CITY OF PETERSBURG, ILLINOIS

CODE OF ORDINANCES

AMERICAN LEGAL PUBLISHING CORPORATION

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CITY OFFICIALS

OF

PETERSBURG, ILLINOIS

ALDERMEN

Mayor	John Stiltz
Alderman	Stacy Frick
Alderman	Bruce Gorman
Alderman	Ray Jordan
Alderman	Kevin Molohon
Alderman	Ken Ortman
Alderman	Keith Wilson

CITY ADMINISTRATION

City Treasurer	David Frick
City Clerk	Dorothy Morgan

PETERSBURG, ILLINOIS
CODE OF ORDINANCES
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§ 1-1 HOW CODE DESIGNATED AND CITED.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Petersburg, Illinois", and may be so cited.
(1993 Code, § 1-1) (Ord. 70-1, passed 1-6-1970)
Statutory reference:
Revision and codification of ordinances, see § *1-2-3 of the Illinois Municipal Code, 65 ILCS 5/1-2-3*

§ 1-2 RULES OF CONSTRUCTION AND DEFINITIONS.

(A) 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 City Council. The rules of construction and definitions set out in this section 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 context of such section may be repugnant thereto.

(B) (1) 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 City Council may be fully carried out.

(2) In the interpretation and application of any provision of this code, such provision 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 or regulation shall be deemed to be controlling.

(C) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Petersburg, Illinois.

CITY COUNCIL, ***COUNCIL.*** The City Council of the City of Petersburg.

COMPUTATION OF TIME. The time within which any act provided by law 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 holiday as defined or fixed in any statute now or hereafter in force in this state and, then, 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 OR CITY LIMITS. The legal boundaries of the City of Petersburg.

COUNTY. The County of Menard in the State of Illinois.

DELEGATION OF AUTHORITY. Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the head of the department or 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 only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

ILCS. Illinois Compiled Statutes.

JOINT AUTHORITY. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

MAY. The act referred to is permissive or discretionary.

MAYOR. The Mayor of the city.

MONTH. A calendar month.

MUST. The act referred to is mandatory.

NON-TECHNICAL 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 as well as to one person and thing. A word importing the plural number only may extend and be applied to one person or thing as well as to several persons and things.

OATH. 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 AND THE LIKE. Whenever any officer, department, board or commission is referred to by title, such as "Clerk", "Police Department" and the like, such reference shall be construed as if followed by the words "of the City of Petersburg".

OWNER. Applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

PERSON. Extends and shall be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate, as well as to individuals.

PERSONAL PROPERTY. Every species of property, except real property, as described in this section.

PRECEDING, ***FOLLOWING.*** Next before and next after, respectively.

PROPERTY. Includes real and personal property.

REAL PROPERTY. Includes lands, tenements and hereditaments.

SHALL. The act referred to is mandatory.

SIDEWALK. The portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

SIGNATURE or ***SUBSCRIPTION.*** Includes a mark when the person cannot write.

STATE. The State of Illinois.

STREET. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

TENANT or ***OCCUPANT.*** Applied to a building or land, includes 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 past or present tense include the future as well as the past and present.

WHOLESALE, WHOLESALER AND THE LIKE. 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 direct to the consumer.

WRITTEN or ***IN WRITING.*** Any representation of words, letters or figures, whether by printing or otherwise.

YEAR. A calendar year unless otherwise expressed; and, the word ***YEAR*** alone is equivalent to the expression ***YEAR OF OUR LORD***.
(1993 Code, § 1-2) (Ord. 70-1, passed 1-6-1970)
Statutory reference:
Similar rules of statutory construction, see § *0.01 of the Illinois Statute on Statutes, 5 ILCS 70/0.01*

§ 1-3 CATCHLINES OF SECTIONS.

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.
(1993 Code, § 1-3)

§ 1-4 AMENDMENTS TO CODE.

All ordinances passed subsequent to this code which amend, repeal or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion in this code, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this code of ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the City Council.
(1993 Code, § 1-4) (Ord. 70-1, passed 1-6-1970)

§ 1-5 UNAUTHORIZED ALTERATION OR TAMPERING WITH CODE.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portions of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.
(1993 Code, § 1-5) (Ord. 70-1, passed 1-6-1970)

§ 1-6 EFFECT OF REPEAL OF ORDINANCES.

(A) 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.

(B) 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.
(1993 Code, § 1-6) (Ord. 70-1, passed 1-6-1970)

§ 1-7 SEVERABILITY OF PARTS OF CODE.

The sections, subsections, sentences, clauses and phrases of this code, or their application to any person or circumstances, are severable and, if any phrase, clause, sentence, subsection or section of this code shall be declared unconstitutional, invalid or unenforceable by the 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, subsections and sections and circumstances of this code.
(1993 Code, § 1-7)

§ 1-8 GENERAL PENALTY FOR VIOLATION OF CODE; CONTINUING VIOLATIONS.

(A) Whenever in this code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or a misdemeanor, 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 a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any ordinance shall be punished by a fine of not more than $500.

(B) Each day any violation of any provisions of this code or of any ordinance shall continue shall constitute a separate offense.
(1993 Code, § 1-8) (Ord. 70-1, passed 1-6-1970)

Statutory reference:

Limitation on penalties, see § 1-2-1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1

§ 1-9 CITATIONS IN ONE ACT TO ANOTHER ACT OR TO THE GENERAL LAW.

(A) This section applies to citations in one act to another act or to the general law on a subject, whether or not the citation also contains a modifying phrase such as "as amended", "as now or hereafter amended", "in effect from time to time", or a similar phrase.

(B) A citation to another act or to the general law on a subject refers to that other act or general law in effect from time to time. Initially, the citation refers to that other sct or general law in effect at the time the new or amendatory act containing the citation becomes law. At any time thereafter, the citation refers to that other act or general law as amended or otherwise modified up to that time.
(5 ILCS 70/1.34)

§ 1-10 RESERVED.

(1993 Code, § 1-10)

§ 1-11 OFFICERS, EMPLOYEES NOT LIABLE TO FINE FOR FAILURE TO PERFORM DUTIES.

No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this code for a failure to perform such duty, unless the intention of the City Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.
(1993 Code, § 1-11) (Ord. 70-1, passed 1-6-1970)

§ 1-12 ACTS PUNISHABLE UNDER DIFFERENT SECTIONS.

In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided that, the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
(1993 Code, § 1-12) (Ord. 70-1, passed 1-6-1970)

§ 1-13 MISCELLANEOUS ORDINANCES, RESOLUTIONS AND ACTIONS NOT AFFECTED BY CODE.

(A) Nothing in this code or the ordinance adopting this code shall affect:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligations assumed by the city;

(3) The administrative ordinances or resolutions of the City Council not in conflict or inconsistent with the provisions of this code;

(4) Any right or franchise granted by any ordinances of the city;

(5) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating and the like any street or public way in the city;

(6) Any appropriation ordinances;

(7) Any ordinance levying or imposing taxes;

(8) Any ordinance establishing or prescribing grades in the city;

(9) Any ordinance providing for local improvements and assessing taxes therefor;

(10) Any ordinance dedicating or accepting any plat or subdivision in the city; and

(11) Any ordinance prescribing the number, classification or compensation of any city officers or employees, not inconsistent with this code.

