.

(3) It is a depressed area.

(4) It satisfies the criteria of the state department of commerce and community affairs.

(5) Reasonable need is hereby established for an enterprise zone which covers portions of more than one (1) municipality.

(Ord. No. 8-25-92, $ 1)

Sec. 12-217. Boundaries.

The area identified is described by legal description and map, on file in the office of the village clerk, incorporated herein by reference, made a part hereof and marked “Exhibit A.” Exhibit A includes the description and map.
(Ord. No. 8-25-92, $ 2)

Sec. 12-218. Programs established.

The following programs are established and authorized within the zone in accordance with the Enterprise Zone Act and the provision of this article:

(1) ***Property tax abatement.***

a. Except as provided for in section 12-219 the county clerk is hereby authorized and directed to abate for five (5) years fifty (50) percent of the

ad valorem taxes attributable to the added value of new construction or rehabilitation of industrial or commercial property completed within ten (10) years of this resolution and located within the Cal-Sag Historic Waterways Enterprise Zone;

b. Such abatement shall be allowed only for commercial, industrial or manufacturing property in the enterprise zone in general and provided that such remodeling, rehabilitation or new construction is of such nature and scope for which a building permit is required and has been obtained; and

c. No property within a redevelopment area created pursuant to the Tax Increment Allocation (Section 11-74.4-1 et seq.) shall qualify for a tax abatement under this article.

(2) ***Sales tax.*** Except as provided for in section 12-219 each retailer whose place of business is within the village and who makes a sale of building materials to be incorporated into industrial or commercial real estate located within the enterprise zone by remodeling, rehabilitation, or new construction, may file claims for credit or refund to recover the amount of tax paid under the "Municipal Retailers' Occupation Tax Act," provided that such remodeling, rehabilitation or new construction is of the scope and nature for which a building permit is required and has been obtained.

(3) ***Permit and fee waivers.*** Except as provided in section 12-219 there will be no charge for building permit fees or zoning application fees for commercial and industrial property. All permits and inspections will otherwise continue to follow existing laws.

(4) ***Industrial revenue bond fee reduction.*** There will be no municipal issuer fee charged.

(5) ***Urban shopsteading.*** An urban shopstead program is hereby established and in accordance with Section 10, subsection C of the Illinois Enterprise Zone Act.

(6) ***Program targeting.*** The village agrees to use its eligibility and resources to make available urban development action grants, economic development administration programs, small business administration programs, jobs partnership training act assistance and such other federal and/or state programs as may be eligible.

(7) ***Development streamlining.*** The village shall in its fullest capacity cooperate with and provide assistance to the zone administrator on providing answers to developers' questions regarding municipal rules, regulations, cost, time lines, processes, etc.

(8) ***Additional incentives.*** This section does not prohibit the village from extending additional tax incentives or reimbursements for businesses in the enterprise zone or throughout the village.

(9) ***Village to cooperate with.*** The village will cooperate with designated zone organizations to assist them in their operation.

(Ord. No. 8-25-92, $ 3)

Sec. 12-21. Continuation of benefits for certain groups.

Pursuant to Section 5.4(d), (e) of the Illinois Enterprise Zone Act, all incentives provided for in Sections 3(A), (B), (C) of Ordinance No. 84-12-5 shall continue for the following (2) groups:

(1) Business enterprise which are receiving benefits or incentives in the Cal-Sag Historic Waterways Enterprise Zone on the effective date of the amending ordinance,

(2) Business enterprises or expansions which are proposed or under development on the effective date of the amending ordinance, if the business establishes that:

a. The proposed business enterprise or expansion has been committed to the zone; and

b. Substantial and binding financial obligations have been made; and

c. Such commitments have been made in reasonable reliance on the benefits and programs which were to have been applicable in the zone.

(Ord. No. 8-26-92, $ 4)

Sec. 12-220. Administration.

(a) In accordance with the joint nature of the enterprise zone, a management organization is hereby established and known as the Cal-Sag Historic Waterways Enterprise Zone Administrative Entity (CSHWEZAE). The CSHWEZAE shall be the advocate and advisor for enterprise zone development and shall select designated zone organizations. The CSHWEZAE shall consist of the chief elected official (CEO) of each participating governmental entity, the City of Blue Island, the Village of Alsip of Calumet, Park and Cook County, and one (1) representative appointed by each CEO. A quorum shall be considered two-thirds of the participating governmental entities and a vote shall require a two-thirds majority of participating governmental entities. Before any measure is undertaken, a zone administrator shall be selected by a two-thirds vote of the CEO's of the participating governmental entities. The zone administrator shall have the duties and responsibilities described in Section 8 of the Illinois Enterprise Zone Act and shall be such.

(b) Designated zone organizations shall be selected by a quorum and two-thirds vote of the CSHWEZAE in accordance with subsection (a) and shall meet the following standards:

(1) The membership of a designated zone organization shall consist substantially of residents of the enterprise zone.

(2) The board of directors of a designated zone organization shall consist substantially of residents of the enterprise zone.

(3) A designated zone organization shall meet the requirements of Section 501(c) (3) of the Internal Revenue Code.

(4) A designated zone organization shall have as its primary purpose to perform the functions of Section 8 of the Illinois Enterprise Zone Act for the benefit of the residents and businesses of the Enterprise zone.

(Ord. No. 8-25-92, $ 5)

Sec. 12-221. Duration.

The program established in this article shall expire twenty (20) years from the date of IDCCA certification of the Cal-Sag Enterprise Zone (July 1, 1995).
(Ord. No. 8-25-92, $ 6)

Sec. 12-222. Authority of village.

The mayor will have the authority to execute such documents as may be necessary for making required applications including but not limited to the programs set forth in section 12-218 and to execute such other documents on behalf of the village as are consistent with the intent and purpose of this article. The mayor will serve on the CSHWEZAE and will appoint, with approval of the board of trustees, an additional member to serve on the CSHWEZAE. (Ord. No. 8-25-92, $ 7)

Secs. 12-223—12-240. Reserved.

ARTICLE VII. COIN-OPERATED MACHINES

DIVISION 1. GENERALLY

Sec. 12-241. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cigarette vending machine means any automatic vending machine used for the sale of cigarette and matches, and controlled by the insertion of coins. It shall not include machines or devices used solely for the vending of service, food or confections.

Jukebox means any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or other opening, or by the payment of any price, operates or may be operated, for the emission of songs, music or similar amusement.

Mechanical and electronic or video device means any machine, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines,

pinball machines, skill ball, mechanical grab machines, video game machines an all games, operations, or transactions similar thereto, under whatever name they may be indicated.

Person means and shall include any person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine; provided, however, that, the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this article as to licensing. (Ord. No. 12-11-84A. $ 1)

Cross reference—Definitions and rules of construction generally, $ 1-2.

Sec. 12-242. Hours of operation for minors.

Minors between the ages of eight (8) and seventeen (17) are prohibited from patronizing or being allowed to play any mechanical or electronic or video amusement device in any establishment before 9;00 a.m. or after 9;30 p.m., during summer or holiday vacation periods. During the school year, when school is in session, no such minors shall be permitted to play such device before 4:00 p.m. or after 9:30 p.m.
(Ord. No. 12-11-84A, $ 8)

Sec. 12-243. Prohibitions and restrictions.

(a) No person holding a license under this article shall permit persons under eighteen (18) years of age to operate any cigarette vending machines.

(b) No person holding a license under this article shall permit the playing of jukeboxes, as defined in section 12-241, between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(c) No person shall permit the playing of jukeboxes or mechanical amusement devices within one hundred (100) feet of any church, public or parochial school or playground.
(Ord. NO. 12-11-84A, $ 9)

Sec. 12-244. Gambling devices not permitted.

Nothing in this article shall, in any way, be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law or that may be contrary to any future laws of the state. (Ord. No. 12-11-84A, $ 2)

Sec. 12-245. Seizure and destruction of machine.

If the chief of police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded. If, upon trial of the exhibitor for allowing it to be used as a gambling device, such exhibitor is found guilty, such machines shall be destroyed by the police.
(Ord. No. 12-11-84A, $ 11)

Secs. 12-246—12-270. Reserved.

DIVISION 2. LICENSE

Sec. 12-271. Required.

Any person displaying for public patronage or keeping for operation any cigarette vending machine, jukebox, or mechanical or electronic or video amusement device as defined by section 12-241 shall be required to obtain a license from the village upon payment of a license fee. Application for such license shall be made to the village clerk upon a form to be supplied by the village clerk for that purpose. (Ord. No. 12-11-84A, $ 3)

Sec. 12-272. Application contents.

The application for license required by this division shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth.

(2) Prior convictions of applicant, if any.

(3) Place where the machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of the machine to be covered by the license, mechanical features, name of manufacturer, serial number.

(Ord. No. 12-11-84A, $ 4)

Sec. 12-273. Qualifications of applicant.

No license shall be issued to any applicant for a license under this division unless he shall be over twenty-one (21) years of age and a legal resident of the United States.
(Ord. No. 12-11-84A, $ 4)

Sec. 12-274. Inspection.

(a) Application for a license required by this division shall be made out in duplicate, one (1) copy being referred to the chief of police and the other copy to the village electrical inspector.

(b) The chief of police shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character, and either approve or disapprove the application.

(c) The electrical inspector shall inspect all wiring connections to the machine, determine if the same complies with the electrical code of the village and shall either approve or disapprove the application.

(d) No license shall be issued to any applicant unless approved by the chief of police and the electrical inspector.
(Ord. No. 12-11-84A, $ 5)

Sec. 12-175. Fees.

Every applicant for a license required by this division, before being granted a license, shall pay an annual license fee for the privilege of operating or maintaining for operation each cigarette vending machine, jukebox or mechanical or electronic or video device as defined in section 12-241 herein, in accordance with section 12-1 of this chapter. (Ord. No. 12-11-84A, $ 6)

Sec. 12-276. Display.

(a) The license provided for in this division shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

(b) Such license may be transferred from one (1) machine or device to another similar machine upon application to the village clerk to such effect and the giving of a description and the serial number of the machine or device. No more than one (1) machine shall be operated under one (1) license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

(c) If the licensee shall move his place of business to another location within the village, the license may be transferred to such new location upon application to the village, giving the street and number of the new location. The new location shall be approved by the chief of police and the village electrical inspector in the same manner as provided in section 12-274 of this article.
(Ord. No. 12-11-84A, $ 7)

Sec. 12-277. Revocation.

Every license issued under this division is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any cigarette vending machine, jukebox, electronic or video or mechanical amusement device contrary to the provisions of this article, the ordinances of the village or the law of the state. Such license may be revoked by the village president after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten (10) days' notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence or witnesses in this defense. (Ord. No. 12-11-84A, $ 10)

Sec. 12-278. Term.

Each license issued hereunder shall expire on the thirtieth day of April following the date of its issuance.
(Ord. No. 12-11-84A, $ 6)

ARTICLE VIII. TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

Sec. 12-301. Definitions.

As used in this article, the following terms shall have the following meanings:

Gross charges means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the village, and for all services rendered in connection therewith, 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. The term "gross charges" for private line service shall include charges imposed at each channel point within the village, charges for the channel mileage between each channel point within the village, and charges for that portion of the interstate inter-office channel provided within the village. However, the term "gross charges" shall not include:

(1) Any amounts added to a purchaser's bill because of a charge made under:

a. The fee imposed by this article;

b. Additional charges added to a purchaser's bill under 220 ILCS 5/9-221, 5/9-222 of the public Utilities Act;

c. Amounts collected under 65 ILCS 5/8-11-17 of the Illinois Municipal Code;

d. The tax imposed by the Telecommunication Excise Tax Act;

e. 911 surcharges; or

f. The tax imposed by Section 4251 of the Internal Revenue Code;

(2) Charges for a sent collect telecommunications received outside the village;

(3) Charges for leased time on equipment or charges for the storage of data information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but not limited to, the use of calculators, computers, data process 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 220 ILCS 5/9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the village;

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

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

(8) Charges paid by inserting coins in coin-operated telecommunications devices; or

(9) Charges for telecommunications and all services and equipment provided to the village.

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

Retailer maintaining a place of business in this state, or any like term, means and includes any

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

Sale of telecommunications at retail means 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 (1) such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consideration and not for sale.

Service address means the location of telecommunications equipment from which telecommunication services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, the term "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

Telecommunications 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 services, private line services, specialized mobile radio services, 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. Unless the context clearly requires otherwise, the term "telecommunications" as hereinafter defined. The term "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. The term "telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. The term "telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 USC Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F 76.1550 and following) as now or hereafter amended.

Telecommunications provider means (i) any telecommunications retailer; and (ii) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

Telecommunication retailer or retailer or carrier means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this section. The village may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the village.

Wireless telecommunications includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 USC Section 323(c)(7), as now or hereafter amended, including all commercial mobile radio services and paging services. (Ord. No. 10-14-97, $ 12-301)

Sec. 12-302. Registration of telecommunications providers.

(a) Every telecommunications provider shall register with the village within thirty (30) days after the effective date of the ordinance from which this article was derived or becoming a telecommunications provider, whichever is later, on a form to be provided by the village; provided, however, that any telecommunications retailer that has filed a return pursuant to section 12-304(c) shall be deemed to have registered in accordance with this section.

(b) Every telecommunications provider who has registered with the village pursuant to subsection (a) has affirmative duty to submit an amended registration form or current return as required by section 12-304(c), as the case may be, to the village within thirty (30) days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the village.
(Ord. No. 10-14-97, $ 12-302)

Sec. 12-303. Municipal telecommunications Infrastructure maintenance fee.

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

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

(c) The village telecommunications infrastructure maintenance fee authorized by this section shall be collected, enforced and administered as set forth in section 12-304.
Ord. No. 10-14-97, $ 12-303)

(1) The credit is used only to offset a claim of underpayment made by the village within

Sec. 12-304. Collection, enforcement and administration.

(a) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the village infrastructure maintenance fee attributable to that customer's service address.

(b) Unless otherwise approved by the board of trustees the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the village not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed two (2) percent of the village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(c) Remittance of the municipal infrastructure fee to the village shall be accompanied by a return, in a form to be prescribed by the village, which shall contain such information as the village may reasonably require.

(d) Any infrastructure maintenance fee required to be collected pursuant to this article and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owned by the telecommunications retailer to the village. The charge imposed under section 12-304(a) by the telecommunications retailer pursuant to this article shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(e) if it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this article, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this article, from the telecommunications retailer who made the erroneous payment; provided, however, the village may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three (3) years after the date of the erroneous payment unless:

the applicable statutory period of limitations; and

(2) The credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(f) Amounts paid under this article by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

(1) "Gross charges" for purposes of the Telecommunications Excise Tax Act:

(2) "Gross receipts" for purposes of the municipal utility tax as prescribed in 65 ILCS 5/8-11-2 of the Illinois Municipal Code;

(3) "Gross charges" for purposes of the municipal telecommunications tax as prescribed in 65 ILCS 5/8-11-17 of the Illinois Municipal Code;

(4) "Gross revenue" for purposes of the tax on annual gross revenue of public utilities prescribed in 220 ILCS 5/2-202 of the Public Utilities Act.

(g) The village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this article to determine whether the telecommunications retailer has properly accounted to the village for the village infrastructure maintenance fee. Any underpayment of the amount of the village infrastructure maintenance fee due to the village by the telecommunications retailer shall be paid to the village plus five (5) percent of the total amount of the underpayment determined in an audit, plus any costs incurred by the village in conducting the audit, in an amount not to exceed five (5) percent of the total amount of the underpayment determined in an audit. Said sum shall be paid to the village within twenty-one (21) days after the date of issuance of an invoice for same.

(h) The board of trustees or its designee may promulgate such further or additional regulations concerning the administration and enforcement of this article, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to section 12-302 of such regulations.
(Ord. No. 10-14-97, $ 12-304)

Sec. 12-305. Compliance with other laws.

Nothing in this article shall excuse any person or entity from obligations imposed under any law, including but not limited to:

(1) Generally applicable taxes; and

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

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

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

(Ord. No. 10-14-97, $ 12-305)

Chapter 13

MOBILE HOMES AND MOBILE HOME PARKS*[3]

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Cross references—Buildings and building regulations, Ch 5; civil defense, Ch 6; fire prevention and protection, Ch.7; flood damage prevention and control, Ch. 8; garbage and refuse, Ch. 9; health and sanitation, Ch. 10; licenses, permits and miscellaneous business regulations, Ch. 12; streets and sidewalks, Ch. 17; water, sewage and sewage disposal, Ch. 21.

ARTICLE I. IN GENERAL

Secs. 13-1—13-25. Reserved.

ARTICLE II. MOBILE HOME PARS

DIVISION 1. GENERALLY

Sec. 13-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

Independent mobile home means a mobile home with self-contained toilet and bath or shower facilities.

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 locations, 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 include manufactured homes constructed after June 30, 1976, in accordance with the Federal National Manufactured Housing Construction and Safety Standards Act of 1974.

Mobile home park or park means an area of land upon which two (2) or more occupied mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

Mobile home space or site means any portion of a trailer coach park designed for the use or occupancy of one (1) mobile home.

School district means any district created or operated under the provisions of Illinois Revised Statutes, chapter 122, paragraph 1-1 et seq. (Code 1972, $ 154.001)

Cross reference—Definitions and rules of construction generally, $ 1-2.

Sec. 13-27. Supervision and facilities.

Each mobile home park licensed or to be constructed under the provisions of this article shall provide for the following in the manner hereinafter specified:

(1) ***Supervision.*** Every mobile home park shall be in the charge of a responsible attendant or caretaker at all times, whose duty it shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and be answerable, with the licensee, for any violation of the provisions of this article.

(2) ***Location.*** No mobile home park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be will drained and shall be located in areas free from ponds, swamps and similar places in which mosquitos may breed. No wastewater from mobile homes shall be deposited on the surface of the ground.

(3) ***Water supply.*** An adequate supply of water of safe, sanitary quality approved by the board shall be furnished at each mobile home park. Where water from other sources than that supplied by the village is proposed to be used, the source of such supply shall first be approved by the board of trustees. Each independent trailer site shall be provided with a cold water tap at least (4) inches above the ground.

(4) ***Disposal of sewage and other water-carried wastes.*** Sewage and other water-carried wastes from mobile home parks shall be disposed of as follows:

a. All sewage and other water- carried wastes shall be disposed of into the village sewerage system whenever available. In mobile home parks in which such connections are not available, disposal shall be in a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance no a menace to health.

b. When a water carriage system of sewage is used, each mobile home site shall be provided with a sewer connection for the combined liquid waste outlets of each mobile home,

and trapped below the frost line. It shall be the duty of the owner or operator of such mobile home park to provide an approved type of water and odor tight connection from the mobile home water drainage to the sewer connection and keep all occupied mobile homes connected to the sewer whole located in a mobile home park. Sewer connections in unoccupied mobile home sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home.

(5) ***Garbage and rubbish storage and disposal.*** Garbage and rubbish in a mobile home park shall be stored and disposed of as follows:

a. A sufficient number of adequate flyproof and watertight containers shall be supplied for the storage of garbage, except where an adequate incinerator is provided.

b. Garbage containers shall be emptied at least every three (3) days and shall not be filled to overflowing or allowed to become foul smelling, or a breeding place for flies.

c. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the board of trustees.

d. Adequate insect and rodent control measures shall be employed. All buildings shall be flyproof and rodentproof and rodent harborages shall not be permitted to exist in the park.

(6) ***Electrical outlets.*** Electrical outlets for each individual trailer site shall be provided and the installation shall be in compliance with all state laws and village ordinances. No connected electric extension cord shall lie on the ground or be suspended less than seven (7) feet from the ground above sidewalks or pathways.

(7) ***Fire protection.*** Fire extinguishers of a type approved by the fire marshal for use at mobile home parks shall be placed at locations within two hundred (200) feet of each individual trailer site. Each fire extinguisher shall be periodically examined and kept at all times in a condition for use.

(8) ***Temporary porches, canopies and skirts.*** Temporary porches and canvas-roofed canopies and skirts shall be permitted for mobile homes and auxiliary rooms may also be authorized by regulation of the board of trustees if constructed of fire-resistant materials of such specifications as shall be required by such regulations.

(9) ***Compliance with ordinances and resolutions.*** All buildings constructed or altered, all plumbing and all electrical and heating installations shall be in accordance with this article, other village ordinances and the rules of the board of trustees.

(Code 1972, $ 154.035)

Sec. 13-28. Records to be kept.

(a) The board of trustees shall keep a record of all mobile home parks; such record to show the names and addresses of all mobile home parks, names and addresses of the licensees, number of mobile home lots in each park, source of water supply, system of sewage and garbage disposal and any other information deemed essential by the board of trustees.

(b) The board of trustees shall supply licensees of all mobile home parks with any all health rules and regulations pertaining thereto made by the board, and any changes that may be made from time to time which shall be posted and kept posted by the management in a protected, conspicuous place within the mobile home park.
(Code 1972, $ 154.045)

Sec. 13-29. Reports to school board; sanitary and safety provisions.

The following provisions shall be applicable to all mobile home parks licensed under the provisions of this article:

(1) It shall be the duty of each licensee on the first day of February and September of each year to file with the school board a report giving the names and ages of all children of school age living in such mobile home park.

(2) All streets and driveways in every mobile home park must be maintained in a passable and reasonably dustproof condition at all times, and all streets and driveways in every mobile home park established after January 1, 1956, shall have a minimum width of twenty (20) feet for streets or driveways.

(3) It shall be the duty of every owner, operator or attendant of any mobile home park to report to the board of health the full names, ages and addresses of every person who is infected or suspected of being infected with any reportable or communicable disease.

(4) The management of every mobile home park shall assume responsibility for maintaining in good repair and condition all sanitary and safety appliances in such park, and shall promptly bring such action as is necessary to prosecute or eject from such park any person who willfully or maliciously damages such appliances, or any persons who fail to comply with the regulations of this article.