(B) All such ordinances, resolutions and actions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code.
(1993 Code, § 1-13) (Ord. 70-1, passed 1-6-1970)

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ARTICLE I. IN GENERAL

§ 2-1 SEAL DESCRIBED.

The seal of the city shall be of circular shape, one and one-half inches in diameter, with the words "Corporate Seal of the City of Petersburg" engraved in Roman capital letters on the outer rim of the face, and the words and figures "April 3, 1882" engraved across the center of the face. The seal shall be kept by the City Clerk, and used by him or her as required by law or by the ordinances of the city, or by the order of the Mayor or City Council.
(1993 Code, § 2-1)

§ 2-2 RESERVED.

(1993 Code, § 2-2)

§ 2-3 WARDS DESIGNATED.

The city is hereby divided into three wards, as follows:

(A) *First Ward.* All that portion of the city being and lying south and west of the following boundary lines shall be and constitute the First Ward: beginning at the center of the east end of Jackson Street, running thence west on such street to the center line of Sixth Street, thence south on Sixth Street to the center of Monroe Street, thence west on Monroe Street to the west limits of the city;

(B) *Second Ward.* All that portion of the city lying and being north and west of the following boundary lines shall be and constitute the Second Ward: beginning at a point on the north corporate line which point is due north of the center of Main or Seventh Street, running thence south on such street to midway between Douglas Avenue and Jackson Street, thence east through the Courthouse Square to the center of Sixth Street, thence south on Sixth Street to the center of Monroe Street, thence west on Monroe Street to the west limits of the city; and

(C) *Third Ward.* All that portion of the city being and lying north and east of the following boundary lines shall be and constitute the Third Ward: beginning at a point on the north corporate line which point is due north of the center of Main or Seventh Street, running thence south on such street to midway between Douglas Avenue and Jackson Street, thence east through the Courthouse Square to the

center of Sixth Street, thence south on Sixth Street to the center of Jackson Street, and thence east on Jackson Street to the east limits of the city.
(1993 Code, § 2-3) (Ord. 94-10, passed 8-17-1994)
Editor's note:
Ord. 94-10 made territories annexed by Ord. 94-5, adopted 6-7-1994, and Ord. 94-8, adopted 7-5-1994, a part of Ward No. 3. Description of these territories is not set out herein and can be found on file in the office of the City Clerk.
Statutory reference:
Division of city into wards, see 65 ILCS 5/3-4-9

§ 2-4 BENCHMARK ESTABLISHED.

(A) The benchmark or datum plane for which all municipal grades shall be made is hereby fixed at 524 feet above mean sea level as shown by the United States Coast and Geodetic Survey Benchmark set in the north wall of the County Courthouse in the city.

(B) Such benchmark consists of an aluminum tablet in the north wall of such courthouse a distance of two feet east of the north entrance to the courthouse and four feet above the concrete sidewalk at the outside of such entrance.
(1993 Code, § 2-4)

§ 2-5 REQUESTS FOR ACCESS TO CITY RECORDS.

(A) The City Clerk is hereby designated as the person to whom all initial requests for access to the records of the city are to be referred.

(B) (1) Any records which are the subject of a request under § 1 of the Freedom of Information Act, 5 ILCS 150/1, shall be retrieved from such place as they are stored, by the City Clerk, or by an employee of the city acting under the direction of the City Clerk.

(2) In no event shall records be retrieved by the party requesting them or by any person who is not employed by the city.

(C) (1) If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the City Council.

(2) The City Clerk shall maintain a written schedule of current fees in the Clerk's office.

(3) The fees so charged shall reflect the actual cost of copying the records and the cost of certifying copies, if certification is requested.

(D) (1) In the event that a request to inspect city records is denied by the City Clerk, the denial may be appealed to the Mayor.

(2) Such an appeal must be made within seven days after the requesting party receives the written notice denying said request.

(3) In the absence of the Mayor, appeals from denials of requests for access shall be made to the City Council in the times set forth above.

(E) The City Clerk shall prepare:

(1) A city information directory;

(2) A block diagram of the functional subdivisions of the city;

(3) A list of rules and regulations under the FOIA; and

(4) A records catalogue.
(1993 Code, § 2-5) (Ord. 93-24, passed 10-19-1993)

§§ 2-6—2-14 RESERVED.

(1993 Code, §§ 2-6—2-14)

ARTICLE II. OFFICERS AND EMPLOYEES GENERALLY

DIVISION 1. IN GENERAL

§ 2-15 CITY OFFICERS ENUMERATED.

The officers of the city shall consist of the Mayor, the two Aldermen from each ward, the City Clerk, the City Treasurer and the Health Officer.
(1993 Code, § 2-15) (Ord. 2009-05, passed 6-2-2009)

§ 2-16 CITY EMPLOYEES DESIGNATED.

All city personnel other than those enumerated as officers in § 2-15 of this chapter shall be designated as employees.
(1993 Code, § 2-16)

§ 2-17 CITY OFFICER'S OATH, TERM.

(A) Each city officer shall take the oath of office prescribed by statute, and shall hold office during the term set by statute.

(B) However, officers serving by appointment shall be appointed for a term not longer than the end of the fiscal year.
(1993 Code, § 2-17)
Statutory reference:
Oath of officers, see § 3.1-10-25 of the Illinois Municipal Code, 65 ILCS 5/3.1-10-25

§ 2-18 BONDS.

Unless otherwise established by ordinance, city officers and employees shall post a bond in such amount as shall be set by statute, or as may be set by the City Council for those officers or employees whose bond is not fixed by statute.
(1993 Code, § 2-18)
Statutory reference:
Bonds of municipal officers, see, § 3-14-3 of the Illinois Municipal Code, 65 ILCS 5/3-14-3

§ 2-19 SALARIES.

The salaries of city officers and employees shall be fixed by the City Council from time to time, and shall be paid as provided by the Council, and not less frequently than quarterly.
(1993 Code, § 2-19)

§ 2-20 IMPERSONATING CITY OFFICER OR EMPLOYEE.

It shall be unlawful to impersonate any city officer or employee without lawful authority.
(1993 Code, § 2-20)

§ 2-21 DELIVERY OF RECORDS UPON END OF TERM.

Every officer or employee of the city, upon the termination of his or her service in office for any cause whatsoever, shall deliver to the City Clerk all books, records, property and moneys of the city within one week after the termination of his or her office.
(1993 Code, § 2-21)

§§ 2-22—2-26 RESERVED.

(1993 Code, §§ 2-22—2-26)

DIVISION 2. SOCIAL SECURITY

§ 2-27 PARTICIPATION IN SOCIAL SECURITY.

The city desires its eligible employees to participate in the Old-Age, Survivors, and Disability Insurance program created by the Social Security Act, 42 U.S.C. §§ 301 et seq., and administered by the United States Social Security Administration. The Mayor shall take all action required by §§ 21-101 et seq. of the Social Security Enabling Act, 40 ILCS 5/21-101 et seq., the Social Security Act, 42 U.S.C. §§ 301 et seq., and all other state and federal laws to ensure the continued participation of city employees in the Old-Age, Survivors, and Disability Insurance program.

§ 2-28 RESERVED.

(1993 Code, § 2-28)

§ 2-29 WITHHOLDING WAGES.

Withholdings from salaries or wages of city employees for the purpose provided in § 2-27 of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal Social Security laws or regulations, and shall be paid over to the state agency in such amounts and at such times as are designated by state laws or regulations.
(1993 Code, § 2-29)

§ 2-30 EMPLOYER CONTRIBUTIONS; ADMINISTRATIVE EXPENSES.

Employer contributions and administrative expenses relative to Social Security and retirement benefits shall be paid to the state agency in accordance with applicable state laws and regulations from amounts appropriated for such purposes.
(1993 Code, § 2-30)
Statutory reference:
State agency, see § 21-102.3 of the Illinois Pension Code, 40 ILCS 5/21-102.3

§ 2-31 RECORDS TO BE KEPT.

The City Clerk shall maintain records and submit reports as may be required by applicable state and federal laws or regulations for the federal old-age and survivors benefit system, and for the state employees' retirement system.
(1993 Code, § 2-31)

§§ 2-32—2-41 RESERVED.

(1993 Code, §§ 2-32—2-41)

ARTICLE III. MAYOR

§ 2-42 RESERVED.

(1993 Code, § 2-42)

§ 2-43 GENERAL DUTIES; RIGHT TO INSPECT RECORDS.

The Mayor shall be the chief executive officer of the city and shall perform all such duties as may be required of him or her by statute or ordinance. He or she shall have supervision over all the executive officers of the city and at all times may examine and inspect the books, records and papers of any agent, employee or officer of the city.
(1993 Code, § 2-43)
Statutory reference:
Authority to inspect records, see § 3.1-35-20 of the Illinois Municipal Code, 65 ILCS 5/3.1-35-20
Mayor declared chief executive, see § 3.1-15-10 of the Illinois Municipal Code, 65 ILCS 5/3.1-15-10

§ 2-44 PRESIDES OVER COUNCIL.

The Mayor shall preside at all meetings of the City Council, shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the City Council.
(1993 Code, § 2-44)
Statutory reference:
Similar provisions, see § 3.1-40-30 of the Illinois Municipal Code, 65 ILCS 5/3.1-40-30

§ 2-45 APPOINTMENT OF OFFICERS NOT OTHERWISE PROVIDED FOR.

(A) The Mayor shall, by and with the advice of the City Council, appoint all officers of the city whose appointment or election is not otherwise provided for. This authority shall include the appointment of officers to fill vacancies.

(B) Any such appointment by the Mayor without the advice and consent of the City Council shall be deemed a temporary appointment.

(C) The term of any temporary appointment by the Mayor without the advice and consent of the City Council shall not exceed 30 days.

(D) No person shall serve in the same temporary appointment more than once in the same fiscal year without the advice and consent of the City Council.
(1993 Code, § 2-45) (Ord. 2000-1, passed 1-18-2000)
Statutory reference:
Similar provisions, see § 3.1-30-5 of the Illinois Municipal Code, 65 ILCS 5/3.1-30-5

§ 2-46 DESIGNATION OF DUTIES; POWERS OF OFFICERS.

Whenever there is a dispute as to the respective duties or powers of officers of the city, this dispute shall be settled by the Mayor. The Mayor shall have power to delegate to any officer any duty which is to be performed when no special officer has been directed to perform that duty.
(1993 Code, § 2-46)

§§ 2-47—2-56 RESERVED.

(1993 Code, §§ 2-47—2-56)

ARTICLE IV. CITY COUNCIL

§ 2-57 WARDS.

Aldermen shall be elected from each ward as shall be provided by statute.
(1993 Code, § 2-57)
Statutory reference:
Number of Aldermen, see § 3.1 of the Illinois Municipal Code, 65 ILCS 5/3.1

§ 2-58 ELECTION; TERM.

The members of the City Council shall be elected and shall serve for such terms as may be provided by statute.
(1993 Code, § 2-58)
Statutory reference:
Manner of conducting elections, see § 3.1-20-45 of the Illinois Municipal Code, 65 ILCS 5/3.1-20-45
Term of office, see § 3.1-10-15 of the Illinois Municipal Code, 65 ILCS 5/3.1-10-15

§ 2-59 LEGISLATIVE FUNCTIONS GENERALLY.

The City Council shall be the legislative department of the city government, and shall have the powers and perform the duties prescribed by statute.
(1993 Code, § 2-59)

§ 2-60 OATH OF OFFICE.

Each Alderman shall, before entering upon his or her official duties, take the oath of office prescribed by statute.
(1993 Code, § 2-60)
Statutory reference:
Oath of city officers, see § 3.1-10-25 of the Illinois Municipal Code, 65 ILCS 5/3.1-10-25

§ 2-61 TIME, PLACE FOR REGULAR MEETINGS.

The regular meetings of the City Council shall be held on the first and third Tuesdays of each month at the City Hall, or at such other place as may be designated by ordinance or resolution.
(1993 Code, § 2-61) (Ord. 98-11, passed 7-7-1998; Ord. 99-11, passed 2-16-1999)
Statutory reference:
Authority to prescribe time and place of regular meetings, see § 3.1-40-25 of the Illinois Municipal Code, 65 ILCS 5/3.1-40-25

§ 2-62 SPECIAL MEETINGS.

(A) Special meetings may be called by the Mayor, or any three Aldermen, by giving to each member of the City Council a written or printed notice thereof.

(B) Such notice shall be delivered in person to the member of the City Council, or by leaving a copy thereof at the regular place of abode or place of business of the member no less than 48 hours before the

time of such meeting. It shall be the duty of the Clerk to serve such notice. The notice shall specify the time, date and location of the meeting, and shall specify the purpose or object of the meeting.

(C) The location of any such meeting shall be the regular Council chambers located at City Hall.

(D) The time of such meeting and notice thereof shall be in compliance with § 2.02 of the Open Meetings Act, 5 ILCS 120/2.02.
(1993 Code, § 2-62) (Ord. 2011-06, passed 5-17-2011)
Statutory reference:
Authority to provide for special meetings, see § 3.1-40-25 of the Illinois Municipal Code 65 ILCS 5/3.1-40-25

§ 2-63 FAILURE TO ATTEND MEETINGS.

Any Council member who willfully refuses or fails to attend, or willfully leaves, a special or regular meeting of the Council, without a reasonable excuse, may be fined by a majority vote of the Council not less than $3, nor more than $500, for the first offense, not less than $6, nor more than $500, for any subsequent offense and for a third or subsequent offense may be expelled from office, with the concurrence of two-thirds of the Aldermen elect. Absence from the city, sickness either of the member or his or her family, or other unavoidable or unforeseen causes, may be a reasonable excuse.
(1993 Code, § 2-63)
Statutory reference:
Authority to establish fine for failure to attend meeting, see § 3.1-40-25 of the Illinois Municipal Code 65 ILCS 5/3.1-40-25

§ 2-64 QUORUM; COMPELLING ATTENDANCE.