(Code 1972, $ 154.050)

Sec. 13-30. Custodian's office required; records.

Each mobile home park shall be provided with a custodian's office where each mobile home entering such park shall be assigned to a lot location, given a copy of the park rules and registered according to the prescribed form. Such registrations shall include the name and address of every occupant of the mobile home; the license number of all units; the state issuing such licenses and a statement indicating the exact location at which such mobile home was last parked, including the state, city, town or village where such parking occurred. The licensee shall keep a registry of all children of school age occupying mobile homes in the park. The above-mentioned register shall be signed by an occupant of the mobile home. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a violation of this article. The registration records shall be neatly and securely maintained and no registration records shall be destroyed until six (6) years have elapsed following the date of registration. The register shall be available at all times for inspection by law enforcement officers. (Code 1972, $ 154.055)

Sec. 13-31. Enforcement authority of board of trustees.

(a) The board of trustees shall enforce the provisions of this article and the rules and regulations adopted pursuant thereto affecting health, sanitation, water supply, sewage, garbage and waste disposal, and the board of trustees shall personally inspect, at least once each year, each mobile home park and all the accommodations and facilities connected therewith. Such officials and officers are hereby granted the power and authority to enter upon the premises of such mobile home parks at any time for the purposes herein set forth.

(b) The board of trustees may issue rules and regulations to carry out the provisions of this chapter. (Code 1972, $ 154.060)

Secs. 13-32—13-45. Reserved.

DIVISION 2. OPERATORS' LICENSE AND CONSTRUCT PERMIT*

Sec. 13-46. Required; term; renewal.

No person shall construct a mobile home park without first obtaining a permit to do so and no person shall establish, maintain, conduct or operate a mobile home park without first obtaining a license therefor from the village clerk. Such license shall be issued for one (1) year and shall expire at midnight on April thirtieth of the year next following the issuance thereof, and the license shall be removed from year to year upon payment of the annual license fee provided for in this chapter. (Code 1972, $$ 154.005, 154.030)

Sec. 13-47. Application.

In order to obtain a permit to construct or an original license to operate a mobile home park, the applicant shall file with the village clerk a written application setting forth:

(1) The full name and address of the applicant, 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.

(2) The location and legal description of the tract of land upon which it is proposed to operate and maintain a mobile home park.

(3) The proposed and existing facilities in the mobile home park for water supply, sewage, garbage disposal, fire protection.

(4) The proposed method of lighting of structures and land upon which the mobile home park is to be located.

(5) The calendar months of the year during which applicant will operate such mobile home park.

(6) The plat 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, all as may be required by the rules and regulations of the department under the provisions of this article.

(7) A statement of the firefighting facilities, public or private, which are available to the mobile home park.

(8) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached thereto. Where a permit to construct as well as an original license to operate is sought by the applicant, request therefor shall be made in the same application. Each application shall be accompanied by an application fee amounting to twenty-five dollars ($25.00) for each ten (10) acres of land, or fraction thereof, proposed to be used as a mobile home park. Each application fee shall be paid to the village clerk by a separate certified check or United States money order in the amount of the application fee only and such application fee once paid to the village clerk shall not be refunded.

(Code 1972, $ 154.010)

Sec. 13-48. Issuance or dental; effect of plan changes.

(a) Upon receipt of an application for a permit to construct a mobile home park or an application for a license to operate and maintain the same, by the village clerk, the village clerk shall refer the same to the board of trustees. The board shall, if the park is, or the proposed park will be, in conformity with this chapter and the zoning ordinances of the village, issue a permit to construct or original license, as the case may be. If the application for a permit to construct or a license is declined, the board shall give the reasons therefor in writing to the applicant, and if the objections can be corrected, the applicant may amend his application and resubmit it for approval.

(b) If a permit to construct a mobile home park has been issued, the applicant, upon completion thereof, shall notify the board of trustees. The board shall then have the trailer coach park inspected and if completed in accordance with the accepted application, the board shall instruct the village clerk to issue a license.

(c) No changes in any sanitary facilities, methods of water supply, sewer, drainage, garbage or waste disposal, and no change in the plot plan shall be made without first making a written application to the board and receiving a written permit therefrom. Such application shall be made in the way and manner hereinbefore set forth and such changes shall comply with the provisions of this article applicable thereto.
(Code 1972, $ 154.015)

Sec. 13-49. Procedure upon approval of permit applications.

When the board of trustees has approved an application for a permit to construct or make alterations upon a mobile home park or the appurtenances thereto or a license to operate or maintain the same, it shall retain the original and keep a file thereof, and one (1) copy shall be returned to the applicant or his agent and one (1) copy to the village clerk.
(Code 1972, $ 154.040)

Sec. 13-50. Clerk to prepare forms.

The village clerk shall draft and supply all forms and blanks and specify the number and details necessary to obtain permits to construct or make alterations

upon mobile home parks; and for a license to operate and maintain such a park according to this article.
(Code 1972, $ 154.040)

Sec. 13-51. License fee.

In addition to the application fee provided for in this article, the licensee shall pay to the village clerk on or before April thirtieth of each year an annual license fee which shall be such amount as established by the mayor and board of trustees from time to time.
(Code 1972, $ 154.020)

Sec. 13-52. Display; transferability.

All permits to construct, all licenses to operate and all permits to make alterations therein shall be prominently displayed in the office of the mobile home park. All licenses issued under this article shall be nontransferable without the written consent of the licensor; provided, however, that the licensor may not withhold such consent where the provisions of this article have been met. (Code 1972, $ 154.030)

Sec. 13-53. License suspension or revocation.

Any license granted under this article shall be subject to revocation or suspension by the board of trustees. However, the board shall first serve or cause to be served upon the licensee a written notice in which shall be specified the offense committed. Such notice shall require the licensee to remove or abate such nuisance, insanitary or objectionable conditions, specified in such notice within five (5) days or within a longer period of time as may be allowed by the board. If the licensee fails to comply with the terms and conditions of such notice, within the time specified or such extended period of time, the department may revoke or suspend such license.
(Code 1972, $ 154.025)

Sec. 13-54. Hearing before trustees upon refusal or license suspension or revocation.

Any person refused a permit to construct or alter a mobile home park or a license, or whose license is suspended or revoked, shall have the right to a hearing before the board of trustees. The board of trustees shall have full power to conduct such hearing, issue subpoenas, administer oaths and affirmations and all other powers necessary to such hearing.
(Code 1972, $ 154.070)

Chapter 14

MOTOR VEHICLES AND TRAFFIC*

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ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Authorized emergency vehicle means emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the fire department and ambulances.

Bicycle means every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter.

Business district means the territory within the village contiguous to and including a street or highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the street or highway.

Crosswalk means:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one (1) side of the highway, that part of the highway included within the extension of the lateral line of the existing sidewalk to the side of the highway without the sidewalk, with such extension forming a right angle to the centerline of the highway;

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface placed in accordance with the provisions in the manual adopted by the department of transportation as authorized in Illinois Revised Statutes, chapter 95 ½, paragraph 11-301. Driver means every person who drives or is in actual physical control of a vehicle. Explosive means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb. Form tractor means every motorized device designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry,

and every implement of husbandry which is self-propelled, excluding all terrain vehicles and off-highway motorcycles.

Flammable liquids means any liquid which has a flashpoint of seventy (70) degrees Fahrenheit or less, as determined by tagliabue or equivalent closed-cup test device.

Improved highway means any roadway of concrete, brick, asphalt, macadam and crushed stone or gravel.

Intersection means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict. Where a highway includes two (2) roadways forty (40) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

Laned roadway means a street, the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Loading zone. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materi-als.

Merging traffic means a maneuver executed by the drivers of vehicles on converging roadways to permit entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.

Metal tire means every tire the surface of which in contact with the roadway is wholly or partially of metal or other bard, nonresilient material.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead wires, but not operated upon rails, except for vehicles moved solely by human power and mo-torized wheelchairs.

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

Park or parking means the standing of a vehi-cle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

Pedestrian means any person afoot.

Pneumatic tire means every tire in which com-pressed air is designed to support the load.

Property Line means the line marking the bound-ary between any street and the lots or property abutting thereon.

Public building means a building used by the municipality, the county, and park district, school district, the state, or the United States govern-ment.

Right-of-way means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity

as to give rise to danger of collision unless one grants precedence to the other.

Road tractor means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

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

School bus means:

(1) Every motor vehicle, except as provided in subparagraph (2) of this definition, owned or operated by or for any of the following entities for the transportation of persona regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

a. Any public or private primary or secondary school;

b. Any primary or secondary school op-erated by a religious institution; or

c. Any public, private or religious nurs-ery school.

(2) This definition shall not include the following:

a. A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

1. On a regularly scheduled route for the transportation of other fare-paying passengers;

2. Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other spe-cial events; or

3. Being used for shuttle service between attendance centers or other educational facilities.

b. A motor vehicle of the first division.

Semitrailer means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property line intended for use of pedestrians use.

Solid tire means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Street or highway. The entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular traffic.

Traffic means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for the purpose of travel.

Trailer means every vehicle without motive power in operation, other than a pole trailer designed for carrying passengers or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Urban district means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more.

Yield right-of-way means when required by an official sign, means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, provided that when the roadway is clear the vehicle may proceed into the intersection.
(Code 1972, $ 70.001)
Cross reference—Definitions and rules of construction generally, $ 1-2.

Sec. 14-2. Obedience to traffic-control devices.

(a) It shall be unlawful for the driver of any vehicle to disobey the instructions of any official traffic-control device placed in view by authority of the corporate authorities or in accordance with the laws of the state, except on direction of a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) It shall be unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device.

(c) No Provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(d) Whenever official traffic-control devices are paced In positions approximately conforming to the requirements of this chapter, and purports to conform to the lawful requirements pertaining to such device, such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(e) The driver of a vehicle approaching a traffic-control signal on which no signal light facing such vehicle is illuminated shall stop before entering the intersection in accordance with rules applicable in making a stop at a stop sign.
(Code 1972, $ 70.015)

Sec. 14-3. Unauthorized signs, signals or markings

(a) No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an

official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street any other sign which bides from view or interferes with the movement of traffic or effectiveness of an official traffic control device or any railroad sign or signal.

(b) 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.

(c) Ail such unauthorized devices are hereby declared to be public nuisances and may be re-moved by any policeman or under bis direction and supervision, without notice.

(d) No person shall sell or offer for sale any traffic-control device to be used on any street or highway in this village which does not conform to the requirements of this chapter.

(e)This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional infor-mation and of a type that cannot be mistaken for official signs. (Code 1972, § 70.030)

Sec. 14-4. Interference with official traffic-control devices or railroad signs or signals

No person shall, without lawful authority, at-tempt to, or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad 8Îgn or signal, or any inscription, shield or insignia thereon, or any other part thereof. (Code 1972, § 70.030)

Sec. 14-5. Obedience to police.

It shall be unlawful for any person to fail or refuse to comply with any lawful order or direction of a police officer, firefighter, or uniformed adult school crossing guard invested by law with authority to direct control or regulates traffic. (Code 1972, § 70.005)

Sec. 14-6. Directing traffic at fire.

The fire department officer in command or any fireman designated by him may exercise the pow-ers and authority of a policeman in directing traffic at the scene of any fire or where the tire department bas responded to an emergency call for 50 long as tire department equipment is on the scene in the absence of or in assisting the police. (Code 1972, § 70.010)

Sec. 14-7. Exemptions for authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this chapter;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe opera-tion;

(3) Exceed the maximum speed limits 80 long as he does not endanger life or property;

(4) Disregard regulations governing direction of movement or turning in specified direc-tions.

(c) The exceptions granted in this section to an authorize emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion or visual signals meeting the require-ments of Illinois Revised Statutes, chapter 95½, paragraph 12-215.

(d) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(e) The lead vehicle in a funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as the lead vehicle in such procession. Vehicles comprising a funeral procession may utilize fu-neral pennants or flags or windshield stickers to identify the individual vehicles _in such proces-sion.
(Code 1972, §§ 72.150, 72.160)

Sec. 14-65. Processions to keep to right.

Every driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable, and shall follow the vehi-cle ahead as close as is practicable and safe.
(Code 1972, § 72.155)

Sec. 14-66. Driving through processions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter.
(Code 1972, § 72.150)

Sec. 14-67. Limitations on U-turns.

(a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

(c) It shall be unlawful for the operator of any vehicle to make a U-turn at any place where such turns are prohibited by ordinance.
(Code 1972, §§ 72.005, 72.040, 72.045)

Sec. 14-68. No turns.

It shall be unlawful for the operator of any vehicle to turn left or right at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.
(Code 1972, § 72.050)

Sec. 14-69. Following tire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire appara-tus traveling in response to a fire alarm closer than five hundred (500) feet, or stop such vehicle within five hundred (500) feet of any fire appara-tus stopped in answer to a fire alarm.
(Code 1972, § 72.055)

Sec. 14-70. Crossing lire hose.

No vehicle shall be driven over any unprotected hose of the tire department when laid down on any street, private road or driveway to be used at any fire or alarm of tire, without the consent of the fire department official in command.
(Code 1972, § 72.055)

Sec. 14-71. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked, unless and until such move-ment can be made with reasonable safety.
(Code 1972, § 72.010)

Sec. 14-72. Driving upon sidewalk.

No person shall drive any vehicle upon a side-walk or sidewalk area, except upon a permanent or duly authorized temporary driveway. This sec-tion does not apply to any vehicle moved exclu-sively by human power nor to any motorized wheelchair.
(Code 1972, § 72.025)

Sec. 14-73. Driving through safety zone prohibited.

No vehicle shell at any time be driven through or within a safety zone.
(Code 1972, § 72.025)

Sec. 14-74. Operation of vehicles on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an autho-rized emergency vehicle making use of audible and visual signals meeting the requirements of law or a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle on the same roadway shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway, clear of any intersection, and shall stop if possible and remain in such position until the authorized emergency vehicle bas passed, except when otherwise directed by a police offi.cer.

(b) This section shall not operate to relive the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
(Code 1972, §§ 72.055, 72.095)

Sec. 14-75. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the exist-ence of a railroad track across a highway is a warning of danger, and under any of the circum-stances stated in this section, the driver shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The forego-ing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the imme-diate approach of a railroad train;

(2) A crossing gate is lowered or a human flagman gives or continues to give a sig-nal of the approach or passage of a rail-road train;

(3) A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing;

(5) A railroad train is approaching so closely that an immediate hazard is created.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) When the department, and the village with the approval of the department, have designated particularly dangerous highway grade crossings of railroads and have erected stop signs thereat, the driver of any vehicle shall stop within fifty (50)feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.
(Code 1972, § 72.145)

Sec. 14·76. Traffic not to be obstructed.

No vehicle shall be operated or allowed to remain upon any street in such a manner as to form an unreasonable obstruction to the traffic thereon.
(Code 1972, § 72.110)

Sec. 14-77. Limitations on backing.

(a) The driver of a vehicle shall not back such vehicle, unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back such vehicle upon any shoulder or roadway of any controlled access highway.
(Code 1972, § 72.165)

Sec. 14-78. Entering; leaving controlled access highways.

No person shall drive a vehicle onto or from any controlled access highway except at such entrances and exits as are established by public authority.
(Code 1972, § 72.170)

Sec. 14-79. Trucks prohibited on certain streets.

It shall be unlawful to drive any truck, except for the purpose of making a delivery or picking up a load, and then for one (1) block only on any street where trucks are prohibited by ordinance and properly signposted. (Code 1972, $ 72.175)

Secs. 14-80—14-95. Reserved.

ARTICLE III. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 14-96. 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 direction of police officer or official traffic control device, 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 or on any parkway;

c. Within an intersection;

d. Between safety zone and the adjacent curb;

e. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

f. On any railroad track;

g. At any place where official signs prohibit stopping;

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:

a. In front of a public or private driveway;

b. Within fifteen (15) feet of a fire hydrant;

c. Within twenty (20) feet of a crosswalk at an intersection;

d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway;

e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance (when properly signposted);

f. At any place where official signs prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

a. Within fifty (50) feet of the nearest rail of a railroad crossing;

b. At any place where official signs prohibit parking.

(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) Any person violating any provision of this section shall be fined the sum of fifty dollars ($50.00) for the first violation and the subsequent violations shall be fined twenty-five dollars ($25.00) within twenty-four (24) hours of the time such alleged offense was committed. Such payment may be made at the police department and a receipt shall be issued for all money so received. (Code 1972, $ 73.001; Ord. No. 12-08-92A, $$ 1—3)

Secs. 14-97—14-110. Reserved.

DIVISION 2. PARKING METERS

Sec. 14-111. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parking meter means a mechanical device lo-cated upon a public street or sidewalk in a place designated by the board of trustees as a parking meter zone hereafter defined, which device shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person depositing a coin therein.

Parking meter zone means an area designated by the board of trustees where a vehicle may be

temporarily parked and allowed to remain for the period of time indicated on the meter. (Code 1972, § 76.100)
Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 14-112. Zones.

Parking meter zones shall be such as may from time to time be established by ordinances. (Code 1972, § 76.105)

Sec. 14-113. Parking rules.

It shall be unlawful to park any vehicle or to permit a vehicle to remain parked in any parking meter zone for a period longer than designated on such meter between the hours designated thereon, except on Sundays and holidays (the term 11holi-day" shall include the following days only: The first of January; the. thirtieth day of May; the fourth day of July; the first Monday in September; the twenty-fifth of December (Christmas) and the day designated and set aside by the President of the United States as a day of Thanksgiving) or to parka vehicle in any zone without paying the fee hereinafter designated; or to permit a vehicle to remain parked longer in any such zone than for the period for which the fee was paid; except on Sundays and holidays. (Code 1972, § 76,110)

Sec. 14-114. Placement.

Parking meters shall be installed in the parking meter zones as established and provided for by ordinance and shall be placed upon the curb immediately adjacent to the individual parking places hereinafter described. Each parking meter shall be placed or set in such a manner as to show or display by a signal whether or not the parking space adjacent to such meter is legally in use. (Code 1972, § 76.115)

Sec. 14-115. Marking places.

The chief of police shall have markings painted or placed upon the curb of street adjacent to each parking meter for the purpose of designating the parking space and the angle at which vehicles are parked to the curb. Each vehicle parking within any parking meter zone shall park within the line or markings so established. It shall be unlawful to park any vehicle across any such line or marking or to park such vehicle in such position that the same shall not be entirely within the area designated by such lines or markings. (Code 1972, § 76.120)

Sec. 14-116. Placing coins in meters.

Any person desiring to park any vehicle within such parking meter space shall deposit the proper coins for the time desired as follows: One cent ($0.01) for each twelve (12) minutes of time de-sired; five cents ($0.05) or one (1) nickel for each hour of time desired, twenty-five cents ($0.25) for eight (8) hours of time desired. (Code 1972, § 76.125)

Sec. 14-117. Tampering with meters; use of slugs.

(a) It shall be unlawful for any person not authorized by the board of trustees to deface, injure, tamper with, open or willfully break, de-stroy or impair the usefulness of any parking meter installed under the provisions of this division.

(b) It shall be unlawful to deposit any slug, device or metallic or other substitute for a coin in any parking meter. (Code 1972, § 76.130)

Secs. 14-118—14-130. Reserved.

ARTICLE IV. PEDESTRIANS

Sec. 14-131. Right-of-way at crosswalks.

(a) When traffic-control signs are not in place or not in operation the driver a vehicle shall yield the right-of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(c) Paragraph (a) of this section shall not apply under the condition stated in section 14-132 of this article.

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the roar shall not overtake and pass such stopped vehicle.

(e) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, drivers shall yield right-of-way to pedestrians as set forth in Illinois Revised Statutes, chapter 95 ½, paragraph 11-904.
(Code 1972, $ 74.001)

Sec. 14-132. Crossing at other than crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(e) No pedestrian shall cross a roadway other than in a crosswalk in any business section. (Code 1972, $$ 74.005, 74.020)

Sec. 14-133. Obedience to policemen; signals.

At intersections where traffic is directed by a policeman or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic.
(Code 1972, $ 74.010)

Sec. 14-134. Standing on sidewalk.

It shall be unlawful for pedestrian to stand upon any sidewalk except as near as reasonably possible to the building line or curbline, if such standing interferes with the use of the sidewalk by other pedestrians. (Code 1972, $ 74.015)

Sec. 14-135. Walking on highways.

(a) Where sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of a roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in this chap-ter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway. (Code 1972, § 74.025(A), (B))

Sec. 14-136. Soliciting rides or business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(b) No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.

(c) No person shall stand on a highway for the purpose of soliciting contributions from the occu-pant of any vehicle except within a municipality when expressly permitted by municipal ordi-nance. Solicitation on highways within this state shall be allowed only at intersections where all traffic is required to come to a full stop. The soliciting agency shall be:

(1) Registered with the attorney general as a charitable organization as provided by "An Act to regulate solicitation and collec-tion of funds for charitable purposes, pro-viding for violations thereof, and making an appropriation thereof," approved July 26, 1963, as amended (Illinois Revised Statutes, chapter 23, paragraph 5101 et seq.);

(2) Engaged in a statewide fundraising activity; and

(3) Liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent.

Any person engaged in the act of solicitation shall be sixteen (16) years of age or more and shall be wearing a high visibility vest.

(d) No person shall stand on or in the proxim-ity of a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a highway.
(Code 1972, § 74.025(C))

Sec. 14-137. Blind pedestrians.·

The driver of a vehicle shall yield the right-of-way to any blind, hearing impaired or physically handicapped pedestrian carrying a clearly visible white cane or accompanied by a support or guide dog.
(Code 1972, § 74.030)

Secs. 14-138-14-155. Reserved.

ARTICLE V. VEWCLE EQUIPMENT AND CONDITION

Sec. 14.um. Obstruction to vision.