The majority of the Aldermen elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees. At the request of any two members present, the Mayor shall compel the attendance of any absent member.
(1993 Code, § 2-64)
Statutory reference:
What constitutes a quorum; compelling attendance, see § 3.1-40-25 of the Illinois Municipal Code 65 ILCS 5/3.1-40-25

§ 2-65 CHAIRPERSON PRO TEM; CLERK PRO TEM.

(A) In the absence of the Mayor, acting Mayor or Mayor pro tem, the City Council may elect an Alderman to act as a temporary Chairperson. He or she shall have only the powers of a presiding officer and a right to vote in his or her capacity as Alderman on any ordinance, resolution or motion.

(B) In the absence of the City Clerk, the City Council shall elect one of its number to act as Clerk pro tem.
(1993 Code, § 2-65)
Statutory reference:
Similar provisions, see § 3.1-35-5 of the Illinois Municipal Code, 65 ILCS 5/3.1-35-5

§ 2-66 STANDING COMMITTEES ENUMERATED.

The standing committees of the City Council shall be:

(A) Committee on Finance;

(B) Committee on Judiciary;

(C) Committee on Streets;

(D) Committee on Police and Community Safety;

(E) Committee on Health;

(F) Committee on Fire;

(G) Committee on Personnel;

(H) Committee on Water and Sewers;

(I) Committee on Buildings and Grounds;

(J) Committee on Playgrounds and Parks; and

(K) Tree Committee.
(1993 Code, § 2-66) (Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 2-67 MEMBERSHIP OF STANDING COMMITTEES.

The Mayor shall appoint the various members of the standing committees set forth in this article from the Aldermen for a period of one year. Three members, or such number of members as the Council may direct, shall serve on each committee. The Mayor shall fill any vacancy on any such committee by appointment.
(1993 Code, § 2-67)

§ 2-68 SPECIAL COMMITTEES.

In addition to the standing committees of the City Council set forth in this article, the Mayor may appoint other committees from time to time as needed.
(1993 Code, § 2-68)

§ 2-69 RULES OF ORDER.

(A) On all points not specifically covered by law or ordinance, *Robert's Rules of Order*, ninth edition (1990), is hereby adopted as the rules to govern the proceedings of the Council.

(B) No personal remarks shall be allowed, nor any remarks injuring the feelings of any member, or Mayor, or tending to destroy the peace and harmony of the Council, shall be tolerated.
(1993 Code, § 2-69)

§ 2-70 VOTING.

(A) The passage of all ordinances for whatever purpose, and of any resolution or motion to create any liability against the city or for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the City Council, including the Mayor, unless otherwise expressly provided by statute. The passage of an ordinance, resolution or motion to sell any school property shall require the concurrence of three-fourths of all Aldermen then holding office.

(B) Whenever a motion or resolution shall be entered on the minutes of any Council meeting, the name of the member moving and of the member seconding the same shall be recorded. When any question is put, every member shall vote and any member may require another member to vote.

(C) The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions or motions and recorded in the journal of the City Council.
(1993 Code, § 2-70)
Statutory reference:
Similar provisions, see 65 ILCS 5/3-11-17

§§ 2-71—2-80 RESERVED.

(1993 Code, §§ 2-71—2-80)

ARTICLE V. CITY CLERK

§ 2-81 RESERVED.

(1993 Code, § 2-81)

§ 2-82 ISSUANCE OF LICENSES AND THE LIKE.

The City Clerk shall prepare and deliver all licenses, bonds, permits and certificates.
(1993 Code, § 2-82)

§ 2-83 WARRANTS FOR FUNDS.

(A) The City Clerk shall draw his or her warrant on the city treasury. Such warrant shall be signed by the Mayor and countersigned by the City Clerk for the amount of each claim or account duly allowed by the City Council; however, where such situations may arise that prior approval is not feasible and where the city may be impaired in its business arrangements, prior approval is not required by the City Council for ordinary recurring monthly bills. He or she shall keep in a suitable book an accurate list of all warrants so drawn, showing the date, the number and the amount thereof and the name of the person in whose favor such warrant was drawn.

(B) All such warrants shall be made payable to order, and shall constitute a receipt for the amount payable, when properly endorsed and cashed.
(1993 Code, § 2-83) (Ord. 94-3, passed 4-5-1994)

§ 2-84 DEPUTY CLERK.

(A) The City Secretary, upon motion and approval of the City Council, shall be the Deputy Clerk whose duties are to act in the absence or incapacity of the City Clerk.

(B) The Deputy Clerk shall be under the supervision of the City Clerk and may exercise all the statutory powers associated with the position of City Clerk.
(1993 Code, § 2-84) (Ord. 99-28, passed 6-1-1999)

§§ 2-85—2-93 RESERVED.

(1993 Code, §§ 2-85—2-93)

ARTICLE VI. CITY TREASURER

§ 2-94 RESERVED.

(1993 Code, § 2-94)

§ 2-95 DEMAND FOR PAYMENT; REPORT TO COUNCIL.

The City Treasurer shall demand the payment of all moneys and funds belonging to or due the city from other officers or persons and shall promptly report to the City Council any officer failing or refusing to render such moneys or funds.
(1993 Code, § 2-95)

§ 2-96 ADDITIONAL DUTIES AND POWERS.

The City Treasurer shall, in addition to the duties and powers enumerated in this article, perform such other duties and have such other powers as may be prescribed by ordinance or resolution of the City Council, or by statute.
(1993 Code, § 2-96)

§§ 2-97—2-106 RESERVED.

(1993 Code, §§ 2-97—2-106)

ARTICLE VII. CITY ATTORNEY

§ 2-107 APPOINTMENT.

The Office of City Attorney is abolished; the powers and duties of the office are transferred and vested in the Mayor. Nothing contained in this amendatory ordinance shall be construed to limit or prohibit the city from contracting for such legal services as may be deemed required in the discretion of the corporate authorities.
(1993 Code, § 2-107) (Ord. 2009-05, passed 6-2-2009)

ARTICLE VIII. PERSONNEL POLICIES FOR FULL-TIME AND PART-TIME EMPLOYEES

§ 2-108 SPECIFIC TERMS OF EMPLOYMENT.

(A) The position description, rate of pay and any other items of information pertaining to the employment of each full-time employee or part-time probationary employee will be established by resolution of the City Council. The Mayor and Council shall have final approval of all hiring and firing.

(B) Equal employment opportunity shall be provided to each applicant and full-time employee without discrimination because of race, color, religion, national origin, sex, age, ancestry, marital status or handicap unrelated to ability to perform a particular function.

(C) Equal employment opportunity does not relieve any employee from satisfactory job performance.

(D) Each employee hired after 3-5-1991, shall serve a probationary period of employment of six months. During or at the conclusion of the probationary period, the employee may be terminated in accordance with the rules set forth in this article; provided, however, a probationary employee shall be subject to immediate dismissal by his or her supervisor if he or she commits an act of undesirable conduct; provided further that, a probationary employee shall have no right to appeal the termination decision of his or her immediate supervisor.