It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any view of the roadway to the rear so obstructed shall be equipped with a mirror so attached as to give him a view of the roadway behind him. (Code 1972, § 71.001)

Sec. 14-157. Lights.

It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of state law; provided that, vehicles may be parked with-out lights on any street or portion thereof desig-nated by ordinance as a place where vehicles may be parked at nighttime. (Code 1972, § 71.040)

Sec. 14-USS. Mufflers.

Every motor vehicle driven or operated upon the streets of the city shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this section.

(Code 1972, $$ 71.010, 71.035)

Sec. 14-159. Emission of gas, smoke.

It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or endanger the drivers of other vehicles.

(Code 1972, $ 71.020)

Sec. 14-160. Horns and warning devices.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or whistle. The driver of a motor vehicle, when reasonably necessary to ensure safe operation, shall give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section. Any authorized emergency vehicle may be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet, but such siren, whistle or

bell shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in either of which events the driver of such vehicle shall sound such siren, whistle or bell when necessary to warn pedestrians and other drivers of the approach thereof.
(Code 1972, $ 71.015)

Sec. 14-161. Width, length and height of vehicle and load.

The minimum width, length and height of any vehicle and its load shall not exceed the limits expressed in Illinois Revised Statutes, chapter 95 ½, paragraph 1-100 et seq.
(Code 1972, $ 71.025)

Sec. 14-162. Brakes.

It shall be unlawful to drive any motor vehicle upon any street unless such vehicle is equipped with good and sufficient brakes in good working condition as required by the state traffic law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanism operating the brakes of such vehicle.
(Code 1972, $ 71.030)

Sec. 14-163. Tires.

It shall be unlawful to operate any motor vehicle on any street if the vehicle is not equipped with tires conforming to the requirements of the state traffic law.
(Code 1972, $$ 71.050, 71.055)

Sec. 14-164. Weight.

It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of that permitted by the state traffic law for driving on improved highways or with the weight distributed in a manner not conforming to such law.
(Code 1972, $ 71.060)

Sec. 14-165. Spilling loads.

No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the city. (Code 1972, $ 71.065.

Secs. 14-166—14-180. Reserved.

ARTICLE VI. VEHICLE LICENSE

Sec. 14-181. Required.

It shall be unlawful for any person residing in the village, or for any firm, association or corporation having its principal office or place of busi-ness in the village to use, or to cause or permit any of his agents or employees to use, any motor vehicle in the transportation of persons or prop-erty or the conveyance of loads upon the streets, avenues or alleys of this village, unless such motor vehicle is licensed as hereinafter provided.
(Code 1972, § 76.005)

Sec. 14-182. Application.

Any person desiring a license for any such motor vehicle shall file an application therefor with the village clerk upon a form provided by him, setting forth the names and addresses of the applicants, the description of the motor vehicle, serial number of the motor, the state license number thereof, and such other information as may be prescribed and required. Such license shall issue upon the payment by the applicant of the license fee, as hereinafter provided, to the village clerk, and shall authorize the use of such motor vehicle within the village until the date of expiration of such license.
(Code 1972, § 76.010)

Sec. 14-183. Fees.

The annual fees for the license required by this article shall be as established by the mayor and board of trustees from time to time. (Code 1972, § 76.015)

Sec. 14-184. Allocation of fees.

The proceeds of the fees referred to in section 14-183 shall be used only for the purpose of improving, paving, repairing or maintaining the street and other public roadways within the vil-lage, and shall be used in the manner provided for in the annual appropriation ordinance or in such manner as the mayor and board of trustees shall direct. (Code 1972, § 76.020)

Sec. 14-185. Tune of payment of tees.

Ali licenses issued under this article shall be for the period of one (1) calendar year and shall expire on December thirty-first following the date of their issuance. The license fee for any calendar year shall be due and payable in advance and under no circumstances later than January fifteenth of that calendar year, except as hereinafter provided; provided that, when such license is issued for a period of less than one (1) year, and application for the same is made during the second half of the calendar year, then such license fee shall be reduced fifty (50) percent. (Code 1972, § 76.025)

Sec. 14-186. Tags.

Upon the issuance of a license required by this article, the village clerk shall deliver to the appli-cant a gummed tag or sticker which shall bear the name "Robbins" and a number identical with the license number and the name of the class to which such motor vehicle belongs and the year for which the license was issued, and it shall be the duty of the applicant to affix such gummed tag or sticker upon the windshield of the motor vehicle so li-censed, or if there is no windshield, then in a conspicuous place upon such motor vehicle, where it can be readily seen. It shall be unlawful for any motor vehicle, although duly licensed, to be used upon the streets, avenues or alleys of the village unless such tag or sticker is attached thereto. (Code 1972, § 76.030)

Sec. 14-187. Sale or transfer.

Immediately upon the sale of any motor vehicle which bas been theretofore licensed, as provided in this article, prior to the date of such sale or transfer, the vendor or transferor shall remove the license tag or sticker from the motor vehicle so sold or transferred, and the license so issued for such motor vehicle shall cease to apply to such motor vehicle from such date, and the purchaser or transferee thereof, shall immediately apply to the village clerk for a new license therefor, as above provided. Upon a showing to the village clerk that such tag or sticker has been so removed from such sold or transferred vehicle and the payment of a transfer fee of one dollar ($1.00), the village clerk may issue a new tag bearing a new number, which shall apply to and be assigned to any other vehicle, new or used, of the same class owned by such vendor or transferor; except as above provided, no tag or sticker issued for or assigned to any motor vehicle shall ever be used for or attached to or upon another and different motor vehicle. (Code 19722, $ 76.035)

Secs. 14-188—14-205. Reserved.

ARTICLE VII. BICYCLES

Sec. 14-206. Registrations and inspection.

All bicycles in the village shall be inspected and registered annually at such times and at such places as the chief of police, may, in his discretion, direct. (Code 1972, $ 75.005)

Sec. 14-207. Equipment.

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(b) A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren.

(c) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(d) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector conforming to specifications prescribed by the department, on each pedal, visible from the front and rear of the bicycle during darkness from a distance of two hundred (200) feet.

(e) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of five hundred (500) feet and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least three-sixteenths of an inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the department.

(f) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector. (Code 1972, $ 75.010)

Sec. 14-208. Operating regulations.

(a) Every person operating a bicycle in the village shall conform to the provisions of this chapter and the state uniform act regulating traffic on highways applicable to the driver of a vehicle, except those provisions of this chapter and such acts which by their nature can have no application, and shall also be subject to the following regulations.

(b) All bicycles shall be operated as near to the right-hand curb as conditions will permit, and the rider shall exercise due care when passing a standing vehicle or one proceeding in the same direction.

(c) No bicycle shall be propelled faster than is reasonable and proper for the safety of the rider and others using the street or highway.

(d) No bicycle shall have attached to it any other vehicle, such as a wagon or sled.

(e) No person shall ride a bicycle on a sidewalk in the business district of the village.

(f) Whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such person.

(g) The pedestrian has the right-of-way at all times.

(h) No rider of a bicycle shall remove bath bands from the handlebars or practice any acrobatic or fancy riding on any public street or sidewalk.

(i) No bicycle shall be left lying upon any street or sidewalk, or in such position as to obstruct or interfere with the use of any street or sidewalk.

(j) Proper band signals shall be used at all times.

(k) No person operating a bicycle shall carry any package, article or bundle which prevents him from keeping both bands on the handlebars or obstructs his vision.

(l) Every person operating a bicycle must obey ail traffic signs.

(m) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(n) No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his person in a backpack or sling. (Code 1972, §§ 72.115, 75.015)

Secs. 14-209-14-220. Reserved.

ARTICLE VIII. ABANDONED VEHICLES

DIVISION 1. GENERALLY

Secs. 14-221-14-240. Reserved.

DIVISION 2. REMOVAL OF ABANDONED VEffiCLES ON PUBLIC PROPERTY

Sec. 14-241. Definitions.

For the purpose of this division, the following words shall have the respective meanings as-cribed to them as follows:

Abandoned vehicle means any motor vehicle located on public or private property that has not been moved or used for at least seven (7) days or more or any vehicle left at any place for such a time and under such circumstances as to cause the vehicle reasonably to appear as to have been abandoned.

Ailey means a public way within a block generally giving access to the rear of lots or buildings and not used for general traffic circulation.

Highway or street means the entire width of public right-of-way of every way publicly main-tained and open to the use of the public for vehicular traffic.

Inoperable vehicle means any vehicle in a state of disassembly or disrepair for a period of at least seven (7) days which renders the vehicle incapa-ble of being driven under its OWI}. power.

Owner means a person who holds legal title of a vehicle or a person who bas registered a vehicle in his name with the states or in the event a vehicle is subject to an agreement for a condi-tional sale, lease or mortgage which vests an immediate right of possession in the

conditional vender, lessee or mortgagor shall be deemed the owner for the purposes of this division.

Public property means a highway, street, alleys public parking facility or other real property owned by the village or some other governmental agency.

Vehicle means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and to transport persons or property or to pull machinery and shall include, without limitations automobiles, trucks, trailers, buses, recre-ational vehicles, tractors, motorcycles, snowmo-biles, buggies and wagons.
(Ord. No. 9-25-90A, § 1)
Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 14-242. Unlawful abandonment; re-moval authorized.

The abandonment of a motor vehicle or other vehicle or any part thereof on any public property in the village is unlawful and subject to penalties as set forth in this division. The abandonment of a motor vehicle or any part thereof on public property anywhere in the village is unlawful. A motor vehicle or other vehicle or any part thereof so abandoned on public property may be authorized for removal by or upon the order of the chief of police after a waiting period of seven (7) days or more has expired.
(Ord. No. 9-25-90A, $ 2)

Sec. 14-243. Public nuisances.

(a) *Abandoned vehicles*. Abandoned and inoperable motor vehicles on public property are hereby declared to be a nuisance and shall be subject to removal in accordance with the provisions of this division or any other applicable laws. No person shall permit any abandoned or inoperable vehicle to be kept or stored on public property.

(b) Notice of violation. The owner or other person legally entitled to have possession of the vehicle shall be served with a written notice to abate the nuisance. Said notice shall substantially inform him of the following:

(1) That he is committing a nuisance on public property.

(2) To abate the nuisance in seven (7) days;

(3) That if the nuisance is not removed in seven (7) days, the village will abate the same by towing the vehicle to an auto pound and charging all costs to the owner;

(4) That he may also be charged in court with violating this division and fined for each day said nuisance continues;

(5) That he village may use any other remedies, ordinances or statutes against him.

(c) *Abatement*. In the event said owner or other person legally entitled to have possession of the vehicle to whom notice is given does not remove the abandoned vehicle after seven (7) days, the nuisance shall be summarily abated by causing said vehicle to be towed to an auto pound or other appropriate place as determined by the chief of police. The owner or other person legally entitled to have possession of the vehicle shall be notified of the place where the vehicle is being held.

All required notices shall be served on such owner or other person legally entitled to have

possession of the vehicle of the violation in person or by certified mail addressed to the premises of their last-known address.

A complaint may be filed in the circuit court for violating the provisions of this section, in lieu of or in addition to the provisions of this section for abating the nuisance by towing. (Ord. No. 9-25-90A, $ 3)

Sec. 14-244. Temporaryprovision or custody by nonowner; notice to the chief of police; removal by towing service.

When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle come into the temporary possession or custody of a person, not the owner of the vehicle, such person shall immediately notify the police department when the vehicle is within the corporate limits of the village. Upon receipt of such notification, the chief of police shall authorize a towing service to remove 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 until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this division. (Ord. No. 9-25-90A, $ 4)

Sec. 14-245. Motor vehicle abandoned on a highway; vehicle creating traffic hazard; removal authorized; towing costs.

(a) When a motor vehicle or other vehicle is abandoned on a highway in this village ten (10) hours or more, its removal by a towing service may be authorized by order of the chief of police.

(b) When an abandoned, unattended, wrecked, burned or partially dismantled motor 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 by a towing service may be authorized by order of the chief of police.

(c) When a vehicle is removed from public property, the owner of the vehicle will be respon-sible for all towing costs. (Ord. No. 9-25-90A, § 5)

Sec. 14-246. Unknown owner identity searches required.

(a) When the police department does not know the identity of the registered owner or other legally entitled person, it will cause the motor vehicle registration records of the state to be searched by a direct communication to the secre-tary of state for the purpose of obtaining the required ownership information.

(b) The police department will cause the stolen motor vehicle files of the secretary of state police to be searched by a directed communication to the secretary of state police for stolen or wanted information on the vehicle. When the secretary of state police files are searched with negative re-sults, the information contained in the National Crime Information Center (NCIC) files will be searched. The information from these records searches will be used by the police department in sending a notification by certified mail to the registered owner or legally entitled person advis-ing where the vehicle is held, requesting a dispo-sition be made and setting forth public sale infor-mation. (Ord. No. 9-25-90A, § 6)

Sec. 14-247. Removal of vehicles; post-tow hearing.

(a) The police department is authorized to impound and tow, or have towed by a commercial towing service, to a place of safe storage:

(1) Any vehicle known to be stolen; or

(2) Any illegally parked, abandoned, inoper-able, or otherwise unattended vehicle which, by its position in relation to any highway, street, alley or public parking facility or by its physical appearance, creates or constitutes a traffic hazard which impedes the efficient movement of traffic, blocks the use of a fire hydrant, blacks the use of a private driveway, obstructs or may obstruct the movements of any emer-gency vehicle, or otherwise endangers pub-lic safety.

(b) As to any vehicle impounded and towed pursuant to subsection (a) by or at the request of the police department, the owner of the vehicle bas a right to a post-tow administrative hearing to determine whether there was probable cause to impound and tow the vehicle if such person files a written demand. (Ord. No. 9-25□90A, § 7)

Sec. 14-248. Removal of vehicles; pre-tow hearing.

(a) Subject to the provisions of this section, the police department is authorized to impound and tow, or have towed by a commercial towing ser-vice, to a place of safe storage any illegally parked, abandoned or inoperable vehicle located on public property and which vehicle is not subject to the provisions of section 14-244.

(b) Whenever the police department finds an illegally parked, abandoned or inoperable vehicle located on public property and not subject to section 14-244, it shall affix to such vehicle, in a conspicuous location, in the form of an adhesive sticker, a notice informing the owner that the vehicle must be removed within seventy-two (72) hours or the vehicle will be impounded and towed. The contents of the notice shall be as set forth in this division.

(c) Prior to the impoundment and towing of any vehicle pursuant to subsection (a) and after notice of removal has been given pursuant to subsection (b), the owner of the vehicle has a right to a pre-tow administrative hearing before a hear-ing officer designated by the mayor to determine whether there is probable cause to impound and tow the vehicle, provided such person files a written demand, on forms so provided for such a hearing with the police department within forty-eight (48) hours after the person has been notified of the impending impoundment and towing of the vehicle.

(d) When the identity of the owner of any abandoned or inoperable vehicle cannot be rea-sonably determined by any means provided for in this division, or when the owner of such a vehicle has been sent notice of the impeding impoundment and towing of the vehicle but has failed to file a timely written demand for a pre-tow administrative hearing as provided in this section, a police officer may impound and tow such a vehicle in accordance with subsection (a) upon the expiration of the notice required by the section.

(e) Nothing in this section shall be construed as a limitation upon the authority of any law enforcement officer to issue a traffic or parking citation or for the village to pursue other legal

remedies for the removal of any vehicle. (Ord. No. 9-25-90A, $ 8)

Sec. 14-249. Conduct of pre-tow and post-tow hearings.

(a) A pre-tow hearing or a post-tow hearing shall be construed before a hearing officer designated by the mayor within twenty-four (24) hours of receipt of a written demand from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and village holidays are to be excluded from the calculation of the 24-hour period.

(b) The hearing officer shall be someone other than the person who directed the impoundment and towing of the vehicle.

(c) The sole issue before the hearing officer shall be whether there is or was probable cause to impound and tow the vehicles in question. The term "probable cause to impound and tow" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there is or was a sufficient breach of local, state or federal law to grant legal authority for the impoundment and towing of the vehicle.

(d) The hearing officer shall conduct the hearing in an informal manner and the person demanding the hearing shall carry the burden of establishing that he has the right to possession of the vehicle. The police department shall carry the burden of establishing that there is or was probable cause to impound and tow the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such division shall be provided to the person demanding the hearing and to the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer's decision shall in no way affect any criminal proceeding. The decision of the hearing officer is final. Failure of the registered owner or person who has legal entitlement to possession of the vehicle to request or attend a scheduled pre-tow or post-tow administrative hearing shall be deemed a waiver of the right to such hearing.
(Ord. No. 9-25-90A, $ 9)

Sec. 14-250. Decisions of the hearing officers and their effect.

(a) In a pre-tow hearing, the hearing officer shall only determine that as to the vehicle in question either (i) there is probable cause to impound and tow the vehicle, or (ii) there is no such probable cause. In the event that the hearing officer determines that there is probable cause to impound and tow the vehicle, the hearing officer shall prepare and date a certificate of probable cause which will authorize the police department to impound and tow the vehicle. In the event that the hearing officer determines that there is no probable cause to impound and tow the vehicle, the hearing officer shall prohibit the police department from impounding and towing the vehicle. Copies of the certificate of probable cause or the certificate of no probable cause, whichever is appropriate, shall be given to both the registered owner or person who has legal entitlement to possession of the vehicle and the police department.

(b) In a post-tow hearing, the hearing officer shall only determine that as to the vehicle in question either (i) there was probable cause to impound and tow the vehicle, or (ii) there was no such probable cause. In the event that the hearing officer determines that there was probable cause to impound and tow the vehicle, the hearing officer shall prepare and date a

certificate of probable cause, copies of which shall be given to the police department, the commercial towing service having possession of the vehicle, and the owner of the vehicle. Upon receipt of the certificate of no probable cause, the commercial towing service having possession of the vehicle shall release the vehicle to its owner. Upon a finding of no probable cause, the village shall pay the tow-ing and storage fees in accordance with an agree-ment made between the village and the commer-cial towing service. If the owner of the vehicle fails to present the certificate of no probable cause to the commercial towing service having posses-sion of the vehicle within twenty-four (24) hours of its receipt (excluding such days when the commercial towing service is not open for busi-ness), the owner of the vehicle shall assume liability for all subsequent storage charges.
(Ord. No. 9-25-90A, § 10)

Sec. 14-251. Notice of pre-tow and post-tow hearings.

(a) When the identity of the owner of the vehicle is ascertainable by the means provided for in this division, notice of the right to an adminis-trative hearing shall be given in the following manner:

(1) By leaving a copy of the notice with the owner of the vehicle personally; or

(2) By sending a copy of the notice to the last known address of the owner of the vehicle.

(b) When the identity of the owner of the vehicle cannot be determined by any means pro-vided for in this division, notice of the right to a pre-tow administrative hearing required by sec-tion 14-248(b) shall be given by affixing to such vehicle, in a conspicuous location, notice, in the form of an adhesive sticker, on the right to a hearing prior to the impoundment and towing of the vehicle.

(c) It shall be presumed for purposes of this section that notice sent to the last known regis-tered owner at his last known address (or any other person entitled to notice under this division) will be deemed delivered within seventy-two (72) hours of the sending of the notice by regular mail or any other private delivery service.
(Ord. No. 9-25-90A, § 11)

Sec. 14-252. Contents of notice of hearing.

The notice of a hearing required to be given under this section shall contain the following information:

(1) Name of the owner of the vehicle, if such is available;

(2) Description of the vehicle;

(3) Location of the vehicle (before and after tow in the case of a post-tow hearing);

(4) Nature of violation of the law;

(5) Right to a pre-tow or post-tow hearing; whichever is applicable;

(6) Manner in which to request a pre-tow or post-tow hearing;

(7) The owner of the vehicle shall be responsible for the expenses of towing and storage if it is determined that there is or was probable cause for the tow.

(Ord. No. 9-25-90A, § 12)

Sec. 14-253. Police records of towed vehicles.

When a motor vehicle or other vehicle is autho-rized to be towed away, the police department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's se-ries name, body style, vehicle identification num-ber and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location from, location towed to, reason for towing and the name of the officer authorizing the tow.
(Ord. No. 9-25-90A, § 13)

Sec. 14-254. Reclamation of vehicles in custody.

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in this division, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the police department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until ail towing and storage charges have been paid.
(Ord. No. 9-25-90A, § 14)

Sec. 14-255. Sale of unclaimed vehicle; notice to known owner.

(a) 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 or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided in this section, the police department shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the police department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner 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.

(b) In those instances where the certified notification specified in this section has been returned by the postal authorities to the police department due to the addressee having moved, or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.
(Ord. No. 9-25-90A, $ 15)

Sec. 14-256. Notice not required when owner's identity cannot be determined.

(a) When the identity of the registered owner 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 division, the vehicle may be sold as provided In this article or disposed of in the manner authorized by this division without notice to the registered owner or other person legally entitled to the possession of the vehicle.

(b) When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this division, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by U.S. mail, public service or

in person for a determination of disposition; and, an examination of the state police motor vehicle files for theft and wanted information. At the expiration of the ten-day period, without the benefit of disposition information being received from the registered owner, the chief of police will authorize the disposal of the vehicle as junk only.
(Ord. No. 9-25-90A, $ 16)

Sec. 14-257. Police records of reclamation of impounded vehicle or sale thereof.

When a motor vehicle or other vehicle in the custody of the police department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this article, a report of the transaction will be maintained by the police department for a period of one (1) year from the date of the sale or disposal.
(Ord. No. 9-25-90A, $ 17)

Sec. 14-258. Disposition of proceeds of sale of impounded vehicle.

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this division.
(Ord. No. 9-25-90A, $ 19)

Sec. 14-260. Penalty for violation of division.

Any person violating any provision of this division shall be deemed guilty of a pretty offense and upon conviction thereof, shall be fined an amount not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense. Each day such violation is commit-ted or permitted to continue shall constitute a separate offense and shall be punishable hereun-der as such.
(Ord. No. 9-25-90A, § 20)

Secs. 14-261-14-270. Reserved.

DMSION 3. REMOVAL OF ABANDONED VEHICLES ON PRIVATE PROPERTY

Sec. 14-271. Definitions.

For the purpose of this division, the following words shall have the respective meanings as-cribed to them as follows:

Abandoned vehicle means any motor vehicle located on private or public property that have not been moved or used for at least seven (7) days or more or any vehicle left at any place for such a time and under such circumstances as to cause the vehicle reasonably to appear to have been abandoned.

Inoperable vehicle means any vehicle in a state of disassembly or disrepair for a period of at least seven (7) days which renders the vehicle incapable of being driven under its own power.

Owner means a person who holds legal title of a vehicle or a person who has registered a vehicle in his name with the state, or in the event a vehicle is subject to an agreement for a condi-tional sale, lease or mortgage which vests an immediate right of possession in the conditional vendor, lessee, mortgagor shall be deemed the owner for the purposes of this division.

Vehicle means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and to transport persons or

property or to pull machinery and shall include without limitation, automobiles, trucks, trailers, buses, recre-ational vehicles, tractors, motorcycles, snowmo-biles, buggies and wagons.
(Ord. No. 12-11-90, § 1)
Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 14-272. Unlawful abandonment; re-moval authorized.

The abandonment of a motor vehicle or other vehicle or any part thereof on any private prop-erty in the village is unlawful and subject to penalties as set forth in this division. The aban-donment of a motor vehicle or any part thereof on private property, anywhere in the village is un-lawful. A motor vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the chief of police after a waiting period of seven (7) days or more has expired. (Ord. No. 12-11-90, § 2)

Sec. 14-273. Public nuisances.

(a) Abandoned vehicles. Abandoned and inop-erable motor vehicles on private property are hereby declared to be a nuisance and shall be subject to removal in accordance with the provi-sions of this division or any other applicable laws. No person shall permit any abandoned or inoper-able vehicle to be kept or stored on private prop-erty except repair shops and car dealers.

(b) Notice of violation. The owner or other persons legally entitled to have possession of the vehicle shall be served with a written notice to abate the nuisance. Said notice shall substan-tially inform him of the following:

(1) That he is committing a nuisance on private property;

(2) To abate the nuisance in seven (7) days;

(3) That if the nuisance is not removed in seven (7) days, the village will abate the same by towing the vehicle to an auto pound and charging ail costs to the owner;

(4) That he may be charged in court with violating this division and fined for each day said nuisance continues;

(5) That the village may use any other remedies, ordinances or statutes.

(c) *Abatement*. In the event said owner or other person legally entitled to have possession of the vehicle to whom notice is given does not remove the abandoned vehicle after seven (7) days, the nuisance shall be summarily abated by causing said vehicle to be towed to an auto pound or other appropriate place as determined by the chief of police. The owner or other person legally entitled to have possession of the vehicle shall be notified of the place where the vehicle is being held.
All required notices shall be served on such owner or other person legally entitled to have possession of said vehicle of the violation in person or by certified mail addressed to the premises of their last known address.
A complaint may be filed in the circuit court for violating the provisions of this section, in lieu of or in addition to the provisions of this section for abating the nuisance by towing.
(Ord. No. 12-11-90, $ 3)

Sec. 14-274. Temporary provision or custody by nonowner; notice to the chief of police; removal by towing service.

When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person, not the owner of the vehicle, such person shall immediately notify the police department when the vehicle is within the corporate limits of the village. Upon receipt of such notification, the chief of police shall authorize a towing service to remove 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 until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this division. (Ord. No. 12-11-90, $ 4)

Sec. 14-275. Unknown owner identity searches required.

(a) When the police department does not know the identity of the registered owner or other legally entitled person, it will cause the motor vehicle registration records of the state to be searched by a direct communication to the secretary of state for the purpose of obtaining the required ownership information.

(b) The police department will cause the stolen motor vehicle files of the secretary of state police to be searched by a directed communication to the secretary of state police for stolen or wanted information on the vehicle. When the secretary of state police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched. The information from these records searches will be used by the police department in sending a notification by certified mail to the registered owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. (Ord. No. 12-11-90, $ 5)

Sec. 14-276. Removal of vehicles; post-tow hearing.

(a) The police department is authorized to impound and tow, or have towed by a commercial towing service, to a place of safe storage:

(1) Any vehicle known to be stolen; or

(2) Any illegally parked, abandoned, inoperable, or otherwise unattended vehicle which, by its position in relation to any private property or by its physical appearance, creates or constitutes a public nuisance.

(b) As to any vehicle impounded and towed pursuant to subsection (a) by or at the request of the police department, the owner of the vehicle has a right to a post-tow administrative hearing to determine whether there was probable cause to impound and tow the vehicle if such person files a written demand. (Ord. No. 12-11-90, $ 6)

Sec. 14-277. Removal of vehicles; pre-tow hearing.

(a) Subject to the provisions of this section, the police department is authorized to impound and tow, or have towed by a commercial towing service, to a place of safe storage any illegally parked, abandoned or inoperable vehicle located on pri-vate property and which vehicle is not subject to the provisions of section 14-274.

(b) Whenever the police department finds an illegally parked, abandoned or inoperable vehicle located on private property and not subject to section 14-274, it shall affix to such vehicle, in a conspicuous location, in the form of an adhesive sticker, a notice informing the owner that the vehicle must be removed within seventy-two (72) hours or the vehicle will be impounded and towed. The contents of the notice shall be as set forth in this division.

(c) Prior to the impoundment and towing of any vehicle pursuant to subsection (a) and after notice of removal bas been given pursuant to subsection (b), the owner of the vehicle has a right to a pre-tow administrative hearing before a hear-ing officer designated by the mayor to determine whether there is a probable cause to impound and tow the vehicle, provided such person files a written demand, on forms so provided for such a hearing with the police department within forty-eight (48) hours after the person bas been notified of the impending impoundment and towing of the vehicle.

(d) When the identity of the owner of any abandoned or inoperable vehicle cannot be rea-sonably determined by any means provided for in this division, or when the owner of such a vehicle bas been sent notice of the impending impound-ment and towing of the vehicle but bas failed to file a timely written demand for a pre-tow admin-istrative hearing as provided in this section, a police officer may impound and tow such a vehicle in accordance with subsection (a) upon the expi-ration of the notice required by this section.

(e) Nothing herein shall be construed as a limitation upon the authority of any law enforce-ment officer to issue a traffic or parking citation or for the village to pursue other legal remedies for the removal of any vehicle. (Ord. No. 12-11-90, § 7)

Sec. 14-278. Conduct of pre-tow and post- tow hearings.

(a) A pre-tow hearing or a post-tow hearing shall be conducted before a hearing officer desig-nated by the mayor within twenty-four (24) hours of receipt of a written demand from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and village holidays are to be excluded from the calculation of the 24-hour period.

(b) The hearing officer shall be someone other than the person who directed the impoundment and towing of the vehicle.

(c) The sole issue before the hearing offi.cer shall be whether there is or was probable cause to impound and tow the vehicle in question. The term "probable cause to impound and tow11 shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there is or was a sufficient breach of local, state or federal law to grant legal authority for the im-poundment and towing of the vehicle.

(d) The hearing officer shall conduct the hear-ing in an informal manner and the person de-manding the hearing shall carry the burden of establishing that he has the right to possession of the vehicle. The police department shall carry the burden of establishing that there is or was prob-able cause to impound and tow the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and to the regis-tered owner of the vehicle (if not the person requesting the hearing). The hearing officer's

decision shall in no way affect any criminal pro-ceeding. The decision of the hearing officer is final. Failure of the registered owner or person who has legal entitlement to possession of the vehicle to request or attend a scheduled pre-tow or post-tow administrative hearing shall be deemed a waiver of the right to such hearing. (Ord. No. 12-11-90, § 8)

Sec. 14-279. Decisions of hearing officers and their effect.

(a) In a pre-tow hearing, the hearing officer shall only determine that as to the vehicle in question either (i) there is probable cause to impound and tow the vehicle, or (ii) there is no such probable cause. In the event that the hear-ing officer determines that there is probable cause to impound and tow the vehicle, the hearing officer shall prepare and date a certificate of probable cause which will authorize the police department to impound and tow the vehicle. In the event that the hearing officer determines that there is no probable cause to impound and tow the vehicle, the hearing officer shall prohibit the police department from impounding and towing the vehicle. Copies of the certificate of probable cause or the certificate of no probable cause, whichever is appropriate, shall be given to both the registered owner or person who has legal entitlement to possession of the vehicle and the police department.

(b) In a post-tow hearing, the hearing officer shall only determine that as to the vehicle in question either (i) there was probable cause to impound and tow the vehicle, or (ii) there was no such probable cause. In the event that the hearing officer shall prepare and date a certificate of probable cause, copies of which shall be given to the police department, the commercial towing service having possession of the vehicle, and the owner of the vehicle. Upon receipt of the certificate of no probable cause, the commercial towing service having possession of the vehicle shall release the vehicle to its owner. Upon a finding of no probable cause, the village shall pay the towing and storage fees in accordance with an agreement made between the village and the commercial towing service. If the owner of the vehicle fails to present the certificate of no probable cause to the commercial towing service having possession of the vehicle within twenty- four (24) hour of its receipt (excluding such days when the commercial towing service is not open for business), the owner of the vehicle shall assume liability for all subsequent storage charges.
(Ord. No. 12-11-90, $ 9)

Sec. 14-280. Notice of pre-tow and post-tow hearings.

(a) When the identity of the owner of the vehicle is ascertainable by the means provided for in this division, notice of the right to an administrative hearing shall be given in the following manner:

(1) By leaving a copy of the notice with the owner of the vehicle personally; or

(2) By sending a copy of the notice to the last known address of the owner of the vehicle.

(b) When the identity of the owner of the vehicle cannot be determined by any means provided for in this division, notice of the right to a pre-tow administrative hearing required by section 14-277(b) shall be given by affixing to such vehicle, in a conspicuous location, notice, in the form of an adhesive sticker, on the right to a hearing prior to the impoundment and towing of the vehicle.

(c) It shall be presumed for purposes of this section that notice sent to the last known registered owner at his last known address (or any other person entitled to notice under this division) will be deemed delivered seventy-two (72) hours of the sending of the notice by regular mail or any other private delivery service. (Ord. No. 12-11-90, $ 10)

Sec. 14-281. Contents of notice of hearing.

The notice of a hearing required to be given under this division shall contain the following information:

(1) Name of the owner of the vehicle, if such is available;

(2) Description of the vehicle;

(3) Location of the vehicle (before and after tow in the case of post-tow hearing);

(4) Nature of violation of the law;

(5) Right to a pre-tow or post-tow hearing; whichever is applicable;

(6) Manner in which to request a pre-tow or post-tow hearing;

(7) The owner of the vehicle shall be responsible for the expenses of towing and storage if it is determined that there is or was probable cause for the tow.

(Ord. No. 12-11-90, $ 11)

Sec. 14-282. Police records of towed vehicles.

When a motor vehicle or other vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's se-ries name, body style, vehicle identification num-ber and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location from, location towed to, reason for towing and the name of the officer authorizing the tow. (Ord. No. 12-11-90, § 12)

Sec. 14-283. Reclamation of vehicles in custody.

Any time before a motor vehicle or other vehi-cle is sold at public sale or disposed of as provided in this division, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the police department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid. (Ord. No. 12-11-90, § 13)

Sec. 14-284. Sale of unclaimed vehicle; notice to known owner.

(a) 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 or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided in this division, the police department shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle bas been impounded. At least ten (10) days prior to the sale, the police department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner 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.

(b) In those instances where the certified noti-fication specified in this section bas been re-turned 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 notice will not be required. (Ord. No. 12-11-90, § 14)

Sec. 14-285. Notice not required when owner's identity cannot be de-termined.

(a) When the identity of the registered owner 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 deter-mined by any means provided for in this division, the vehicle may be sold as provided in this divi-sion or disposed of in the manner authorized by this division without notice to the registered owner or other person legally entitled to the possession of the vehicle.

(b) When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this division, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the reg-istered owner by the U .S. mail, public service or in person for a. determination of disposition; and, an examination of the state police motor vehicles files for theft and wanted information. At the expiration of the ten-day period, without the benefit of disposition information being received from the registered owner, the chief of police will authorize the disposal of the vehicle as junk only. (Ord. No. 12-11-90, § 15)

Sec. 14-286. Police records of reclamation of impounded vehicle or sale thereof.

When a motor vehicle or other vehicle in the custody of the police department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this division, a report of the transaction will be maintained by the police department for a period of one (1) year from the date of the sale or disposal. (Ord. No. 12-11-90, $ 16)

Sec. 14-278. Disposition of proceeds of sale of impounded vehicle.

When a vehicle located within the corporate limits of the village is authorized to be towed away by the chief of police and disposed of as set forth in this division, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges will be deposited in the village’s general fund. (Ord. No. 12-11-90, $ 17)

Sec. 14-288. Exemption from civil liability.

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this division. (Ord. No. 12-11-90, $ 18)

Sec. 14-289. Penalty for violation of division.

Any person violating any provision of this division shall be deemed guilty of a petty offense and upon conviction thereof, shall be fined an amount not less than twenty- five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense. Each day such violation is committed or permitted to continue shall constitute a separate offense shall be punishable hereunder as such. (Ord. No. 12-11-90, $ 19)

Secs. 14-290—14-300. Reserved.

ARTICLE IX. PARADES AND DEMONSTRATIONS

Sec. 14-301. Definition.

As used in this article, the term “parade” means any parade, march, ceremony, show exhibition, pageant, demonstration or procession of any kind, or any similar display in or upon any street, park or other public or private space, but not sidewalk, In the village. (Ord. No. 11-12-91, $ 1) **Cross reference—Definitions and rules of construction generally, $ 1-2.**

Sec. 14-302. Exceptions.

This article shall not apply to:

(1) Funeral processions;

(2) Students going to and from school classes or participating in education activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions.

(Ord. No. 11-12-91, $ 2)

Sec. 14-303. Permits required; contents.

(a) No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the mayor and board of trustees.

(b) Each parade permit shall state the following information:

(1) Starting time;

(2) Maximum speed (if available);

(3) The portions of the streets to be traveled that may be occupied by the parade;

(4) The maximum length of the parade in miles or fractions thereof;

(5) Such other information as the chief of police shall find necessary to the enforcement of this article.

(Ord. No. 11-12-91, $ 3)

Sec. 14-304. Application for permit; fee.

(a) Application required. A person seeking issuance of a parade permit shall file an application with the mayor and board of trustees on forms provided by such.

(b) Time for filing permit application. An ap-plication for a parade permit shall be filed with the village clerk's office not less than thirty (30) days before the date on which it is proposed to conduct the parade.

(c) Contents of application. The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to

conduct such parade; or if the parade is proposed to be conducted for, on behalf of, or by an orga-nization, the name, address and tele-phone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.

(2) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(3) The date when the parade is to be conducted.

(4) The route to be traveled (include map of route travel), the starting point, and the termination point.

(5) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles.

(6) The hours when such parade will start and end.

(7) A statement as to whether the parade will occupy ail or only a portion of the width of the streets proposed to be traveled.

(8) The location of any assembly areas for such parade.

(9) The time at which units of the parade will begin to assemble.

(10) If proposed route includes use of streets or roads not under the jurisdiction of the village, the applicant must obtain written permission from the appropriate author-ity authorizing use of said street or road. Written permission must be submitted at least thirty (30) days before proposed pa-rade date.

(11) Ail persons or organizations approved for a parade permit may be required to enter into a hold harmless agreement on behalf of the village.

(12) Any additional information which the village clerk or chief of police shall find reasonably necessary in a fair determina-tion as to whether a permit should be issued.

(Ord. No. 11-12-91, § 4)

Sec. 14-305. Standards for issuance of permit.

(a) The mayor and board of trustees shall, upon conferring with the chief of police, issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, the mayor and board of trustees finds that:

(1) The conduct of the parade will not sub-stantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the village.

(3) The conduct to such parade shall not require the diversion of so great a number of ambulances as to prevent normal am-bulance service to portions of the village other than that to be occupied by the proposed line of march and areas contig-uous thereto.

(4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assem-bly areas.

(5) The conduct of such parade will not interfere with the movement of emergency vehicles.

(6) The conduct of the parade is not reason-ably linked to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

(8) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

(b) In order to comply to the standard of this section, the mayor and the board of trustees may issue the permit subject to additional restrictions as to interference between marchers, compliance with traffic control signals and the directions of officers controlling traffic and pedestrian movements. (Ord. No. 11-12-91, $ 5)

Sec. 14-306. Action on application; procedure upon denial.

(a) Action, notice of denial. The mayor and board of trustees shall act upon the application for a parade permit within a reasonable amount of time prior to the proposed parade date. If the application is disapproved, notice shall be mailed to the applicant within five (5) days after the date upon which the application was denied, a notice of the action, stating the reasons for the denial of the permit.

(b) Appeal from permit denial. A person aggrieved shall have the right to appeal the denial of a parade permit to the mayor and board of trustees, which appeal shall be taken within five (5à days after notice. The mayor and board of trustees shall act upon the appeal within five (5) days after its receipt.

(c) Alternative permits authorized; acceptance. The mayor and board of trustees in denying an application for a parade permit shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the mayor and board of trustees, file a written notice of acceptance with the village clerk. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this article. (Ord. No. 11-12-91, $ 6)

Sec. 14-307. Revocation of permit.

The mayor and board of trustees shall have the authority to revoke a parade permit issued under this article upon application of the standard for issuance as set forth in this article. (Ord. No. 11-12-91, $ 7)

Sec. 14-308. Notice to village officers of permit issuance.

Immediately upon the issuance of a parade permit, a copy thereof shall be sent to the following:

(1) Chief of police;

(2) Director of public works;

(3) Fire chief.

(Ord. No. 11-12-91, $ 8)

Sec.14-309. Compliance with permit; regulations.

A permittee under this article shall comply with all permit directions and conditions and with all applicable laws and ordinances of the village and any other governmental body. (Ord. No. 11-12-91, $ 9)

Sec. 14-310. Duty to carry permit.

The parade chairman or other person leading such activity shall carry he parade permit upon his person during the conduct of the parade. (Ord. No. 11-12-91, $ 10)

Sec. 14-311. Prohibitions and restrictions.

(a) *Interfering with parades, assemblies*. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly, or with any person, vehicle or animal participating or used in a parade.

(b) *Driving through parades*. No driver of a vehicle shall drive between the vehicles of persons comprising a parade when such vehicles or per-sona are in motion and are conspicuously desig-nated as a parade.

(c) *Parking on parade routes*. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof consti-tuting a part of the route of a parade.

The chief shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation hereof. No person shall be liable for parking on a street unposted in violation of this article. (Ord. No. 11-12-91, § 11)

Sec. 14-312. Penalty for violation of article.

Any person violating or failing to comply with any provision of this article shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each offense. (Ord. No. 11-12-91, § 12)

Secs. 14-313-14-330. Reserved.

ARTICLE X. IMPLEMENTATION OF THE ADMINISTRATIVE ADJUDICATION OF VEIDCULAR STANDING, PARKING AND COMPLIANCE VIOLATIONS

Sec. 14-331. Purpose.

(a) The stated purpose of this article is to provide a fair and efficient enforcement of munic-ipal vehicular standing, parking and condition of vehicle regulation violations and other municipal regulation violations as may be allowed by law, through an administrative adjudication of viola-tions of municipal ordinances regulating the stand-ing, parking and condition of vehicles within the geographic boundaries of this village and a sched-ule of uniform fines and penalties and authority and procedures for collection of unpaid fines and penalties.

(b)For purposes of this article the term "compliance violation" means a violation of a munici-pal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license. (Ord. No. 8-22-95, § 1)

Sec. 14-332. Administrative composition.

The system of administrative adjudication of vehicular standing, parking and compliance,

regulation violations shall provide for a traffic com-pliance administrator, hearing officer, computer operator/system coordinator and hearing room personnel (deputy), with the power, authority and limitations as are hereinafter set forth:

(1) The traffic compliance administrator shall be empowered and is hereby authorized and directed to:

a. Operate and manage the system of administrative adjudication of vehic-ular standing, parking and compliance regulation violations;

b. Adopt, distribute and process stand-ing, parking and compliance viola-tion notices and other notices as may be required under this article or as may be reasonably required to carry out the purpose of this article;

c. Collect moneys paid as fines and/or penalties assessed after a final de-termination of vehicular standing, parking or compliance regulation vi-olations liability;

d. Conduct hearings, as a hearing of-ficer with the same power and au-thority as is hereinafter set forth, during the absence of the appointed hearing officer;

e. Certify copies of final determina-tions of standing, parking and com-pliance regulation violations liabil-ity and factual reports verifying that the final determination of standing, parking and compliance regulation violations liability was issued in accordance with this article and 625 ILCS 5/11-208.3;

f. Certify reports to the secretary of state concerning initiation of suspension of driving privileges in accordance with the provisions of this article, hereinafter set forth, and those of 625 ILCS 5/6-306.5;

g. Review final determinations of vehicular standing, parking and compliance regulation violations liability, validity of notices of impending impoundment or validity of notice of impending driver's license suspension, in an administrative review capacity in accordance with the provisions of this article, hereinafter set forth;

h. Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created;

i. Collect unpaid fines and penalties by filing complaints in the circuit court or selecting or appointing an individual or agency to act on behalf of this village in filing complaints seeking judgments for unpaid fines or penalties and pursuit of all post-judgment remedies available by current law;

j. To select or appoint an individual, agency or firm to tow and impound vehicles in accordance with the provisions of this article, hereinafter set forth.