(E) A full-time employee of the city who leaves his or her job in order to enter active duty in the armed forces of the United States shall be entitled to return to his or her full-time position with the city after discharge from active duty, if such employee meets the eligibility criteria set forth in the Uniformed Services Employment and Reemployment Rights Act, being 38 U.S.C. §§ 4301 et seq.

(F) All non-probationary full-time employees of the city shall reside within a radius of 15 miles of the city, measured from the benchmark established under § 2-4 of this chapter. Such residence shall be established within 60 days after such employee completes the period of probation as provided under the ordinances of the city, unless such time is extended for cause by resolution of the City Council.

(G) Before being employed by the city, each employee shall undergo a thorough examination by a physician designated by the city and at the expense of the city. No one shall be employed unless the examining physician certifies that he or she is physically able to perform the duties required by his or her position.

(H) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FULL-TIME EMPLOYEES. Those employees on a regular pay rate and who have a regular work schedule based on a full 40-hour work week or such other number of hours, not to be less than 30 hours, as designated by the City Council.

PART-TIME EMPLOYEES. Those employees who are on a regular pay rate, and who have a regular work schedule based on less than a full 40-hour work week, unless otherwise designated by the City Council pursuant to the definition of "full-time employees" above.

TEMPORARY EMPLOYEES. Those persons expected to be employed for less than 975 hours of work in a succeeding 12-month period.

(I) Emergency employees may be employed by the department committee chairperson. Pay for emergency employees is to be determined by the department committee chairperson commensurate with the type of work involved. Emergency employees shall only be employed for the existence of the emergency.
(1993 Code, § 2-108) (Ord. 91-4, passed 3-5-1991; Ord. 99-34, passed 10-19-1999; Ord. 02-12, passed 7-2-2002; Ord. 2011-01, passed 1-18-2011; Ord. 2013-04, passed 3-19-2013)

§ 2-109 PAY PLAN.

(A) A classification plan is maintained by the City Council covering all positions in the city service. It is the purpose of this plan to group together into classes of positions those jobs which are substantially similar in kind of work and in difficulty or responsibility of work so as to warrant application of the same rate or range of pay. This plan will be a separate document.

(B) Description of plans consists of a list of title, description of the nature and requirements of work in each class, and the official allocations of positions to appropriate classes. The titles of the classification plan are to be used as the exclusive means of reference for all official records and transactions; except that, in correspondence and other dealings with the public, working titles acceptable to the City Council may be used.

(C) The classification plan may be amended from time to time by the City Council, so as to ensure that the plan reflects the current duties and responsibilities of all positions in the city service. If a department supervisor of an employee believes that a position is improperly classified or that the classification plan is not accurate in some respect, such situation should be directed to the attention of the Personnel Committee, with a statement of the reasons for the requested change. The City Council will make any further investigation necessary and will take appropriate action.

(D) (1) A procedure for employee evaluation is also established as follows.

(a) Probationary employees shall be evaluated by their supervisor at the end of three months' and six months' service.

(b) After the employee becomes a permanent employee, evaluations will be made annually between February 1 and February 15 of each calendar year.

(2) The evaluations will be reviewed by the Personnel Committee, signed by the employees, and then become a permanent part of each employee's personnel file. It is the purpose of the employee evaluation process to determine the feasibility of advancing the employee in the pay range and to grade the performance of the individual for promotional purposes.

(E) If an employee so desires, and the City Council approves, the City Clerk's office may make certain requested deductions, such as insurance or retirement, in addition to the normal deductions for withholding, Social Security, state and federal income tax, and mandatory child support pursuant to an order entered in a circuit court of the state.

(F) The official retirement plan for the city shall be the voluntary deferred compensation plan and will be administered in accordance with the plan itself.

(G) In the case of a promotion, the rate of the promoted employee will be adjusted to that step in the new range next higher above the rate of pay prior to the promotion. All positions will be filled on the basis of qualifications and work performance. Upon demotion, the rate of the demoted employee shall be reduced only as necessary to bring his or her rate at the time of the demotion within the range established for the class to which he or she is demoted.
(1993 Code, § 2-109) (Ord. 91-4, passed 3-5-1991; Ord. 92-19, passed 6-16-1992; Ord. 92-19, passed 6-16-1992; Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 2-110 HOURS OF WORK.

(A) The hours of work comprising full-time city employment shall be 40 hours per week or such other number of hours, not to be less than 30 hours, as designated by the City Council, and shall be in accordance with schedule filed by each department supervisor. The work week shall be considered Sunday to Saturday, inclusive.

(B) A normal work day will be considered to be eight hours or such other number of hours as designated by the City Council, normally separated by an unpaid, uninterrupted meal period of not more than one hour in length. Alternate descriptions of work days may be assigned in certain situations.

(C) Two 15-minute rest periods (coffee breaks), on location, may be authorized for each working day. One of these would be prior to the meal period and one after the meal period.

(D) It is the policy of the city to keep work in excess of established schedules at the minimums and permit such work only when it is necessary to meet city operating requirements. When it is essential, overtime work will be rotated among all the non-supervisory employees within the department, insofar as practicable.

(E) Overtime shall include only the work performed by employees, at the direction of a department supervisor. Employees (except supervisory employees) required to work over 40 hours per week, or who are called back to work during their vacation or on regular days off, with the exception of the normal holiday, shall be paid at the rate of time and one-half.

(F) If the services of a given department are required on all the holidays listed, any full-time employee who is regularly scheduled to work on a particular holiday will work on that holiday and be paid for that holiday as well as the hours actually worked at the rate of time and one-half. Other full-time employees in that department will work their regularly weekly shifts and be paid for the holiday in addition to their regular days worked.

(G) The following are designated as official holidays for which full-time employees will be paid without performing their customary and usual duties: New Year's Day, Lincoln's Birthday, Memorial Day, Independence Day (July 4), Labor Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving Day, the day before Christmas Day, Christmas Day and December 31. An employee must work the last scheduled work day preceding and the first scheduled work day following any holiday, in order to be paid for the holiday, except in special circumstances when approval to the contrary is authorized.

(H) Full-time employees, other than police, will receive a day off if the official city holiday falls on a work day. If the official city holiday falls on Saturday, they will take the previous Friday off; if the official city holiday falls on a Sunday, they will take the following Monday off; if it falls during their vacation, they will get an extra day of vacation. City employees shall receive holidays off as scheduled by the City Council.

(I) City employees are entitled to one personal day per year, but not to be accrued.

(J) The Police Department workweek and overtime shall be in accordance with 29 C.F.R. part 553, Application of Fair Labor Standards Act of Employees of State and Local Governments, Final Rule.
(1993 Code, § 2-110) (Ord. 91-4, passed 3-5-1991; Ord. 2001-17, passed 8-7-2001; Ord. 02-12, passed 7-2-2002; Ord. 2002-03, passed 2-5-2002)

§ 2-111 VACATIONS AND OTHER LEAVES OF ABSENCE.