(2) The hearing officer shall be empowered and is hereby authorized and directed to:

a. Preside over the administrative hearings, established in this article, as the adjudicator;

b. Administer oath;

c. Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation;

d. Assess fines and penalties for the violation of vehicular standing, parking or compliance regulation violations as are established in section 14-339;

e. Make final determination of:

1. Vehicular standing, parking and compliance regulation violations liability;

2. Validity of notice of impending impoundment;

3. Validity of notice of impounding driver's license suspension in accordance with the provisions of this article hereinafter set forth.

f. Provide for the accurate recordation of the administrative adjudication hearings.

(3) The system coordinator/computer operator is hereby authorized and directed to operate and maintain the computer programs for the administrative adjudication system hereby created, on a day to day basis, including but not limited to:

a. Input of violation notice information;

b. Hearing dates and notice dates;

c. Fine and penalty assessments and payments;

d. Issue payment receipts;

e. Issue succeeding notices of hearing dates, final determination of liability, notice of impending impoundment, and notice of impending driver's license suspension, as directed by the traffic compliance administrator in accordance with the provisions hereinafter set forth;

f. Keep accurate records of appearances and nonappearances at administrative hearings, pleas entered, fines and penalties assessed and paid.

(4) The hearing room personnel are hereby authorized and directed to:

a. Maintain hearing room decorum;

b. Have and execute authority as is granted to courtroom deputies of the circuit court;

c. Perform such other duties or acts as may reasonably be required and as directed by the hearing officer or traffic compliance administrator;

d. This position is limited to off-duty, full-time, part-time or auxiliary po-lice officers.

(5) The village president is hereby authorized to appoint persons to hold the posi-tions above set forth, with the advice and consent of the board of trustees. One (1) person may hold and fulfill the require-ments of one (1) or more of the above stated positions.

(6) Compensation to be paid for each of the above-stated positions shall be as deter-mined by the mayor and approved by the board of trustees.

(Ord. No. 8-22-95, § 2)

Sec. 14-333. Procedure.

The system of administrative adjudication of vehicular standing, parking and compliance reg-ulation violations shall be in accordance with the following procedures and final determinations of vehicular standing, parking and compliance reg-ulation violations liability, validity of notice of impending impoundment, validity of notice of impending driver's license suspension, impound-ment of vehicle and collections shall be made only in accordance with the provisions set forth below:

(1) Violation notice. Vehicular standing, park-ing and compliance regulation violation notices shall be issued by the persons authorized in this article and shall con-tain information and shall be served, cer-tified and have evidentiary admissibility as is hereinafter set forth.

(2) Authorization. Al1 full-time, part-tune, aux-iliary police and community service officers, as well as other specifically appointed individuals shall have the authority to issue violation notices.

(3) Detection of violations. Any individual authorized hereby to issue violation notices and who detects a violation of any section of any applicable municipal ordinance, shall issue a notice of violation thereof and shall make service thereof as is here-inafter set forth.

(4) Contents of violation notice. The vehicular standing, parking and compliance regula-tion violation notice shall contain, but shall not be limited to, the following in-formation:

a. The date, time and place of the vio-lation (date of issuance);

b. The particular vehicular standing, parking or compliance regulation vi-olated;

c. Vehicle make and state registration number;

d. The fine and any penalty which may be assessed for late payment;

e. The signature and identification num-ber of the person issuing the notice;

f. A section entitled, "request for hear-ing" which shall clearly set forth that the registered owner or lessee may appear at the initial adminis-trative hearing to contest the valid-ity of the violation notice on the date and at the time and place as speci-fied in the violation notice by:

1. Checking or placing a mark in a space provided and clearly identified, "request for hear-ing";

2. Placing his name and current address in the place provided;

3. Signing his name in the appro-priate indicated place;

4. Filing the violation notice with the "request for hearing" por-tion fully completed; with the traffic compliance administra-tor postmarked within ten (10) days of the violation notice is-suance. The request shall be deemed filed upon receipt by the traffic compliance adminis-trator.

g. The date, time and place of an ad-ministrative hearing at which the violation may be contested on its merits;

h. That payment of the indicated fine and any late payment penalty shall operate as a final disposition of the violation;

i. A section entitled, “nonresident request for hearing nonappearance,” which clearly sets for that that a nonresident registered owner or lessee may appear at the initial administrative hearing to contest the validity of the violation notice without personally appearing by:

1. Checking or placing a mark in a space provided and clearly identified, “nonresident request for hearing—nonappearance”;

2. Placing his name and current address in the place provided;

3. Signing his name in the appropriate indicated place;

4. Filing the violation notice with the “nonresident request for hearing” portion fully completed, with the traffic compliance administrator postmarked within ten (10) days of the violation notice issuance; the request shall be deemed filed upon receipt by the traffic compliance administrator;

5. Filing a notarized statement of facts specifying the grounds for challenging the violation notice which must be filed with the traffic compliance administrator postmarked within ten (10) days of the violation notice issuance; the request shall be deemed filed, if postmarked by the due dates specified in this article;

6. A clearly marked statement that execution of the nonresident request for hearing is a waiver of the nonresident’s right to a personal appearance and that the adjudication will be made based upon the notarized statement of facts submitted by the nonresident and the facts

contained in the violation notice.

(5) *Service of notice*. Service of the violation notice shall be made by the person issuing such notice by:

a. Affixing the original or a facsimile of the notice to an unlawfully standing or parked vehicle; or

b. Handing the notice to the registered owner, operator or lessee of the vehicle, if present.

(6) *Certification of correctness of facts*. The correctness of facts contained in the vehicular standing, parking or compliance regulation violation notice shall be certified by the person issuing said notice by:

a. Signing his name to the notice at the time of service; or

b. In the case of a notice produced by a computer device, by signing a single certificate, to be kept by the traffic compliance administrator, attesting to the correctness of all notice produced by the device while under his control.

(7) *Retention of notice*. The original or a facsimile of the violation notice shall be retained by the traffic compliance administrator and kept as a record in the ordinary course of business.

(8) *Prima facie evidence of correctness*. Any violation notice issued, signed and served in accordance herewith, or a copy of the notice shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

(9) *Admissibility*. The violation notice or a copy shall be admissible in any subsequent administrative or legal proceeding.

(Ord. No. 8-22-95, $ 3)

Sec. 14-334. Administrative hearings.

An administrative hearing to adjudicate the alleged standing, parking or compliance regulation violation on its merits:

(1) Shall be granted to the registered owner or operator of the “cited vehicle,” pursuant to 625 ILCS 5/11-208.3 or the lessee of the "cited vehicle." pursuant to 625 ILCS 5/11-1306, incorporated in this article by reference;

(2) Shall be at the date, time and place as is set forth in the violation notice issued and served, or such additional notices issued in accordance with this article; violators shall be given no less than three (3) op-portunities to appear and failure to ap-pear by the third scheduled hearing date will result in a "final determination of liability" as hereinafter set forth;

(3) Shall be tape recorded;

(4) Shall culminate in a determination of liability or nonliability, made by the hear-ing officer, who shall consider testimony and other evidence without the applica-tion of the formal or technical rules of evidence; the hearing offi.cer shall, upon a determination of liability, assess fines and penalties in accordance with section 14-339;

(5) Persons appearing to contest the alleged standing, parking or compliance violation on its merits may be represented by coun-sel at their own expense;

(6) The final determination of any matter which may be decided by the hearing officer may be reviewed as is set forth in this article.

(Ord. No. 8-22-95, § 4)

Sec. 14-335. Additional notices.

Upon failure of the registered owner or lessee of the cited vehicle" to appear at the administra-tive hearing indicated in the vehicular standing, parking or compliance regulation violation notice, or upon final determination of violation liability, the traffic compliance administrator shall send or cause to be sent additional notices which:

(1) Shall be sent to the registered owner or lessee of the "cited vehicle" at the address as is recorded with the secretary of state;

(2) Shall be sent to the lessee of the "cited vehicle" at the address last known to the lessor of the "cited vehicle" at the time of the lease;

(3) Shall be sent by first class mail, postage prepaid;

(4) Service of additional notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail;

(5) The additional notices sent in accordance herewith shall be in the following sequence and contain, but not be limited to, the following information:

a. Upon the failure of the registered owner or lessee of the "cited vehicle'1 to appear at the hearing set forth in the vehicular standing, parking or compliance -regulation violation no- tice, additional notices shall be sent, as above set forth, and shall contain, but not be limited to the following information:

1. Date and location of violation cited in the vehicular standing, parking or compliance regulation violation notice;

2. Particular standing, parking or compliance regulation violated;

3. Vehicle make and state registration;

4. Fine and any penalty that may be assessed for late payment;

5. Notice to the registered owner or lessee of their current status, other than paid in full;

6. Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits;

7. Statement that failure to either pay fine and any applicable penalty or failure to appear at the hearing on

its merits on the date and at the time and place specified will result in a final determination of vehicle standing, parking or compliance regulation violation liability for the "cited" violation in the amount of the fine and penalty indicated;

8. Statement that upon the occurrence of a final determination of vehicular standing, parking or compliance violation liability for the failure, and the exhaus-tion of, or the failure to ex-haust, available administra-tive or judicial procedures for review, any unpaid fine or pen-alty will constitute a debt due and owing the village.

b. A notice of final determination of vehicular standing, parking or com-pliance regulation violation liability shall be sent following an appear-ance by the violator and a determi-nation of liability, or the failure to appear by the violator by the third and final hearing date upon conclu-sion of any administrative and/or judicial review, as is hereinafter set forth in this article, and the notice shall contain, but not be limited to, the following information and warnings:

1. A statement that the unpaid fine and any penalty assessed is a debt due and owing the village;

2. A warning that failure to pay the fine and any penalty due and owing the village within the time specified may result in the village's filing a complaint in the circuit court to have the unpaid fine or penalty rendered a judgment in accordance with 625 ILCS 5/11-208.3(0, in-corporated in this article by ref-erence;

3. A warning that the vehicle owned by the person and lo-cated within the village may be impounded for failure to pay fines or penalties for five (5) or more vehicular standing, park-ing or compliance regulation vi-olations;

4. A warning that the person's driver's license may be sus-pended for failure to pay fines or penalties for ten (10) or more vehicular standing or parking violations under 625 ILCS 5/6-306.5, incorporated in this arti-cle by reference.

c. A notice of impending suspension of a person's driver's license shall be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten (10) or more vehicular stand-ing or parking regulation violations:

1. The notice shall state that the failure to pay the fine or pen-alty owing within forty-five (45) days of the date of the notice will result in the village's noti-fying the secretary of state that the person is eligible for initia-tion of suspension proceedings under 625 ILCS 5/6-306.5 incor-porated in this article by refer-ence.

2. The notice of impending driver's license suspension shall be sent by first class mail, postage pre-paid, to the address recorded with the secretary of state.

(Ord. No. 8-22-95, § 5)

Sec. 14-336. Final determination of liability.

A final determination of vehicular standing, parking or compliance regulation violation liabil-ity shall:

(1) Occur following the failure to pay the total assessed fine or penalty after the hearing officer's determination of vehicu-lar standing, parking or compliance regu-lation violation liability and the exhaus-tion of or the failure to exhaust any administrative review procedures herein-after set forth in this article; or

(2) Where a person fails to appear at a prior hearing or by the third and final administrative hearing provided to contest the alleged violation on the date and at the time and place specified in a prior served or mailed notice, the hearing officer's de-termination of vehicular standing, parking or compliance regulation violation li-ability shall become final:

a. Upon denial of a timely petition to set aside that determination; or

b. Upon the expiration of the period for filing petition without a filing hav-ing been made.

(Ord. No. 8-22-95, § 6)

Sec. 14-337. Administrative review.

A petition to set aside a determination of ve-hicular standing, parking or compliance regula-tion violation liability may be filed by a person owing an unpaid fine or penalty in the manner and subject to the restrictions and grounds here-inafter set forth:

(1) A written petition to set aside a determi-nation of liability must be filed in the office of the traffic compliance administra-tor within, but not later than, fourteen (14) days from the date the determination of liability is made.

(2) The traffic compliance administrator shall act upon the petition timely filed and render a decision thereon within fourteen (14) days of the date filed.

(3) The grounds for setting aside a determi-nation of liability shall be limited to the following:

a. The person against whom the deter-mination of liability is made was not the, owner or lessee of the "cited vehicle" on the date the vehicular standing, parking or

compliance reg-ulation violation notice ·was issued;

b. The person's having paid the fine or penalty prior to the determination of liability for the violation in question;

c. Excusable failure to appear at or request a new date for a hearing.

(4) Should the determination of liability be set aside, the traffic compliance adminis-trator shall:

a. Notify the registered owner or les-see, as the case may be, that the determination of liability has been set aside;

b. Notify the registered owner or les-see, as the case may be, of a date, time and place for a hearing on the merits of the violation for which de-termination of liability bas been set aside;

c. Notice of setting aside of the deter-mination of liability and the notice of the hearing date shall be by first class mail, postage prepaid to the address set forth on the petition to set aside the determination of liabil-ity;

d. Service of the notice shall be com-plete on the date the notice is depos-ited in the United States mail.

(Ord. No. 8-22-95, § 7)

Sec. 14-338. Nonresident procedures.

Nonresidents of this village who have been served vehicular standing, parking or compliance regulation violation notices, in accordance with this article, may contest the alleged violation on its merits, as could a resident, or may contest the validity without personally appearing at an ad-ministrative hearing by:

(1) Completing, in full, the "nonresident re-quest for hearing" section of the violation notice, served upon him pursuant to this 'article;

(2) Signing the nonresident request for hear-ing in the space specified in the violation notice, and acknowledging that bis per-sona! appearance is waived and submit-ting to an adjudication based upon the notarized statement filed by him and the facts contained in the violation notice;

(3) Filing the violation notice with the "re-quest for hearing" section fully completed with the traffic compliance administrator postmarked within ten (10) days of the violation notice issuance; the request shall be deemed filed upon receipt by the traffic compliance administrator;

r4) Filing a notarized statement of facts spec-ifying the grounds for challenging the violation notice which must be filed with the traffic compliance administrator post-marked within ten (10) days of the viola-tion notice issuance. The request shall be deemed filed upon receipt by the traffic compliance administrator. The acceptance of a "nonresident request for hearini1 after the due date or with cause, at the discretion of the traffic compliance admin-istrator, shall be

accepted for hearing con-sideration and decision;

(5) The hearing officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed by the nonresident as is contained in the violation notice;

(6) Notice of the determination of the hearing officer shall be served upon the nonresi-dent by first class mail, postage prepaid, addressed to the nonresident at the ad-dress set forth in the statement of facts submitted;

(7) Service of the notice shall be complete on the date the notice is placed in the United States mail;

(8) All other provisions of this article shall apply equally to nonresidents of this village.

(Ord. No. 8-22-95, § 8)

Sec. 14-339. Schedule of fines/penalties.

(a)The fines and penalties which shall be imposed for the violation of vehicular standing, parking or compliance regulation violations shall be as follows:

	Fine Schedule	*General Fine Amount*	*Handicapped Fine Amount*	*Traffic Compliance*
Step.1	Upon service of a ''violation notice" issued and paid within ten (10) days of the violation notice issuance, and no "request for hearing" has been timely filed, the fine amount owed shall be:	$ 25.00	$100.00	$ 25.00
Step 2.	Having failed to pay the fine amount by the deadline date (within ten (10) days of the violation notice issuance) as specified in step 1 above, the fine amount, if paid after the deadline date in step 1 above but prior to the first hearing date, will be:	50.00	150.00	50.00
Step 3.	Having failed to pay the fine amount specified in step 2 prior to the commencement of the first hearing date, the fine amount, if paid on the first hearing date or prior to the second hearing date, will be:	100.00	175.00	100.00
Step 4.	Having failed to pay the fine amount specified in step 3 prior to the commencement of the second hearing date, the fine amount, if paid on the second hearing date or prior to the third hearing date, will be:	150.00	200.00	150.00
Step 5.	Having failed to pay the fine amount specified in step 4 prior to the commencement of the third hearing date, the fine amount, if paid on the third hearing date or upon the finding of liability for the violation, after failure to appear at the third hearing, Will be:	250.00	250.00	250.00

(b) The fines and penalties set forth in this section shall be uniformly applied for each viola-tion of any applicable municipal ordinance.

(c) The village adopts by reference all current and future local standing, parking or condition of vehicle ordinances, and those provisions of the Illinois Complied Statutes governing the stand-ing, parking or condition of vehicles, for its enforcement and adjudication within the geographical boundaries of the village and in those areas subject to off-street parking agreements.
(Ord. No. 8-22-95, § 9)

Sec. 14-340. Certified report and contesting certified report.

(a) Upon a failure to pay fines and penalties deemed due and owing the village after the

exhaustion of administrative procedures set forth in this article for ten (19) or more vehicular parking regulation violations, the traffic compliance ad-ministrator shall make a certified report to the secretary of state stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing the village as a result of ten (10) or more violations of municipal vehicular standing or parking regulations and thereby cause the suspension of that person's driver's license.

(b) The traffic compliance administrator shall take no further action unless and until the fines and penalties due and owing the village are paid or upon determination that the inclusion of the person's name on the certified report was in error. At such time, the traffic compliance administra-tor shall submit to the secretary of state a notifi-cation which shall result in the halting of a driver's license suspension proceedings. The per-son named therein shall receive a certified copy of such notification upon request and at no charge.

(c) Persona may challenge the accuracy of the certified report by completing a form provided by the office of the traffic compliance administrator. The form shall specify the grounds on which such challenge is based. Grounds for challenge shall be limited to the following:

(1) The person was neither the owner nor the lessee of the vehicles receiving ten (10) or more violation notices on the date or dates such notices were issued; or

(2) The person bas paid the fine and/or pen-alty for the ten (10) or more violations indicated on the certified report.

(d)The traffic compliance administrator shall render a determination within fourteen (14) busi-ness days of receipt of the objection form and shall notify the objector of the determination.
(Ord. No. 8-22-95, § 10)

Sec. 14--341. Immobilization/towing and impoundment.

(a) Any motor vehicle whose registered owner bas been determined to be liable for five (5) or more vehicular standing, parking or compliance regulation violations, for which the fines or pen-alties assessed remain unpaid, may be immobilized or towed and impounded if:

(1) The traffic compliance administrator has determined that a person has been deter-mined to be liable for five (5) or more vehicular standing, parking or compli-ance regulation violations, the fines or penalties for which remain unpaid;

(2) The person determined to be liable for five (5) or more violations is the registered owner of a motor vehicle located within the village's geographical boundaries;

(3) A pre-towing notice bas been sent to the registered owner of the motor vehicle lo-cated within the geographical boundaries of the village which contains, but shall not be limited to the following:

a. That a final determination bas been made on five (5) or more vehicular standing, parking or compliance reg-ulation violations, the fines and pen-alties for which remain unpaid;

b. A listing of the violations for which the person bas been determined to be liable, which shall include for each violation:

1. The vehicular standing, park-ing or compliance regulation vi-olation notice number;

2. Date of issuance;

3. Total amount of fines and pen-alties assessed.

c. That the motor vehicle owned by the person and located within the village is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within fourteen (14) days of the date of the notice;

d. That the registered owner may con-test the validity of the notice by fully completing and signing the request for hearing portion of one (1) notice and by filing the request for hearing with the traffic compliance administrator within, but not later than four-teen (14) days of the date of the notice. The request for hearing shall be deemed filed upon receipt by the traffic compliance administrator.

(4) The motor vehicle of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as spec-ified in the notice and no timely request for hearing bas been filed with the traffic compliance administrator to contest the validity of the notice;

(5) Upon the receipt of the request for hear-ing to contest the validity of the notice of impending immobilization or towing and impoundment, the traffic compliance ad-ministrator shall schedule an administra-tive hearing to contest the validity of said notice, by disproving liability for the un-paid final determinations of parking, stand-ing or compliance violation liability listed on the notice, on the next available hear-ing date, but in no case shall the hearing be scheduled later than sixty (60) days after the request for hearing is filed.

a. The traffic compliance administra-tor shall serve notice of the hearing date upon the registered owner.

b. Notice shall be sent by first class mail, postage prepaid, to the address as is set forth on the request for hearing.

c. Service of the notice shall be com-plete on the date it is placed in the United States mail.

(b) The registered owner of a vehicle immobilized or towed and impounded under this section, shall have the right to a prompt administrative hearing without the requirement of payment of outstanding fines and penalties for which final determination has been made.

(1) The traffic compliance administrator shall serve a post-towing notice upon the regis-tered owner of a vehicle immobilized or towed and impounded under this section which notice shall contain, but not be limited to the following information:

a. Date of immobilization or towing and date of impoundment;

b. Location of vehicle;

c. That the vehicle was immobilized under this section for nonpayment of fines or penalties assessed for the violation of five (6) or more viola-tions of vehicular standing, parking or compliance regulations for which the registered owner has been deter-mined liable and notified of impend-ing immobilization or towing and impoundment;

d. Date of notice of impending immobi-lization or towing and impound-ment;

e. That the registered owner may con-test the validity of the immobiliza-tion or towing and impoundment by completing and signing the request for hearing portion of the notice and filing the request for hearing with the traffic compliance administrator within, but not later than, fourteen (14) days of the date of the notice which shall be deemed filed upon receipt by the traffic compliance administrator.

(2) Upon the receipt of the request for hear-ing to contest the validity of the immobi-lization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing to con-test the validity of the immobilization or towing and impoundment on the next available hearing date or if sooner scheduled by the traffic compliance administra-tor for good cause shown, but in no case shall the hearing be scheduled later than sixty (60) days after the request for hear-ing is filed.

a. The traffic compliance administra-tor shall serve notice of the hearing date upon the registered owner.

b. Notice shall be sent by first class mail, postage prepaid, to the address as is set forth on the request for hearing.

c. Service of the notice shall be com-plete on the date it is placed in the United States mail.