(A) *Vacation leave*. Each full-time employee shall accumulate vacation leave, with pay, according to the following schedule during continuous service:

(1) After one year, two calendar weeks each year (ten working days);

(2) After ten years, three calendar weeks each year (15 working days);

(3) After 20 years, four calendar weeks each year (20 working days);

(4) Vacation time must be taken within one year of the anniversary date in which such vacation was earned. Vacations will be scheduled to meet the operating requirements of the city;

(5) Vacation requests shall be submitted in writing and are subject to approval by the employee's supervisor 30 days before the start date of the vacation; vacation requests made later than that date may be denied, in the sole discretion of the supervisor; and

(6) An employee is entitled to receive payment at regular rate for any unused vacation or personal leave upon termination of employment.

(B) *Jury duty*. A full-time employee shall be granted leave of absence with pay if called for jury duty. Since it is not the intention of the city that an employee should receive more compensation for jury duty than he or she would receive if he or she were performing normal duties, the employee shall turn in the jury check to the city when it is received. Should a jury be dismissed on any particular day, the employee shall return to work that day.

(C) *Leaves of absence*. Leave of absence for purposes other than those described earlier in this section, with or without pay, may be authorized by the City Council on recommendation of the Personnel Committee and department supervisor. Action by the City Council will be secured by the submission of an approved recommendation by the Personnel Committee. A full-time employee may be granted leave for advanced study, or other purposes, which would serve the interests of the city, for a period not to exceed 12 months without pay. No employee may absent himself or herself from duty without permission from his or her department supervisor.

(D) *Vacations and other leaves of absence*. Sick leave shall be accrued at the rate of eight hours per month or at such other rate based upon daily work hours designated by the City Council, for each month of employment. The earning of sick leave is limited to full-time employees and shall not commence until after completion of 30 days of continuous employment. The maximum number of days which may be accrued will be 75 days. The effective date of sick leave accrual shall be 4-18-1989. In cases of suspected abuse of sick leave, the City Council may request a doctor's certification of an illness. Sick leave shall not be taken in increments of less than one hour. Payment will not be made to employees for unused sick leave upon separation of employment from the city.

(E) *Funeral leave*. A full-time employee shall be granted leave of absence with pay in the event of a death in the family, as follows:

(1) Up to three consecutive working days, one of which must be spent in attendance at the funeral, in the event of a death in the employee's immediate family. For purposes of this subsection (E), ***IMMEDIATE FAMILY*** shall include only the employee's spouse, parent, step-parent, parent-in-law, child, step-child, grandchild, sibling or step-sibling;

(2) One working day to attend the funeral, to be taken on the day of the funeral only, in the event of the death of an employee's grandparent, sister-in-law, brother-in-law, aunt, uncle, cousin, niece or nephew;

(3) An employee may use vacation or personal days if more time is desired away from work due to a death in the family; and

(4) If an employee is on vacation when a death in the family occurs, the employee may elect to cancel his or her vacation and instead take funeral leave as provided in this subsection (E).

(F) *Benefit accruals*. Notwithstanding the foregoing, the following provisions relating to benefits accruals shall be in effect for covered employees, as defined herein.

(1) For the purpose of this subsection (F), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANNUAL HOURS OF WORK. The annualized regular work hours for which a covered employee was employed immediately prior to the trigger date with respect to that employee.

BENEFITS ACCRUAL CHANGE DATE. The date upon which the accumulated number of hours which have not been worked by that employee since the trigger date is equal to one-half the annual hours of work for that employee.

COVERED EMPLOYEE.

1. A non-probationary, permanent full-time employee of the city; or

2. A permanent part-time employee of the city.

MODIFIED RATE OF BENEFIT ACCRUAL. The rate of accrual of benefits, as provided in this section, with respect to a covered employee after a trigger date.

REGULAR RATE OF WORK ACCRUAL. The rate of accrual per day of the regular work hours for which a covered employee was employed immediately prior to the trigger date with respect to that employee.

RETURN TO FULL-TIME STATUS. The resumption of full-time employment without medical restriction.

SENIORITY ENHANCEMENT. The increment of additional benefits to which a covered employee would be entitled assuming that the covered employee had been employed continuously without the occurrence of a trigger event.

TRIGGER DATE. The date upon which a trigger event occurs.

TRIGGER EVENT. The occurrence of an injury which is compensable under the Workers' Compensation Act of the state, the onset of an illness which is compensable under the Occupational Diseases Act of the state or, the use or exhaustion of the accumulated sick leave benefits of a covered employee as allowed under the ordinances of the city.

(2) Whenever a covered employee is unable to work the full number of hours required for his or her position by reason of a trigger event, the employee shall continue to accrue vacation and sick leave benefits until the benefits accrual change date. From and after the benefits accrual change date, the employee's vacation accrual and sick leave accrual shall be at the modified rate of benefit accrual. The modified rate of benefit accrual shall be calculated by dividing the annual accrual rate for that benefit by the employee's annual hours of work, and the result thereof shall be multiplied by the number of hours actually worked in each pay period.

(3) There shall be no further accrual of vacation or sick leave after two years from the trigger date unless the employee has returned to full-time status.

(4) After the trigger date, the employee shall not be entitled to a seniority enhancement for the period between the trigger date and the employee's return to full-time status, except as provided herein. Upon return to full-time status, the rates of vacation and sick leave accruals from and after the date upon which the employee returns to work shall be calculated based upon the rate to which the employee was entitled prior to the trigger date, plus a prorated incremental increase based upon the actual number of hours worked after the trigger date and before the return to full-time status.
(1993 Code, § 2-111) (Ord. 91-4, passed 3-5-1991; Ord. 93-29, passed 12-21-1993; Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999; Ord. 2001-17, passed 8-7-2001; Ord. 2002-03, passed 2-5-2002; Ord. 2002-05, passed 3-5-2002; Ord. 02-12, passed 7-2-2002; Ord. 02-14, passed 9-3-2002; Ord. 2005-07, passed 7-19-2005)

§ 2-112 INSURANCE.

Certain group insurance is available in a company plan selected by the city. A plan which provides certain basic benefits and comprehensive major medical benefits will be made available to full-time employees at the city's expense. However, each employee must pay for his or her dependents' coverage. Because of the possibility of annual changes in this plan, information will be made separately from this section.
(1993 Code, § 2-112) (Ord. 91-4, passed 3-5-1991)

§ 2-113 TERMINATION OF EMPLOYMENT.

(A) Any employee may voluntarily terminate his or her employment by submission of a letter of resignation. When an employee resigns his or her position with the city, he or she is urged to provide at least two weeks' notice prior to the last day of actual work. Where an employee is primarily responsible for a life-sustaining service, longer notice is encouraged.

(B) An employee's employment may be immediately suspended with pay by the employee's line supervisor if the employee has engaged in conduct which demonstrates his or her immediate inability to continue to perform his or her duties. Such suspension shall be made known to the Mayor, who shall then have the right to suspend the employee, without pay, until the next regular meeting of the City Council, subject to a determination by the City Council regarding dismissal or continued suspension. Dismissal and/or further disciplinary procedure shall take place as provided in subsection (C) below and § 2-114 of this chapter.