(3) An order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of 735 ILCS 5/3-101 et seq., incorporated in this article by reference.

(c) A vehicle impounded pursuant to this section shall be released to the registered owner thereof or his agent, upon payment of the fines and penalties due and owing the village as specified in the notice sent in accordance with subsection (a)(3) and the payment of towing charges and accrued daily impound charges or upon order of the hearing officer following hearing contesting the validity of the impoundment.

(d) The traffic compliance administrator shall appoint or retain the services of an individual agency or company to tow and impound vehicles in accordance herewith, provided:

(1) The individual, agency or company is fully licensed according to local and state law;

(2) The individual, agency or company is fully insured;

(3) The individual, agency or company has available a secured impound area within which to retain vehicles impounded hereunder. For the purpose of this section a secured area shall mean an area bounded by a fence, chainlink or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.

(Ord. No. 8-22-95, $ 11)

Sec. 14-342. Judicial review.

Judicial review of final determination of vehicular standing, parking or compliance regulation violations and final administrative decisions issued after hearings regarding vehicle immobilization or towing and impoundment made under this section shall be subject to the provisions of the Administrative Review Law as is set forth in 735 ILCS 5/3-301 et seq., incorporated in this article by reference. (Ord. No. 8-22-95, $ 12)

Sec. 14-343. Debt to village.

Any fine, penalty or part of any fine or any penalty in accordance with the provisions of this article and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this article and the conclusion of any judicial review procedures shall be a debt due and owing the village and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a standing, parking or compliance violation shall constitute a final disposition of that violation. (Ord. No. 8-22-95, $ 13)

Sec. 14-344. Judgment.

(a) The traffic compliance administrator shall, following the expiration of the period within which administrative or judicial review may be sought for a final determination of violation, take all necessary actions, execute all required documents and appoint or retain any individual or agency deemed appropriate to obtain a judgment against and collect moneys from the persons who have been assessed fines or penalties which remain unpaid and have become a debt due and owing the village in accordance with the provisions of this article and 625 ILCS 5/11-208.3 by:

(1) Filing a complaint in the circuit court paying for the entry of a judgment against the person for whom a final determination of standing, parking or compliance regulation violation liability has been made.

(2) The complaint filed by the traffic compliance administrator or individual or agency on behalf of the village seeking entry of a judgment against an individual for unpaid fines and/or penalties pursuant to a final determination of standing, parking or compliance regulation violations shall have appended:

a. A certified copy of the final determination of the standing, parking or compliance regulation violations;

b. A certification that recites facts sufficient to show that the final determination of standing, parking or compliance regulation violations was issued in accordance with this arti-cle and 625 ILCS 5/11-208.3.

(3) Nothing shall prevent the village from consolidating multiple final determina-tions of standing, parking or compliance regulation violation liability in an action in the circuit court against an individual.

(4) Pursuing ail available remedies, allowed by law, to collect money judgments.

(b) Service of summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this article by any method provided under 735 ILCS 5/2-203, incorporated by reference, or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of standing, parking or compliance regulation violations does not exceed two thou-sand five hundred dollars ($2,500.00).
(Ord. No. 8-22-95, § 14)

Chapter 15

OFFENSES AND MISCELLANEOUS PROVISIONS•

Article L In Gener-1

Sec. 15-1. State law misdemeanors adopted by reference.

Secs. 15-2—15-25. Reserved.

Article II. Offenses Against Persons

Sec. 15-26. Assault and battery.

Sec. 15-27. Breach of peace.

Sec. 15-28. Obstruction of public passageway.

Sec. 15-29. Dangerous sports.

Sec. 15-30. Disturbing lawful assemblies.

Sec. 15-31. Possession of burglar's tools.

Sec. 15-32. Aiding escape of prisoners.

Sec. 15-33. Carrying concealed weapons.

Secs. 15-34-15-50. Reserved.

Article III. Offenses against Property

Sec. 15-51. Damaging streetlights.

Sec. 15-52. Defacing notices.

Sec. 15-53. Damaging village property.

Sec. 15-54. Merchandise stands on streets.

Sec. 15-55. Throwing stones.

Secs. 15-56-15-70. Reserved.

Article IV. Offenses Against Morals and Decency

Sec. 15-71. Gambling; maintaining gambling house.

Sec. 15-72. Games of chance.

Sec. 15-73. Possession of gambling devices.

Sec. 15-74. Lotteries.

Sec. 15-75. Betting on horse races.

Sec. 15-76. House of ill fame.

Sec. 15-77. Nudity.

Sec. 15-78. Indecent exhibitions.

Secs. 15-79-15-95. Reserved.

Article V. Offenses Against Public Order

Sec. 15-96. False fire or police alarms.

Sec. 15-97. Engaging animal fights.

Sec. 15-98. Impersonating or resisting officers.

Sec. 15-99. Discharging firearms and other missiles.

Sec. 15-100. Curfew for minors.

•Cross reference—General penalty for Code violations,§ 1-14; alcoholic liquor, Ch. 3; animals, Ch. 4; civil defense, Ch. 6; motor vehicles and traffic, Ch. 14; police, Ch. 16.

ARTICLE I. IN GENERAL

Sec. 15-1. State law misdemeanors adopted by reference.

There are hereby adopted by reference, as if set out at length in this Code, those provisions of the Illinois Revised Statutes, chapter 38, which declare any act or failure to act a misdemeanor. Violation of any such provision shall constitute a violation of this Code and shall subject the viola-tor thereof to punishm.ent as provided in section 1-14 of this Code.

Secs. 15-2—15-25. Reserved.

ARTICLE II. OFFENSES AGAINST PERSONS

Sec. 15-26. Assault and battery.

No person shall commit an assault or assault and battery within the village. (Code 1972, § 131.001)

Sec. 15-27. Breach of peace.

No person shall provoke a breach of the peace or shall use any language to or concerning any person tending to provoke a breach of the peace. (Code 1972, § 181.005)

Sec. 15-28. Obstruction of public passageway.

No person shall, with other persons, congre-gate about or upon any stairway, doorway, win-dow or in front of any business or dwelling house, theatre, lecture room, church or elsewhere, and by so doing obstruct or interfere with the free passage of persons entering or occupying any such buildings or premises. (Code 1972, § 131.010)

Sec. 15-29. Dangerous sports.

No person shall, at any place in the village, fly kites, throw stones or other bard substances, play ball or engage in any sport or exercise likely to impede the passage of vehicles and otherwise injure persona or property or obstruct the busi-ness of other persona. (Code 19·72, § 131.015)

Sec. 15-30. Disturbing lawful assemblies.

No person shall willfully interrupt or disturb any school or other assembly of people met for a lawful purpose. (Code 1972, § 131.020)

Sec. U5-31. Possession of burglar's tools.

No person shall have in his possession any snippers of the description known as burglar's tools, any pick lock, skeleton key, key to be used with a bit or bits, jimmy or other burglar's instru-ment or tool of whatsoever kind or description, unless it be shown that such a possession is innocent or for a lawful purpose. (Code 1972, § 131.025)

Sec. 15-32. Aiding escape of prisoners.

No person shall rescue or attempt to rescue any person from the custody of any village officer. No person shall aid, abet or encourage the rescue .or escape from prison of any person legally commit-ted thereto or shall supply, or attempt to supply, any such person with any weapon or intoxicating liquors or with any implement or means of escape while in prison or in the legal custody of any office of the village. (Code 1972, § 181.030)

Sec. 15-33. Carrying concealed weapons.

(a) It shall be unlawful for any person within the corporate limits of the village to carry or wear, under his clothes or concealed about his person, any pistol, revolver or slingshot, cross knuckles or buckles of lead, brass or other metal

or bowie knife, dirk knife or dirk or dagger or any other dangerous or deadly weapon.

(b) This prohibition shall not apply to mem-bers of the police department of the village when on duty nor to any officer of any court whose duty it may be to serve warrants or to make arrests.

(c) Any such weapon duly adjudged by any court to have been worn or carried by any person in violation of this section shall be forfeited or confiscated to the village.
(Code 1972, § 131.035)

Secs. 15-34-15-50. Reserved.

ARTICLE III. OFFENSES AGAINST PROPERTY

Sec. 15-51. Damaging streetlights.

No person shall carelessly or maliciously break, deface, carry away or in any way damage, destroy or interfere with any electric lightbulb or globe or any lamp or light of any kind, or any part or appurtenance thereof, used in or upon any street, alley or public place in the village, or who shall carelessly or maliciously break, damage or de-stroy or in any manner interfere with any electric light, telephone or telegraph wire, or any appur-tenance thereto, at any place within the limits of the village.
(Code 1972, § 132.001)

Sec. 15-52. Defacing notices.

No person shall willfully and maliciously tear down, mutilate and deface, or render illegible any poster, notice or handbill lawfully posted upon any street, alley or other place in the village.
(Code 1972, § 132.005)

Sec. 15-53. Damaging village property.

No person shall negligently or willfully injure, destroy or deface any bridges, crossings, side-walks, lampposts or other property of the village.
(Code 1972, § 132.010)

Sec. 15-54. Merchandise stands on streets.

No person shall expose for sale any fruit, veg-etables or other commodities on the streets or sidewalks of the village or in any place in the village except in salesrooms or other completely enclosed rooms or premises, or in wagons or other vehicles, or shall sell the same when so exposed, or who shall erect a booth or establish or fix any stand, for the sale of fruit, books or other merchandise of any kind, which encumbers or ob-structs any part of any street or sidewalk of the village.
(Code 1972, § 132.015)

Sec. 15-65. Throwing stones.

No person shall throw any stone or other missile upon or at any building, bus, automobile, railroad car, tree or other public or private prop-erty, or upon or at any person in any street, avenue, alley, lane, public place or enclosed or unenclosed ground in the village, or aid or abet in the same.
(Code 1972, § 132.020)

Secs. 15-56-15-70. Reserved.

ARTICLE Iv. OFFENSES AGAINST MORALS AND DECENCY

Sec. 15-71. Gambling; maintaining gambling house.

No person shall set up, keep or maintain, or permit to be set up, kept or maintained, in any house or place within the corporate limits of the

village occupied or controlled by him, any instru-ment, device or thing for the purpose of gambling, or with which money or property or anything representing money or property, or anything of value, shall in any manner be wagered.
(Code 1972, § 133.005)

Sec. 15-72. Games of chance.

No person shall deal, play or engage in any device or game of chance or hazard, either as banker, dealer or otherwise, nor shall any person bet on any game others may be playing for the purpose of gambling.
(Code 1972, § 133.010)

Sec. 15-73. Possession of gambling devices.

No person shall bring into the village, or have in his possession in the village for the purpose of gambling, any table, thing or device of any kind or

Chapter 16.

POLICE*

Article I. In General

Secs. 16-1-16-25. Reserved.

Article II. Department

Division 1. Generally

Sec. 16-26. Created; composition.

Sec. 16-27. Chief; position created; powers and duties.

Sec. 16-28. Appointments and promotions generally.

Sec. 16-29. Members' duties generally.

Sec. 16-30. Parttime officers.

Secs. 16-31—16-35. Reserved

Division 2. Pension Fund

Sec. 16-36. Established.

Sec. 16-37. Financing.

Sec. 16-38. Eligibility.

Sec. 16-39. Board of trustees—Appointment.

Sec. 16-40. Same Meetings.

Sec. 16-41. General powers.

*Cross references—General penalty for Code violations, $ 1-14; administration, Ch. 2; board of fire and police commissioners, $ 2-166 et seq.

ARTICLE I. IN GENERAL

Secs. 16-1-16-25. Reserved.

ARTICLE II. DEPARTMENT

DIVISION 1. GENERALLY

Sec. 16-26. Created; composition.

There is hereby created a police department. The police department shall consist of the chief of police, one (1) captain, two (2) lieutenants, four (4) sergeants, and such other members as may be provided for from time to tune by the president and board of trustees. (Ord. No. 4-24-90, § 1)

Sec. 16-27. Chief; position created; powers and duties.

(a) There is hereby created the office of police chief. The chief shall be appointed by the president with the advice and consent of the board of trustees; provided that, if the person appointed chief was at the tune of such promotion a member of the department he shall retain his statue and rank while servin1r as chief and shall revert to such status and rank when his term as chief bas ended.

(b) The chief of police shall be the keeper of the village jail and shall have custody of all persons incarcerated therein. He shall keep records and make such reports concerning the ordinance. The chief shall be responsible for the performance by 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.

(c) The chief of police shall be custodian of all lost, abandoned or stolen property in the village.

(d) The chief of police may serve writs, sum-mons, and other processes, but no patrolman shall serve such summons or process except on the order of the chief of police.

(e) The chief of police may make or prescribe such rules and regulations for the guidance of the members of the department as be shall see fit; and rules, when approved by the president and board of trustees, shall be binding on such mem-bers. Such rules as were in effect on April 24, 1990 shall continue in force.

(f) The chief of police may promote when it becomes impractical for members of the regular police force to be promoted in accordance with the Illinois Municipal Code. The chief of police with the advice and consent of the village board may make exempt promotions. (Ord. No. 4-24-90, §§ 2, 5, 6, 6-1)

Sec. 16-28. Appointments and promotions generally.

Appointments to and promotions within the police department, other than to the office of chief, shall be made by the board of fire and police commissioners in the manner provided by law. (Ord. No. 4-24-90, § 3)

Sec. 16-29. Members' duties generally.

It shall be the duty of the members of the police department to see to the enforcement of all ordi-nances of the village, of all statutes effective in the village, and to preserve order and prevent infractions of the law and to arrest violators thereof. Every member of the police department is hereby declared to be a conservator of peace. (Ord. No. 4-24-90, ·§ 4)

Sec. 16-30. Parttime officers.

(a) The mayor with the advice and consent of the board of trustees, may appoint fifteen (15) individuals to the position of parttime police officers.

(b) A parttime police officer is any officer who does not meet the definition of auxiliary police, is a sworn officer with full police officer power, but is employed less than full-time.

(c) Any individual appointed to the position of parttime officer must first meet the requirements of a regular full-tune officer. (Ord. No. 4-24-90, § 6-2)

Secs. 16-31—16-35. Reserved.

DIVSION 2. PENSION FUND

Sec. 16-36. Established.

There is hereby established a police pension fund in accordance with the provisions of an act of the legislature of the state entitled, "Policemen's Pension Fund Municipalities 500,000 and Under," Illinois Revised Statutes, chapter 108 ½, paragraph 3-101 et seq. (Code 1972, $ 33.101)

Sec. 16-37. Financing.

(a) The board of trustees of the municipality shall annually levy a tax upon all the taxable property of the municipality at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to the normal cost of the pension fund for the year involved, plus the amount necessary to amortize the fund's unfunded accrued liabilities as provided in Illinois Revised Statutes, chapter 10842, paragraph 3-127. The tax shall be levied and collected in the same manner as the general taxes of the municipality, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the municipality, and shall be in addition to the amount authorized to be levied for general purposes as provided by section 8-3-1 of the Illinois Municipal Code (Illinois Revised Statutes, chapter 10842, paragraph 8-3-1), as amended.

(b) The police pension fund shall consist of the following moneys which shall be set apart by the treasurer of the municipality:

(1) All moneys derived from the taxes levied hereunder;

(2) Contributions by police officers under Illinois Revised Statutes, chapter 108 ½, paragraph 3-125.1;

(3) All moneys accumulated by the municipality under any previous legislation establishing a fund for the benefit of disabled or retired police officers;

(4) Donations, gifts or other transfers authorized by law.

(Code 1972, $$ 33.105, 33.110)

Sec. 16-38. Eligibility.

(a) As used in this section, "police officer," or "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 men tally fit to perform the duties of a police officer; and

(3) Within three (3) months after receiving his first appointment, and if reappointed, within three (3) months thereafter, makes written application to the board to come under the provisions of this division.

Police officers serving initial probationary periods, if otherwise eligible, shall be police officers within the meaning of this section.

(b) This division is applicable to all police officers of the village who meet the qualifications set forth in the "Policemen's Pension Fund Municipalities 500,000 and Under," Illinois Revised Statutes, chapter 10842.

(c) All police officers and spouses or dependents are eligible for pension benefits from the fund who qualify under the "Police Pension Fund Municipalities Under 500,000," Illinois Revised Statutes, chapter 10842, paragraphs 4-109 and 4-114.
(Code 1972, $ 33.115)

Sec. 16-39. Board of trustees-Appointment.

(a) A board of five (5) members shall be and constitute a board of trustees to provide for the disbursement of such fund and designate the beneficiaries thereof as herein directed, which board shall be known as the "Board of Trustees of the Police Pension Fund of the Village of Robbins."

(b) Two (2) members of the board shall be appointed by the mayor of the municipality. The third and fourth members of the board shall be elected from the active participants of the pension fund by such active participants. The fifth mem-ber shall be elected by and from the beneficiaries.
(Code 1972, § 33.120)

Sec. 16-40. Same—Meetings.

The board created under this division shall hold quarterly meetings on the second Tuesday of July, October, January, and April of each year and special meetings upon the call of the president of the board. At the regular July meeting of said board, it shall elect one (1) of its members as president of said board for a period of one (1) year or until such time as bis successor is elected and qualified; it shall elect a secretary, assistant sec-retary and a vice president, each of whom shall serve for a period of one (1) year or until such time as their successors are elected and qualified. (Code 1972, § 33.125)

Sec. 16-41. General powers.

The board created under this division shall have the following powers:

(1) *To control and manage the pension {und*. To control and manage, exclusively, the pension fund, and all money donated, paid or assessed for the pensioning of disabled and retired police officers, their surviving spouses, minor children and de-pendent parents. Ali such moneys shall be placed by the treasurer of the municipal-ity to the credit of the fund, subject to the order of the board.

(2) *To order payments and issue certificates*. To order the payment of pensions and other benefits and to issue certificates signed by its president and secretary to the beneficiaries stating the amount and purpose of the payment.

(3) *To submit annual list of {und payments*. To submit annually to the village board of trustees at the close of the municipality's fiscal year, a list of persons entitled to payments from the fund, stating the amount of payments, and their purpose, as ordered by the board. lt shall also include items of income accrued to the fund during the fiscal year. The list shall . be signed by the secretary and president of the board, and attested under oath. A resolution or order for the payment of money shall not be valid unless approved by a majority of the board members, and signed by the president and secretary of the board.

(4) *To draw and invest funds*. To draw pen-sion funds from the treasurer of the mu-nicipality, and invest any part thereof in the name of the board in:

a. Interest bearing bonds or tax antic-ipation warrants of the United States, of the state, or of any county, town-ship or municipal corporation of the state;

b. Insured withdrawable capital ac-counts of state-chartered savings and loan associations;

c. Insured withdrawable capital ac-counts of federal chartered federal savings and loan associations if the withdrawable capital accounts are insured by the Federal Savings and Loan Insurance Corporation;

d. Insured investments in credit unions if the investments are insured by the National Credit Union Administra-tion;

e. Savings accounts or certificates of deposit of a national or state bank;

f. Securities described in Illinois Revised Statutes, chapter 108¼, para-graph 1-113(5.1), but only subject to the conditions therein set forth;

g. Contracts and agreements supple-mental thereto providing for invest-ments in the general account of a life insurance company authorized to do· business in Illinois;

h. Separate accounts of a life insurance company authorized to do business in Illinois, comprised of common or preferred stocks, bonds, or money market instruments; and

i. Separate accounts managed by a life insurance company authorized to do business in Illinois, comprised of real estate or loans upon real estate se- cured by first or second mortgages. The total investment in such sepa-rate accounts shall not exceed ten (10) percent of the aggregate book value of ail investments owned by the fund. All securities shall be de-posited with the treasurer of the municipality, and be subject to the order of the

board. Interest on the investments shall be credited to the pension fund.

No bank or savings and loan association shall receive investment funds as permit-ted by this subsection, unless it bas com-plied with the requirements established pursuant to section 6 of "An Act relating to certain investments of public funds by public agencies," approved July 23, 1943, as now or hereafter amended (Illinois Revised Statutes, chapter 85, paragraph 906). The limitations set forth in such section 6 shall be applicable only at the time of investment and shall not require the liquidation of any investment at any time.

(5) *To subpoena witnesses*. To compel witnesses to attend and testify before it upon all matters connected with ·the adminis-tration of this division, in the manner provided by law for the taking of testi-mony in the circuit courts of this state. The president, or any board member, may administer oaths to witnesses.

(6) *To appoint clerk*. To appoint a clerk and define his duties. No person drawing a pension under this division shall be em-ployed by the board.

(7) *To pay expenses*. To provide for the pay-ment from the fund of all necessary ex-penses, including clerk hire, printing and witness fees.

(8) *To keep records*. To keep a public record of all its proceedings.

(9) *To make rules*. To make necessary rules and regulations in conformity with the provisions of this division, and to publish and transmit copies from time to time to ail pensioners and contributors.

10) *To accept donations*. To accept by gift, grant, transfer, or bequest, any money, real estate, or personal property. Such money and the proceeds from the sale of or the income from such real estate or persona! property shall be paid into the pension fund.

(Code 1972, § 33.130)

Chapter 17

STREETS AND SIDEWALKS•

Article L ln General

Sec. 17-1. Obstructing highways.

Sec. 17-2. Placement of street signs.

Secs. 17-3—17-25. Reserved.

Article II. Numbering of-Buildings

Sec. 17-26. Buildings to be numbered.

Sec. 17-27. Official numbering adopted.

Sec. 17-28. Clark to furnish certificates.

Sec. 17-29. Size of numbers.

Sec. 17-30. Penalty.

Secs. 17-31-17-50. Reserved.

Article III. Street Openings

Sec. 17-51. Permit required.

Sec. 17-52. Application.

Sec. 17-53. Responsibility.

Sec. 17-54. Construction contrary to permit.

Sec. 17-55. General requirements.

Sec. 17-56. Bonds.

Sec. 17-57. Penalty for violation of article.

*Cross reference—Board of local improvements, § 2-186 et seq.; public works department, § 2-206 et seq.; buildings and building regulations, Ch. 5; civil defense, Ch. 6; fire prevention and protection, Ch. 7; flood damage prevention and control, Ch. 8; mobile homes and mobile home parka, Ch. 13; motor vehicles and traffic, Ch. 14; trees and shrubs, Ch. 19; vehicles for hire, Ch. 20; water, sewers and sewage disposal, Ch. 21.

ARTICLE I. IN GENERAL

Sec. 17-1. Obstructing highways.

No person shall obstruct or encroach upon public highways, driveways, streets, alleys or public places in the village.
(Code 1972, § 93.320)

Sec. 17-2. Placement of street signs.

The names of ail streets shall be placed and maintained upon at least one (1) corner of each street intersection in a manner to be directed by the mayor and board of trustees.
(Code 1972, § 94.020)

Secs. 17-3-17-25. Reserved.

ARTICLE Il. NUMBERING OF BUILDINGS

Sec. 17-26. Buildings to be numbered.

It is hereby made the duty of the owners or occupants of all buildings situated in the village, to number them in the manner provided in this article.
(Code 1972, § 94.001)

Sec. 17-27. Official numbering adopted.

The numbering of lots and parts thereof shown upon the village numbering map in the office of the village clerk is hereby adopted as the official numbering of all houses and buildings in the village occupying such lots.
(Code 1972, § 94.005)

Sec. 17-28. Clerk to furnish certificates.

The village clerk shall furnish to each owner or occupant of the house or building a certificate showing its proper number as it appears on the map referred to in section 17-27 at such times as he may see fit or be requested to do so. No charge shall be made for such certificate.
(Code 1972, § 94.010)

Sec. 17-29. Size of numbers.

Each of the figures of every house number shall be not less than three (3) inches in length and shall be so marked as to be distinct and easily read. Such numbers shall be placed in a conspic-uous place on the side of or above the front door of the building to which they are attached.
(Code 1972, § 94.015)

Sec. 17-30. Penalty.

Any person being the owner or occupant of a building now erected in the village who, after being furnished with the certificate provided for in this article, shall for thirty (30) days neglect or refuse to number any building owned or occupied by him in conformity with the provisions of this article, or who shall place or permit to remain upon such building any number other than that certified by the village clerk, shall be subject to a penalty of five dollars ($6.00) and a further pen-alty of five dollars ($5.00) for every thirty (30) days thereafter that he shall neglect or refuse to properly number such building.
(Code 1972, § 94.999)

Secs. 17-31-17-&0. Reserved.

ARTICLE III. STREET OPENINGS

Sec. 17-51. Permit required.

It shall be unlawful to proceed with any street opening work unless a permit bas been first obtained from the building department.
(Ord. No. 5-12-98C, § 1)

Sec. 17-52. Application.

Applications for street opening worn shall be made only by licensed contractors in the village and shall be in such form as shall be prescribed by the building department. (Ord. No. 5-12-98C, § 2)

Sec. 17-53. Responsibility.

It shall be the duty of the building department to approve applications, issue permits and exer-cise supervision over any street repair in connection with the installation, repair or replacement of sanitary sewer, water service, storm drain or any underground utility line or service which is undertaken under the provisions of this article. (Ord. No. 5-12-98C, § 3)

Sec. 17-54. Construction contrary to permit.

It shall be unlawful for any person engaged in street opening work to make any departure from the application as approved by the building de-partment, or to do work of a nature which in-volves any violation of the provisions of this article on which the permit has been issued. Any such departure from the approved application involving a violation of requirements, shall oper-ate to annul the permit which has been issued for such work and shall render the same void, unless violations shall have been corrected within fifteen .(15) days from the date of notification.
(Ord. No. 5-12-98C, § 4)

Sec. 17-55. General requirements.

Ail street openings and repairs in connection with the installation, repair or replacement of sanitary sewer, water service, storm drain or any underground utility line or service must be per-formed per the following general requirements:

(1) Ali street openings must be made with a saw cut.

(2) Grade 8 gravel backfill must be used in ail cases unless signed authorization from the building department has been re-ceived by the contractor stating which type of backfill is to be used.

(3) Motorized compaction must occur every twelve (12) inches.

(4) Ail streets must be repaired with the same type of material which· was re-moved. In other words, concrete streets must be repaired with concrete; and as-phalt streets must be repaired with as-phalt.

(5) Concrete streets require a one-inch rebar, twelve (12) inches off center.

(6) A three hundred dollar ($300.00) nonrefundable deposit will be required for ail Street opening jobs.

(Ord. No. 5-12-98C, § 5)

Sec. 17-56. Bonds.

Ali contractors who are approved for street repairs in connection with sanitary sewer, water service, storm drain or any underground utility line or service must post a cash or performance bond in an amount of not less than five thousand dollars ($5,000.00) and not more than ten thou-sand dollars ($10,000.00). Cash bond payments will be accepted via cash; cashier's check, certified check or money order. (Ord. No. 5-12-98C, § 6)

Sec. 17-57. Penalty for violation of article.

Any person violating any provision of this article shall be fined not less than twenty-five dollars

($25.00) nor more than five hundred dol-lars ($500.00), and each day on which the violation exists shall be considered a separate violation. (Ord. No. 5-12-98C, § 7)

Chapter 18

TAXATION*

Article L. In General

Secs. 18-1—18-25. Reserved.

Article II. Municipal Service Occupation Tax

Sec. 18-26. Imposed.

Sec. 18-27. Filing requirement.

Secs. 18-28—18-40. Reserved.

Article III. Municipal Retailers' Occupation Tax

Sec. 18-41. Imposed.

Sec. 18-42. Filing and payment.

Secs. 18-43—18-60. Reserved.

Article IV. Utilities Tax

Sec. 18-61. Definitions.

Sec. 18-62. Imposed.

Sec. 18-63. Transactions exempted.

Sec. 18-64. Returns to be filed.

Sec. 18-65. Credit for overpayment.

Secs. 18-66—18-85. Reserved.

*Cross reference—City treasurer, § 2-126 et seq.; city collector, § 2-141 et seq.; licenses, permits and miscellaneous business regulations, Ch. 12.

ARTICLE I. IN GENERAL

Secs. 18-1—18-25. Reserved.

ARTICLE II. MUNICIPAL SERVICE OCCUPATION TAX

Sec. 18-26. Imposed.

A tax is hereby imposed upon ail persons en-gaged in this municipality in the business of making sales of service at the rate of one, (1) percent of the cost price of ail tangible persona! property transferred by such servicemen either in the form of tangible persona! property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of sec-tion 8-11-5 of the Illinois Municipal Code (Illinois Revised Statutes, chapter 24, paragraph 8-11-5).
(Code 1972, § 96.001)

Sec. 18-27. Filing requirement.

Every supplier or serviceman required to ac-count for municipal service occupation tax for the benefit of this municipality shall file, on or before the last day of each calendar month, the report to the state department of revenue required by sec-tion 9 of the "Service Occupation Tax Act," ap-proved July 10, 1961, as amended (Illinois Re-vised Statutes, chapter 120, paragraph 439.109). At the time such report is filed, there shall be paid to the state department of revenue the amount of tax hereby imposed. (Code 1972, § 96.005)

Secs. 18-28--18-40. Reserved.

ARTICLE III. MUNICIPAL RETAILERS' OCCUPATION TAX

Sec. 18-41. Imposed.

A taxis hereby imposed upon ail persona en-gaged in the business of selling tangible persona! property at retail in this village at the rate of one (1) percent of the gross receipts from such sales made in the course of such business while this article is in effect, in accordance with the provisions of section 8-11-1 of the Illinois Municipal Code (Illinois Revised Statutes, chapter 24, para-graph 8-11-1). (Code 1972, § 96.100)

Sec. 18-42. Filing and payment.

(a) Every person engaged in a business subject to the· tax levied by this article in the village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by paragraph 3 of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Persona! Property to Purchasers for Use or Consumption" approved June 28, 1933, as amended (Illinois Revised Statutes, chapter 120, paragraph 442).

(b) At the time such report is filed, there shall be paid to the state department of revenue the amount of tax imposed by this article on account of the receipts from sales ·of tangible personal property during the preceding month. (Code 1972, § 96.105)

Secs. 18-43-18-60. Reserved.

ARTICLE Iv. UTILITIES TAX*

Sec. 18-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross receipts means the consideration re-ceived for the transmission of messages, or for distributing, supplying, furnishing or selling gas

or electricity, for use or consumption and not for resale, as the case may be; and for ail services rendered in connection therewith valued in money, whether received in money or otherwise, includ-ing cash, credit, services and properties of every kind and material and for ail services rendered therewith; and shall be determined without any deductions on account of the cost of transmitting such messages without deductions on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever.

Person means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this state or a receiver, trustee, conservator or other represen-tatives appointed by order of any court.

Transmitting messages, in addition to the usual and popular meaning of person to person commu-nication, means and includes the furnishing, for a consideration, of services or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where such do not, in turn, receive any consideration in connec-tion therewith, but shall not include such furnish-ing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmis-sion of messages. (Code 1972, § 96.210)
Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 18-62. Imposed.

A tax is imposed on all persons engaged in the following occupations or privileges:

(1) Persons engaged in the business of transmitting messages by means of electricity, at the rate of five (5) percent of the gross receipts of such business originating within the corporate limits of the village.

(2) Persons engaged in the business of dis-tributing, supplying, furnishing, or sell-ing gas for use or consumption within the corporate limits of the village, and not for resale, at the rate of five (5) percent of the gross receipts therefrom.

(3) Parsons engaged in the business of dis-tributing, supplying, furnishing, or sell-ing electricity for use or consumption within the corporate limits of the village, and not for resale, at the rate of five {5) percent of the gross receipts therefrom.

(Code 1972, § 96.200)

Sec. 18-63. Transactions exempted.

(a) No tax is imposed by this chapter with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision thereof; nor shall any person engaged in the business of distributing, supplying, furnishing or -selling gas, or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this chapter for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers Occupation Tax Act" authorized by section 8-11-

1 of the Illi-nois Municipal Code (Illinois Revised Statutes, chapter 24, paragraph 8-11-1).

(b) Such tax shall be in addition to the pay-ment of money, or value of products or services furnished this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and mainte-nance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the oper-ation of taxpayers' business.
(Code 1972, § 96.205)

Sec. 18-64. Returns to be filed.

(a) On or before the last day of February, May, August and November of each year, each taxpayer shall submit a return to the village treasurer for the preceding three (3) months, stating:

(1) His name;

(2) His principal place of business;

(3) His gross receipts during those months upon the basis of which the tax is im-posed;

(4) Amount of tax;

(5) Such other reasonable and related infor-mation as the corporate authorities may require.

(b) The taxpayer making the return herein provided for shall, at the time of making such a return, pay to the village treasurer the amount of tax herein imposed; provided that, in connection with the return the taxpayer may, if he so elects, report and pay an amount based upon bis total billing of business subject to the tax during the period for which the return was made (exclusive of any amount previously billed) with prompt adjustment of later payments based upon any difference between such billings and the taxable gross receipts.
(Code 1972, § 96.215)

Sec. 18-65. Credit for overpayment.

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 for the taxpayer who made the erroneous payment; provided that, no amount erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so cred-ited.
(Code 1972, § 96.220)

Secs. 18-66-18-85. Reserved.

ARTICLE V. FOREIGN FIRE INSURANCE COMPANY TAX*

Sec. 18-86. Levied.

Any corporation, company or association not incorporated under the laws of the state which is engaged in the district in effecting fire insurance, shall pay the secretary of the district, for the maintenance, use and benefit of the fire depart-ment of the district, a sum of money equal in amount to two (2) percent per annum of the gross receipts received as premiums upon fire insur-ance policies by any and all agents of such corpo-ration, company or association, during the year ending on the first day of July in each year, for any insurance effected, or agreed to be effected on property located in the district by or with such corporation, company or association during such year.
(Code 1972, § 96.305)

Sec. 18-87. Report to be filed.

Every person acting in the district as agent, for or on behalf of any corporation, company or asso-ciation subject to this article, shall, on or before July fifteenth of each and every year, render the secretary of the district a full, true and just account verified by his oath, of all 'premiums upon fire insurance policies which, during the year ending July first preceding such report, shall have been received by him, or by some other person for him, in behalf of any such corporation, company, or association on property located in the district. Such agent shall also at the time of rendering the aforesaid report, pay to the secre-tary of the district the sum of money for which each such company, corporation or association, represented by him is chargeable, by virtue of the provisions of this chapter. (Code 1972, § 96.310)

Sec. 18-88. Money may be recovered.

The sum of money for which a company, corpo-ration or association subject to this article is chargeable may be recovered of it, or its agents by an action in the name of and for the use of the district as for money had and received. Nothing in this section shall be held to exempt any person, corporation, company or association from indict-ment and conviction under the provisions of an act entitled "An Act to enable cities, towns, vil-lages and fire protection districts, organized un-der any general or special law to levy and collect a tax. or license fee from foreign fire insurance companies for the benefit or organized fire depart-ments," in force July 1, 1895, as amended.
(Code 1972, § 96.315)

Sec. 18-89. Dealings with noncomplying companies prohibited.

No insurance agent in the district shall have any insurance business or dealings with any company, association or corporation not incorpo-rated under the laws of this state, which shall be in default for not reporting or making payments as provided in this article, until it shall have complied with all the requirements of this article. (Code 1972, § 96.320)

Sec. 18-90. Effect of failure to comply with article.

It shall be unlawful for any corporation, com-pany or association, not incorporated under the laws of the state, to engage in the district, in effecting fire insurance, or to transact any busi-ness of fire insurance in the district, while in default by not fully complying with any of the requirements of this article, and until such re-quirements shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be undertaken in violation of this article. (Code 1972, § 96.300)

Chapter 19

TREES AND SHRUBS*

Sec. 19-1. Planting permit required.

Sec. 19·2. Removal permit required.

Sec. 19-3. Trees causing obstructions of sewers or drains.

Sec. 19-4. Injuring trees or shrubs prohibited.

Sec. 19-5. Attaching signs.

Sec. 19-6. Overhanging growth; shrubs on corners.

Sec. 19-7. Attaching wire or rope.

Sec. 19-8. Leakage from gas pipes.

Sec. 19-9. Care to be exercised by excavators.

***Cross reference-Streets and sidewalks, Ch. 17.**

Sec. 19·1. Planting permit required.

It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having secured a permit therefor. Appli-cations for such permits shall be made to the village clerk and shall be referred by him to the commissioner of public works, or other village official designated by the board of trustees, before issuance. Ali trees and shrubs so planted shall be placed subject to the directions and approval of the supervising village official.
(Code 1972, § 95.001)
Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 12.

Sec. 19-2. Removal permit required.

It shall be unlawful to remove or cut down any tree or shrub in any public place without having secured a permit therefor. Applications for such permits shall be made to the village clerk and shall be referred to and approved by the board of trustees before issuance.
(Code 1972, § 95.005)
Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 12.

Sec. 19-3. Trees causing obstructions of sewers or drains.

Any tree or shrub standing or growing on private land whose roots obstruct or interfere with the free operation of any public or private sewer or drain in the village is hereby declared to be a public nuisance, and is subject to abatement as such. Any person owning or occupying or in control of any parcel of land upon which such tree or shrub shall be standing or growing shall be deemed guilty of a misdemeanor. If any such person, within ten (10) days after notice from the health inspector or any other village official des-ignated by the board of trustees to do so shall fail to remove such tree and the roots thereof, the official involved, without prejudice to the penalty provided by section 1-14 of this Code; shall effect such removal at the expense of such person.
(Code 1972, § 93.380)

Sec. 19-4. Injuring trees or shrubs prohibited.

It shall be unlawful to injure any tree or shrub planted or growing in any public place.
(Code 1972, § 95.010)

Sec. 19-5. Attaching signs.

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any such public place.
(Code 1972, § 95.015)

Sec. 19-6. Overhanging growth; shrubs on corners.

(a) Any tree or shrub which overhangs any sidewalk, street or other public place in the mu-nicipality in such a way as to impede or interfere with traffic or travel 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 trees which are 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 commissioner of public works or other village official so designated by the board of trustees, may trim any such tree or shrub or remove any such tree or branch thereof so that the obstruction or danger to traffic or passage shall be done away with.

(b) It shall be unlawful for any shrubs, bushes, or the like, planted on any street corner, to be permitted to be in excess of a height of two (2) feet.
(Code 1972, § 95.020)

Sec. 19-7. Attaching wire or rope.

It shall be unlawful to attach any wire or rope to any tree or shrub in any public street, parkway or other public place without the permission of the board of trustees. Any person or company which maintains poles and wires in streets, alleys or other public places shall, in the absence of a provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees and shrubs in such places, so far as may be possible, and shall keep all such trees and shrubs near such wires and poles properly trimmed, subject to the supervision of the commissioner of public works, or other village official designated by the board of trustees, so that no injury shall be done either to the poles or wires or · to the · shrubs and trees by bare contact.
(Code 1972, § 95.025)

Sec. 19-8. Leakage from gas pipes.

Any person or company maintaining any gas pipes in the village shall keep such pipes free from leakage so that no injuries shall be done thereby to any trees or shrubs.
(Code 1972, § 95.030)

Sec. 19-9. Care to be exercised by excavators.

In making excavations in streets or other pub-lic places, proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.
(Code 1972, § 95.035)

Chapter 20

VEWCLES FOR HIRE*

Article I. In General

Secs. 20-1—20-25. Reserved.

Article II. Taxicab*

Division 1. Generally

Sec. 20-26. Vehicle specifications.

Sec. 20-27. Abandoned packages.

Sec. 20-28. Actions prohibited.

Sec. 20-29. Penalty,

Secs. 20-30—20-40. Reserved.

Division 2. Vehicle License

Sec. 20-41. Required.

Sec. 20-42. Application; fees; issuance; term.

Sec. 20-43. Revocation by mayor.

*Cross reference –Licenses, permits and miscellaneous business regulations, Ch. -12; motor vehicles and traffic; Ch. 14: police, Ch. 16; streets and sidewalks, Ch. 17.

ARTICLE I. IN GENERAL

Sec. 20-1—20-25. Reserved.

ARTICLE II. TAXICABS

DIVSION 1. GENERALLY

Sec. 20-26. Vehicle specifications.

Every automobile, autocar, or other similar vehicle, licensed upon the provisions of this article, shall have the name of .the owner thereof plainly painted in letters at least one and one-half (1 ½) inches in height, and the number of the license plainly painted in numbers at least four (4) inches in height, in a conspicuous place on the outside of each side of such vehicle, and such name and number shall be kept so painted, plainly and distinctly at all tunes while such vehicle is in use during the continuance of such license. Upon the expiration of such license, unless the same is immediately renewed, such name and number shall be at once removed from such vehicle, and such vehicle shall not thereafter be used with such name or number thereon.
(Code_ 1972, § 115.010)

Sec. 20-27. Abandoned packages.

Whenever any package, article, baggage or goods of any kind shall be left in or upon any vehicle licensed under the provisions of this article, the operator of such vehicle shall, upon discovery of such package, baggage, or goods, forthwith deliver the same to the desk sergeant at the police station in the village. (Code 1972, § 115.015)

Sec. 20-28. Actions prohibited.

(a) No person operating under a license granted under this article shall either as principal, agent or employee, permit any person to stand or sit upon the running board, fender, or hood of the automobile, autocar or other similar vehicle, while such vehicle is in operation.

(b) No person operating under license granted this article shall either as agent or employee, permit any person to depart from or step into any automobile, autocar, or other similar vehicle while the same is in motion. (Code 1972, $ 115.025)

Sec. 20-29. Penalty.

Every person who shall keep, use or operate, or be in charge, possession or control of, or cause to be kept, used or operated upon any of the streets or public ways of the village, any automobile, autocar, or other similar vehicle, for the conveyance of passengers, for hire or reward, which have been licensed in accordance with the provisions of this article, or who keeps, or operates, or causes to be kept, used or operated, any such automobile, autocar or other similar vehicle, in violation of any of the provisions of this article except as otherwise provided, shall be subject to punishment as provided in section 1-14 of this Code for each offense. (Code 1972, $ 115.999)

Secs. 20-30—20-40. Reserved.

DIVISION 2. VEHICLE LICENSE*

Sec. 20-41. Required.

No automobile, autocar or other-similar vehicle shall be used for the transportation of persons for hire within the village, whether □e automobile, autocar, or other similar vehicle secures its passengers from a public stand, upon the .street or whether the same is kept in a private garage, unless such vehicle is licensed as provided in this division. (Code 1972, § 115.001)

Sec. 20-42. Application; fees; issuance; term.

The owner of any automobile, autocar, or other similar vehicle, for which it is desired to secure a license required by this division, shall make application to the village clerk, setting forth the name of the owner, a description of the vehicle for which it is desired to secure a license, and the place where such vehicle is kept if the same is kept in a private garage. The application shall be provided by the village clerk. The village clerk, upon receipt of such application, shall issue or cause to be issued a license for such vehicle upon the payment of the applicant of a license fee in such amount as established by the mayor and board of trustees from time to time. Such license fee shall be paid to the village clerk and upon the payment thereof a license shall be issued, attested by the village clerk, authorizing the use of such vehicle in accordance with the provisions of this article. Each license when granted, shall expire on December thirty-first, following the issuance of such license. (Code 1972, $ 115.005)

Sec. 20-43. Revocation by mayor.

Whenever it shall appear to the satisfaction of the mayor that the party to whom a license required by this division was granted has been guilty of a violation of any of the provisions of this article, he may revoke such license. (Code 1972, $ 115.030)

Chapter 21

WATER, SEWERS AND SEWAGE DISPOSAI*

Article I. In General

Sec. 21-1. Water and sewerage regulations adopted.