(C) (1) An employee's employment may be involuntarily terminated for cause. Cause for involuntary termination shall include non-performance of duties and unsatisfactory performance of duties.

(a) Any employee may be recommended for involuntary termination, dismissal, for cause by the supervisor designated as that employee's line supervisor in his or her primary work assignment. Such a recommendation shall be made to the Mayor.

(b) The Mayor shall have the right to suspend an employee for cause, without pay, until the next regular meeting of the City Council, subject to a determination by the City Council regarding dismissal or suspension.

(2) Dismissal shall be upon the recommendation of the Mayor to the Council with the concurrence of a majority of a quorum of the Aldermen. If the Council does not concur with the Mayor's recommendation to dismissal, the employee shall be reinstated immediately following such Council action, with pay for the period of suspension.

(D) Any full-time employee may be recommended for dismissal without cause, when it is determined that the service provided by the individual no longer requires a full-time position, or when the necessity to reduce the city's staff is required for financial reasons, or the city no longer desires to have the employee within its employ. Dismissal shall be upon the recommendation of the Mayor to the Council, with the concurrence of the majority of a quorum of the Aldermen.

(E) Any employee who resigned for any reason other than elimination of his or her position, and is subsequently reemployed by the city, shall be considered a new employee at the point of reemployment, including any benefits based on longevity.
(1993 Code, § 2-113) (Ord. 91-4, passed 3-5-1991; Ord. 2009-01, passed 3-3-2009)

§ 2-114 DISCIPLINARY PROCEDURE.

(A) (1) Any employee may be subject to disciplinary action by reason of any undesirable conduct. The following is a list of such conduct. This listing is not intended to include or exclude all possible undesirable conduct:

(a) Commission of a criminal offense other than a traffic offense;

(b) Insubordination;

(c) Furnishing materially false information concerning past employment;

(d) Unexcused tardiness;

(e) Leaving assigned job without permission;

(f) Filing false reports relative to time of work; and

(g) Dereliction of duty.

(2) Grave offenses are offenses set forth in subsections (A)(1)(a), (A)(1)(b), (A)(1)(e), (A)(1)(f) and (A)(1)(g) above, or other offenses not set forth above but which are so considered.

(B) An employee shall be recommended for disciplinary action by his or her immediate supervisor and department committee chairperson when he or she commits an act of undesirable conduct. Such a recommendation shall be made to the Mayor. The Mayor shall have the right to suspend an employee for such undesirable conduct, without pay, until the next regular meeting of the City Council, subject to a determination by the Personnel Committee of the City Council regarding the appropriate penalty, if any, to be imposed.

(C) The Personnel Committee of the City Council may assess penalties that range from verbal reprimand through various periods of suspension without pay (from a minimum of one day through a maximum of 21 days) and dismissal. Depending on the gravity of the offenses, the past record and the position of the employee, first occurrences of a grave offense may result in dismissal.

(D) Penalties to be assessed for undesirable conduct shall be categorized as follows:

(1) Verbal reprimand;

(2) Written warning notice;

(3) Suspension of up to 21 days without pay; and

(4) Dismissal.

(E) (1) An employee may appeal the decision of the Personnel Committee of the City Council, relative to imposition of penalty for undesirable conduct, to the entire City Council.

(2) The employee shall give written notice to the City Clerk within seven days from the date of the decision of the Personnel Committee.

(3) Upon receipt of such notice, the imposition of the penalty shall be stayed until the matter may be considered by the entire City Council.

(4) The City Clerk shall notify the employee in writing of the date, time and place that the City Council will consider his or her appeal; provided that, the matter shall be considered by the City Council within 14 days of the receipt of the employee's written notice.
(1993 Code, § 2-114) (Ord. 91-4, passed 3-5-1991; Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 2-115 USE OF MUNICIPAL FACILITIES, VEHICLES, EQUIPMENT RESTRICTED.

(A) Municipal facilities, vehicles, equipment and properties shall be used only for the conduct of official business.

(B) Each city office shall post regular hours during which it is open for the conduct of business.

(C) Each officer and/or employee of the city shall be responsible for the security of records and city property under the control of that officer and/or employee.

(D) No person shall enter a city office, except during posted office hours, or, in the presence of the officer or employee having control and responsibility for that office of city government; provided, however, that the Council chambers, hallways, restrooms, corridors and parking areas outside the City Hall shall not be considered an office in City Hall.

(E) A fine of $500 may be imposed upon each violator for each violation of subsections (A) through (D) above.

(F) Notwithstanding the foregoing, upon request and proof of satisfactory insurance, the City Council has the authority to approve the use of municipal facilities for charitable events on a case-by-case and non-discriminatory basis, subject to such terms and conditions as may be imposed by the City Council, and any use so authorized shall not be a violation of subsection (A) above.
(1993 Code, § 2-115) (Ord. 91-4, passed 3-5-1991; Ord. 92-3, passed 1-7-1992; Ord. 2000-6, passed 3-7-2000; Ord. 2010-04, passed 3-5-2010)

§ 2-116 PHYSICAL FITNESS.

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing his or her job. Whenever a department committee chairperson or supervisor feels that the physical condition of an employee is endangering his or her health or the safety of his or her fellow workers, the employee may be requested to submit to a medical examination by a physician, without

expense to the employee, which shall only be for the purpose of determining his or her physical condition relative to city employment.
(1993 Code, § 2-116) (Ord. 91-4, passed 3-5-1991)

§ 2-117 OUTSIDE EMPLOYMENT.

Permanent city employees may not carry on, concurrently with city employment, any private business, undertaking or employment which affects the time or quality of their work, or which casts discredit upon or creates embarrassment for the city government.
(1993 Code, § 2-117) (Ord. 91-4, passed 3-5-1991)

§ 2-118 RESERVED.

(1993 Code, § 2-118)

§ 2-119 OVERTIME COMPENSATION.

(A) With advance notice to the Chairperson of the Personnel Committee of the city, any employee who is entitled to overtime pay may elect to take compensatory time off in lieu of overtime pay, subject to the terms and conditions of this section and to applicable law.

(B) An employee's entitlement to overtime pay shall be determined by applicable law, including the Fair Labor Standards Act of 1938, being 29 U.S.C. §§ 201 et seq.

(C) Compensatory time shall be allowed in an amount equal to one and one-half times the number of actual overtime hours worked.

(D) (1) An employee may accumulate no more than 80 hours of compensatory time after the date of passage of this section.

(2) Compensatory time earned shall be taken by the employee within 180 days of being accrued.

(3) Time not taken by the employee within that period shall be paid by the city at overtime rates at the end of the next pay period after the expiration of the 180-day period.

(E) By agreement between the city and the employee, the parties may, in the event of an emergency, or under conditions in which the operation of a city department would be unduly impaired by an employee using compensatory time within the limits set forth in subsection (D) above, extend the date by which the compensatory time may be taken.