Secs. 21-2—21-25. Reserved.

Article II. Water

Division 1. Generally

Secs. 21-26—21-40. Reserved.

Division 2. Conservation Measures

Sec. 21-41. Meters required for new water customers.

Sec. 21-42. Use of potable water for flushing sanitary sewers prohibited.

Sec. 21-43. Water-saving plumbing fixtures required.

Sec. 21-44. Carwash installations.

Sec. 21-45. Restrictions on lawn sprinkling and other water uses.

Secs. 21-46—21-60. Reserved.

Article III. Cross-Connection Control

Division 1. Generally

Sec. 21-61. Use of approved backflow prevention device; compliance with state plumbing code.

Sec. 21-62. Cross-connection to private, auxiliary or emergency water supply prohibited.

Sec. 21-63. Surveys and investigations.

Sec. 21-64. Right of entry.

Sec. 21-65. Discontinuance of water service.

Sec. 21-66. Responsibility for cost of clean-up.

Division 2. Regulations

Secs. 21-67—21-80. Reserved.

Sec. 21-81. General policy.

Sec. 21-82. Definitions.

Sec. 21-83. Water system.

Sec. 21-84. Cross-connection prohibited.

Sec. 21-85. Survey and investigations.

Sec. 21-86. Where protection is required.

Sec. 21-87. Type of protection required.

Sec. 21-88. Backflow prevention devices.

Sec. 21-89. Inspection and maintenance.

Sec. 21-90. Booster pumps.

Sec. 21-91. Violations.

***Cross references-Board of local improvements, § 2-186 et seq.; public works department, § 2-206 et seq.; sanitary facilities for alcoholic beverage establishment required, § 3-19; buildings and building regulations, Ch. 5; flood damage prevention and control, Ch. 8; garbage and refuse, Ch. 9; health and sanitation, Ch. 10; mobile homes and mobile home parka, Ch. 13; streets and sidewalks, Ch. 17; utilities tax, § 18-61 et seq.**

ARTICLE I. IN GENERAL

Sec. 21-1. Water and sewerage regulations adopted.

There are hereby adopted rules and regula-tions for 'the functioning, maintenance and con-struction of the water and sewerage system for the village. All ordinances, amendments thereto, and rules and regulations are hereby adopted by reference, as if fully set out herein, and are on file in the clerk's office. (Code 1972, § 50.001)

Secs. 21-2-21-25. Reserved.

ARTICLE Il. WATER

DIVISION 1. GENERALLY

Secs. 21-26—21-40. Reserved.

DIVISION 2. CONSERVATION MEASURES

Sec. 21-41. Meters required for new water customers.

All new water consumers supplied by the water distribution system of the village shall be sup-plied water through water meters only. Such meters shall be as required by the village and shall be kept in proper operating condition at all times, and it shall be unlawful to tamper with such water meters or damage the same in any manner.
(Ord. No. 10-11-77-3, § 1)

Sec. 21-42. Use of potable water for flushing sanitary sewers prohibited.

No person, whether municipal, private or not for profit, shall use potable water to flush any sanitary sewers within the district. (Ord. No. 10-11-77-3, § 2)

Sec. 21-43. Water-saving plumbing fixtures required.

(a) The following water-saving plumbing fixtures shall be required in all new construction and in ail repair and/or replacement of fixtures or trim. Only fixtures and trim not exceeding the following flow rates and/or water usage shall be installed. (Ratings are based on a pressure at the fixture of forty (40) to fifty (50) pounds per square inch):

(1) Water closets, tank type, 3.5 gallons per flush;

(2) Water closets, flushometer, 3.0 gallons per flush;

(3) Urinals, tank type, 3.0 gallons per flush;

(4) Urinals, flushometer type, 3.0 gallons per flush;

(5) Lavatory, sink faucets, 3.0 gallons per minute;

(6) Shower heads, 3.0 gallons per minute.

(b) Where air conditioning equipment is to be used in all new construction and in all new. remodeling, a closed system of air conditioning shall be installed.

(c) In addition to the requirements of para-graphs (a) and (b) of this section, in all new construction and in ail repairs and/or replace-ment of fixtures in lavatories intended for public use, the faucets of such lavatories located in restrooms for public use shall be of metering or self-closing type. (Ord. No. 10-11-77-3, §§ 3, 4; Ord. No. 11-8-83, § 1)

Sec. 21-44. Carwash installations.

In all new construction and/or replacement of fixtures in carwash facilities, carwash installations shall be equipped with a water recycling system.
(Ord. No. 10·11-77·3, § 5)

Sec. 21-45. Restrictions on lawn sprinkling and other water uses.

(a) So as to comply with the state department of transportation's 1'Rules and Regulations for the Allocation of Water from Lake Michigan" dated January, 1985, as amended November 3, 1988, commencing May 15 through September 15 of each year, it shall be unlawful for any person to use water for the sprinkling or irrigation of lawns or gardens on any day of the week, except be-tween the hours of 7:00 a.m. and 11:00 a.m. or 7:00 p.m. and 11:00 p.m.; provided, however, in emergency conditions sprinkling or irrigation shall be permitted only on an odd/even basis (on odd-numbered calendar days if the last digit in the street address is odd or on the even-numbered calendar days if the last digit in the street address is even) between the hours of7:00 a.m. and 11:00 a.m. or 7:00 p.m. and 11:00 p.m.

(b) The village reserves the right to further limit or suspend the use of water for the sprin-kling or irrigation of lawns and g□dens or for any other special purposes whenever the mayor and board of trustees shall determine that public exigencies and emergencies require such action. If public exigencies and emergencies require, due to the possibility that the water supply will not meet demand, the mayor may unilaterally declare and take such action prior to the next regularly scheduled or specially scheduled meeting of the mayor and board of trustees. At the next meeting of the mayor and board of trustees after the mayor's action, the emergency conservation ac-tion shall be abated, continued or made more stringent by the mayor and board of trustees.

(c) Fully automated irrigation and sprinkler systems that are piped underground and electron-ically controlled may operate any day of the week but only between the hours of midnight and 5:00 a.m.; provided, however, in emergency conditions sprinkling or irrigation shall be permitted only on an odd/even basis (on odd-numbered calendar days if the last digit in the street address is odd or on the even-numbered calendar days if the last digit in the street address is even).

(d) There shall be no restrictions as to hours or days when water from the village water distribu-tion system may be used for (i) watering or sprinkling of gardens, trees, shrubs or other out-door plants where such watering or sprinkling is done by a person using a hand-held watering device; or (ü) filling swimming pools with a vol-ume of fifty (50) gallons or less. The restriction set forth above shall not apply as to any other lawful use of water from the village water distribution system such as bathing, washing, etc.

(e) Newly laid sod may be sprinkled for five (5) consecutive days provided a special watering per-mit has been obtained from the building depart-ment. Said permit shall be displayed on each of said days. It shall set forth the address and the dates for which it is issued. There shall be no fee for the permit.

(f) Any person violating this section shall be fined not less than twenty-five dollars ($25.00) and not more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed for each and every day

during which a violation continues or exists. (Ord. No. 3-26-91, §§ 1-3)

Secs. 21-46-21-60. Reserved.

ARTICLE III. CROSS-CONNECTION CONTROL

DIVISION 1. GENERALLY

Sec. 21-61. Use of approved backflow prevention device; compliance with state plumbing code.

Ali plumbing installed within the village shall be installed in accordance with the state Plumb-ing Code, 77 Ill. Adm. Code 890. If in accordance with the state plumbing code or in the judgment of the superintendent of water, an approved backflow prevention device is necessary for the safety of the public water supply system, the superintendent of water will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the state plumbing code, state environmental protec-tion agency and ail applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as re-quired by the state plumbing code, state environ-mental protection agency and local regulations.
(Ord. No. 5-10-94A, § 1)

Sec. 21-62. Cross-connection to private, auxiliary or emergency water sup-ply prohibited.

No person shall establish or permit to be estab-lished or maintain or permit to be maintained any connection whereby a private, auxiliary or emer-gency water supply other than the regular public water supply of the village may enter the supply or distribution system of the village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the superintendent of water and the state environmental protection agency. (Ord. No. 5-10-94A, § 2)

Sec. 21-63. Surveys and investigations.

It shall be the duty of the superintendent of water to cause surveys and investigations to be made of 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 investiga-tions shall be made a matter of public record and shall be repeated at least every two (2) years, or as often as the superintendent of water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years. (Ord. No. 5-10-94A, § 3)

Sec. 21-84. Right of entry.

The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connec-tion to the public water supply or distribution system of the village for the purpose of verifying the presence or absence of cross-connections, and that the water superintendent or his authorized agent shall have the right to enter at any reason-able time any property served by a connection to the public water supply or distribution system of the village for the purpose of verifying informa-tion submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the superintendent of water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such

information, when demanded, shall, within the discretion of the superintendent of water, be deemed evidence of the presence of improper continuance as provided in this article. (Ord. No. 5-10-94A, § 4)

Sec. 21-66. Discontinuance of water service.

The superintendent of water is hereby autho-rized and directed to discontinue, after reason-able notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this article is known to exist, and to take each 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 condi-tions have been eliminated or corrected in com-pliance with the provisions of this article, and until a reconnection fee of two hundred dollars ($200.00) is paid to the village. Immediate discon-nection with verbal notice can be effected when the superintendent of water is assured that im-minent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party, can be effected to prevent actual or anticipated contamination or pollution of the public water supply; provided that, in the reasonable opinion of the superintendent of water or the state environmental protec-tion agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the public water supply, the superintendent of water, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may re-sult from termination of said customer's water supply in accordance with the terms of this arti-cle, whether or not said termination was with or without notice. (Ord. No. 5-10-94A, § 5)

Sec. 21-68. Responsibility for cost of cleanup.

The consumer responsible for backsiphoned or back-pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross· connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of cleanup of the potable water supply system.
(Ord. No. 5·10·94A, § 6)

Secs. 21-67-21-80. Reserved.

DIVISION 2. REGULATIONS

Sec. 21-81. General policy.

(a) Purpose. The purpose of this division is:

(1) 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;

(2) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures and sources or systems containing a substance of un· known or questionable safety;

(3) To provide for the maintenance of a con-tinuing program of cross-connection

control which will prevent the contamination or pollution of the public and consumer's potable water systems.

(b) Application. This division shall apply to all premises served by the public potable water sup-ply system of the village.

(c) Policy. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or backsiphonage of contaminants through the customer's water service connection. If, in the judgment of the superintendent's of water or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the superintendent of water shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such ap-proved 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, test-ing and repair as required in section 21-85(d)(4) 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 village to assist in determining whether or not service line protection will be required. Ali cross-connection inspections shall be conducted by a cross-connection control device inspection certified by the state environmental protection agency. (Ord. No. 5·10-94A, § Rl)

Sec. 21-82. Definitions.

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

Agency means the state environmental protec-tion 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 Sani-tary Engineers, American Water Works Associa-tion, 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 consti-tute a water source or system over which the water purveyor does not have control.

Backflow means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

Backflow prevention device means any device, method or type of construction intended to pre-vent backflow into a potable water system. Ail devices used for backflow prevention in the state must meet the standards of the state plumbing code and the state 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 connec-tion or arrangement between two (2) otherwise separate piping systems, one of which contains potable water and the other a substance of un-known or questionable safety or quality, whereby there may be a flow from one (1) system into the other. The term "direct cross-connection" means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance. The terra "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 assem-bly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve.

Fixed proper air gap means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

Health hazard means any condition, device or practice in a water system or its operation result-ing 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 haz-ard to the health of the user that could be ex-pected to result in death or significant reduction in the quality of life.

Inspection means a plumbing inspection to examine carefully and critically ail materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for com-pliance with requirements of the Illino1s Plumb-ing Code, 77 m. Adm. Code 890.

Nonpotable water means water not safe for drinking, persona! or culinary use as determined by the requirements of 35 III. Adm. Code 604.

Plumbing means the actual installation, re-pair, maintenance, alteration or extension of a plumbing system by any person. Plumbing in-cludes ail piping, fixtures, appurtenances and appliances for a supply of water for ail purposes, including without limitation lawn sprinkler sys-tems, 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 persona live, work or assemble. Plumbing includes ail piping, from discharge of pumping units to and including pres-sure 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 persona live, work or assemble from the point of connec-tion of such building drain to the building sewer or private sewage disposal system five (5) feet beyond the foundation wails.

Pollution means the presence of any foreign substance (organic, inorganic, radiological or bio-logical) in water that tends to degrade its

quality so as to constitute a hazard or impair the useful-ness of the water.

Potable water means water which meets the requirements of 35 li. Adm. Code 604 for drink-ing, culinary and domestic purposes.

Potential cross-connection means a fixture or appurtenance with threaded hose connection, ta-pered spout or other connection which would facilitate extension of the water supply line be-yond its legal termination point.

Process fluid means any fluid or solution which may be chemically, biologically or otherwise con-taminated or polluted in a form or concentration such as would constitute a health, pollutional or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

(1) Polluted or contaminated waters;

(2) Process waters;

(3) Used waters originating from the public water supply system which may have deteriorated its sanitary quality;

(4) Cooling waters;

(5) Questionable or contaminated natural waters taken from wells, lakes, streams or irrigation systems;

(6) Chemicals in solution or suspension;

(7) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes or for firefighting pur-poses.

Public water supply means ail mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structure, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least fifteen (15) service connections or which regularly serve at least twenty-five (25) persona at least sixty (60) days per year. A public water supply is either a 11com-murûty water supply" or a "noncommunity water supply.”

Reduced pressure principle backflow prevention device means a device containing a minimum of two (2) independently acting check valves together with an automatically operated pressure differential relief valve located between the two (2) check valves and approved under ASSE Stan-dard 1013. During normal flow and at the cessa-tion of normal flow, the pressure between these two (2) 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 pres-sure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with prop-erly located test cocks.

Service connection means the opening, includ-ing 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 regard-ing the location of ail connections to the public water supply system and must include the loca-tion, 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 mate-rial 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 bas passed through the service connection and is no longer under the control of the water supply official custodian.

Water purveyor means the owner or official custodian of a public water system. (Ord. No. 5-10-94A, § R2)
Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 21-83. Water system.

(a) The water system shall be considered as made up of two (2) parts: the public water supply system and the consumer's water system.

(b) The public water supply system shall con-sist of the source facilities and the distribution system, and shall include ail those facilities of the potable water system under the control of the superintendent of water up to the point where the consumer1s 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 con-nection used to convey water from the public water supply distribution system to points of use.
(Ord. No. 5-10-94A, § R3)

Sec. 21-84. 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 installed1 tested and maintained t.o ensure 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 bacteri-ological and chemical quality as determined by inspection and analysis by the agency.

(c) There shall be no arrangement or connec-tion by which an unsafe substance may enter a supply.
(Ord. No. 5-10-94A, § R4)

Sec. 21-85. Survey and investigations.

(a) The consumer1s premises shall be open at ail reasonable times to the approved cross-connection control device inspector for the inspec-tion of the presence or absence of cross-connec-tions within the consumer1s premises and for testing, repair and maintenance of cross-connec-tion control devices within the consumer1s prem-ises.

(b) On request by the superintendent of water or his authorized representative, the consumer shall furnish information regarding the piping

system or systems or water use within the customer's premises. The consumer1s premises shall be open at all reasonable times to the superintendent of water for the verification of information submitted by the inspection con-sumer 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 the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Illinois Revised Statutes 1987, chapter 111, paragraph 1103(1).

(d) It is the responsibility of the water con-sumer 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 backsiphonage;

(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 phys-ical 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 an-nually or more frequently if recom-mended by the manufacturer.

b. Records submitted to the community public water supply shall be avail-able for inspection by agency person-nel in accordance with Illinois Re-vised Statutes 1987, chapter 111½, paragraph 1004(e).

c. Each device shall have a tag at-tached listing the date of most re-cent test, name of CCCDI, and type and date of repairs.

d. A maintenance log shall be main-tained and include:

1. Date of each test;

2. Name and approval number of person performing the test;

3. Test results;

4. Repairs or servicing required;

5. Repairs and date completed; and

6. Servicing performed and date completed.

(Ord. No. 5-10-94A, § R5)

Sec. 21-86. Where protection is required.

(a) An approved backflow device shall be installed on all connections to the public water supply as described in the state plumbing code, 77 III. Adm. Code 890 and the agency's regulations 35 m. Adm. Code 680. In addition, an approved backflow prevention device shall .be

installed on each service line to a consumer's water system serving premises, where in the judgment of the superintendent of water, actual or potential haz-ards 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 ac-cepted as an additional source by the superintendent of water and the source is approved by the state environmental pro-tection agency;

(2) Premises on which· any substance is han-dled which can create an actual or poten-tial hazard to the public water supply system; this shall include premises hav-ing sources or systems containing process fluids or waters originating from the pub-lic water supply system which are no · longer under the sanitary control of the superintendent of water;

(3) Premises having internal cross-connec-tions that, in the judgment of the super-intendent of water and/or the cross-con-nection control device inspector, are not correctable or intricate plumbing arrange-ments which make it impractical to deter-mine whether or not cross-connections exist;

(4) Premises where, because of security re-quirements or other prohibitions or restric-tions, it is impossible or impractical to make a complete cross-connection survey;

(5) Premises having a repeated history of cross-connections being established or re-established.

(c) An approved backflow device shall be installed on all connections to the public water supply as described in the state plumbing code, 77 III. Adm. Code 890 and the agency's regulations 35 m. 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 follow-ing types of facilities unless the superintendent of water determines that no actuel 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 stormwater pumping stations;

(5) Food or beverage processing plants;

(6) Chemical plants;

(7) Metal plating industries;

(8) Petroleum processing or storage plants;

(9) Radioactive material processing plants or nuclear reactors;

(10) Carwashes;

(11) Pesticide or herbicide or extermination plants and trucks;

(12) Farm. service and fertilizer plants and trucks.

(Ord. No. 5-10-94A, § R6)

Sec. 21-87. Type of protection required.

(a) The type of protection required under sec-tion 21-86(b)(1}—(3) shall depend on the degree of hazard which exists as follows:

(1) An approved fixed proper air gap separa-tion shall be installed where the public water supply system may be contami-nated with substance that could cause a severe health hazard.

(2) An approved fixed proper air gap separa-tion or an approved reduced pressure prin-ciple backflow prevention assembly shall be installed where the public water sup-ply system may be contaminated with a substance that could cause a system or health hazard.

(3) An approved fixed proper air gap separa-tion or an approved reduced pressure prin-ciple backflow prevention assembly or a double check valve assembly shall be in-stalled 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 sec-tion 21-86(b)(4)—(5) shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

(c) Where a public water supply or an auxil-iary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on tire safety sys-tems 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;

(3) Water flows by gravity from a nonpotable source; or water can be pumped into the :tire safety system from any other source; or

(4) There is a connection whereby another source can be introduced into the fire safety system.

(d) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

(Ord. No. 5-10-94A, § R7)

Sec. 21-88. Backflow prevention devices.

(a) All backflow prevention devices or methods required by this division shall be approved by the· Research Foundation for Cross-Connection Con-trol of the University of Southern California, American Water Works Association, American So-ciety of Sanitary Engineering, or American Na-tional Standards Institute or certified by the National Sanitation Foundation to be in compli-ance with applicable industry specification.

(b) Installation of approved devices shall be made in accordance with the manufacturer's in-structions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be avail-able on site.
(Ord. No. 5-10-94A, § RB)

Sec. 21-89. Inspection and maintenance.

(a) It shall be the duty of the consumer at any premises on which backflow prevention devices required by this division 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 the manufacturer1s instructions;

(1) Fixed proper air gap separations shall be inspected to document that a proper ver-tical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the tune of installation and at least annually thereafter. Corrections to improper or by-passed air gaps shall be made within twenty-four (24) hours.

(2) Double check valve assemblies shall be inspected and tested at tune of installa-tion and at least annually thereafter, and required service performed within five (5) days.

i3) 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 per-formed 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 inspec-tion, 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;

(4a Repairs or servicing required;

(5) Repairs and date completed; and

(6) Servicing performed and date completed.

(e) Whenever backflow prevention devices required by this division are found to be defective, they shall be required or replaced at the expense of the consumer without delay !:IS required by subsection (a) of this section.

(f) Backflow prevention devices shall not be bypassed, made inoperative, removed or other-wise made ineffective without specific authoriza-tion by the superintendent of water. (Ord. No. 5-10-94A, § R9)

Sec. 21-90. Booster pumps.

(a) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) pounds per square inch or less.

(b) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the super-intendent of water, at least once a year,

that the device is operable. (Ord. No. 5-10-94A, § R10)

Sec. 21-91. Violations.

(a) The superintendent of water shall deny or discontinue, after reasonable notice to the occu-pants thereof, the water service to any premises wherein any backflow prevention device required by this division is not installed, tested, main-tained and repaired in a manner acceptable to the superintendent of water, or if it is found that the backflow prevention device bas been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by this division is not installed and maintained in working order.

(b) Water service to such premises ·shall not be restored until the consumer bas corrected or eliminated such conditions or defects in conform-ance with this division and to the satisfaction of the superintendent of water, and the required reconnection fee is paid.

(c) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conform-ance with this division and to the satisfacti9n of the superintendent of utilities/operations.

(d) Neither the village, the superintendent of water, or its agents or assigns shall be liable to any customers of the village for any injury, dam-ages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this division, whether or not said termination of the water supply was with or without notice.

(e) 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 de-vice, or a device which has been bypassed, must bear the cost of cleanup of the potable water supply system .

(f) Any person found to be violating any provi-sion of this division, shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfac-tory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease ail violation.

(g) Any person violating any of the provisions of this division in addition to the fine provided, shall become liable to the village for any expense, loss or damage occasioned by the village by reason of such violations, whether the same was caused before or after notice. (Ord. No. 5-10-94A, § RIU