(F) If an employee has accumulated compensatory time in excess of the limits provided in this section as of the effective date of this section, no further compensatory time shall be allowed until the amount accumulated has been reduced to below the limits of this section. The affected employee may agree with the city to take compensatory time or be paid for such hours accumulated beyond the limits set in this section.
(Ord. 2003-14, passed 9-16-2003)

§§ 2-120—2-135 RESERVED.

(1993 Code, §§ 2-120—2-135)

ARTICLE IX. DEFERRED COMPENSATION

DIVISION 1. GENERALLY

§§ 2-136—160 RESERVED.

(1993 Code, §§ 2-136—160)

DIVISION 2. CITY OF PETERSBURG DEFERRED COMPENSATION PLAN

§§ 2-161—2-195 RESERVED.

(1993 Code, §§ 2-161—2-195)

ARTICLE X. GIFT BAN

§§ 2-196—2-209 RESERVED.

(1993 Code, §§ 2-196—2-209)

§§ 2-210—2-214 RESERVED.

ARTICLE XI. CODE OF ETHICS

§ 2-215 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMPAIGN FOR ELECTIVE OFFICE. Any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, state or local public office or office in a political organization, or the selection, nomination or election of presidential or vice-presidential electors, but does not include activities:

(1) Relating to the support or opposition of any executive, legislative or administrative action;

(2) Relating to collective bargaining; or

(3) That are otherwise in furtherance of the person's official duties.

CANDIDATE. A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in § 1-3 of the Election Code, 10 ILCS 5/1-3.

CATERED. Food or refreshments that are purchased ready to consume which are delivered by any means.

COLLECTIVE BARGAINING. The same meaning as that term is defined in § 3 of the Illinois Public Labor Relations Act, 5 ILCS 315/3.

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

COMPENSATORY TIME OFF. Authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

CONTRIBUTION. The same meaning as that term is defined in § 9-1.4 of the Election Code, 10 ILCS 5/9-1.4.

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

EMPLOYER. The City of Petersburg, Illinois.

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

INTER-GOVERNMENTAL GIFT means any gift given to an officer or employee by an officer or employee of another governmental entity.

INTRA-GOVERNMENTAL GIFT. Any gift given to an officer or employee from another officer or employee.

LEAVE OF ABSENCE. Any period during which an employee does not receive:

(1) Compensation for employment;

(2) Service credit towards pension benefits; and

(3) Health insurance benefits paid for by the employer.

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

POLITICAL ACTIVITY. Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities:

(1) Relating to the support or opposition of any executive, legislative or administrative action;

(2) Relating to collective bargaining; or

(3) That are otherwise in furtherance of the person's official duties.

POLITICAL ORGANIZATION. A party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the state's Board of Elections or the County Clerk under § 9-3 of the Election Code, 10 ILCS 5/9-3, but only with regard to those activities that require filing with the state's Board of Elections or the County Clerk.

PROHIBITED POLITICAL ACTIVITY.

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

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

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

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

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

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

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

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

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

(10) Preparing or reviewing responses to candidate questionnaires;

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs or other campaign material on behalf of any candidate for elective office or for or against any referendum question;

(12) Campaigning for any elective office or for or against any referendum question;

(13) Managing or working on a campaign for elective office or for or against any referendum question;

(14) Serving as a delegate, alternate or proxy to a political party convention; and

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

PROHIBITED SOURCE. Any person or entity who:

(1) Is seeking official action:

(a) By an officer;

(b) By an employee; or

(c) By the officer or another employee directing that employee.

(2) Does business or seeks to do business:

(a) With the officer;

(b) With an employee; or

(c) With the officer or another employee directing that employee.

(3) Conducts activities regulated:

(a) By the officer;

(b) By an employee; or

(c) By the officer or another employee directing that employee.

(4) Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.
(Ord. 04-02, passed 5-18-2004)

§ 2-216 PROHIBITED POLITICAL ACTIVITIES.

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

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity:

(1) As part of that officer or employee's duties;

(2) As a condition of employment; or

(3) During any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

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

(E) No person either in a position that is subject to recognized merit principles of public employment or in a position the salary for which is paid in whole or in part by federal funds and that is subject to the federal standards for a merit system of personnel administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party or of a political organization or club.
(Ord. 04-02, passed 5-18-2004)

§ 2-217 GIFT BAN.

(A) *Gift ban.* Except as permitted by this article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

(B) *Exceptions.* Subsection (A) above is not applicable to the following:

(1) Opportunities, benefits and services that are available on the same conditions as for the general public;

(2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value;

(3) Any:

(a) Contribution that is lawfully made under the Election Code; or

(b) Activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions;

(5) Travel expenses for a meeting to discuss business;

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

(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding $75 per person in value on a single calendar day; provided that, the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered.

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

(10) Intra-governmental and inter-governmental gifts;

(11) Bequests, inheritances and other transfers at death; and

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100. Each of the exceptions listed in this section is mutually exclusive and independent of every other.

(C) *Disposition of gifts*. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), as now or hereafter amended, renumbered or succeeded.
(Ord. 04-02, passed 5-18-2004)

§ 2-218 ETHICS ADVISOR.

(A) The Mayor, with the advice and consent of the City Council, shall designate an Ethics Advisor for the city. The duties of the Ethics Advisor may be delegated to an officer or employee of the city unless the position has been created as an office by the city.

(B) The Ethics Advisor shall provide guidance to the officers and employees of the city concerning the interpretation of and compliance with the provisions of this article and state ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Mayor and City Council.
(Ord. 04-02, passed 5-18-2004)

§ 2-219 ETHICS COMMISSION.

(A) There is hereby created a commission to be known as the "Ethics Commission of the City of Petersburg, Illinois". The Commission shall be comprised of three members appointed by the Mayor with the advice and consent of the City Council. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the city.

(B) (1) At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two Commissioners shall serve two-year terms and the third Commissioner shall serve a one-year term. Thereafter, all Commissioners shall be appointed to two-year terms. Commissioners may be reappointed to serve subsequent terms.

(2) At the first meeting of the Commission, the Commissioners shall choose a Chairperson from their number. Meetings shall be held at the call of the Chairperson or any two Commissioners. A quorum shall consist two Commissioners, and official action by the Commission shall require the affirmative vote of two members.

(C) The Mayor, with the advice and consent of the City Council, may remove a Commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the Commissioner by certified mail, return receipt requested, of a copy of the written charges against the Commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten-days' notice. Vacancies shall be filled in the same manner as original appointments.

(D) The Commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers;

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with subsection (C) above and refer violations of §§ 2-216 and 2-217 of this chapter to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this article and not upon its own prerogative;

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this article;

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the city to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge; and

(5) The powers and duties of the Commission are limited to matters clearly within the purview of this article.

(E) (1) Complaints alleging a violation of this article shall be filed with the Ethics Commission.

(2) Within three business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(3) (a) Upon not less than 48-hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting maybe closed to the public to the extent authorized by the §§ 1 et seq. of Open

Meetings Act, being 5 ILCS 120/1 et seq. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven business days after receiving the complaint.

(b) If the complaint is deemed sufficient to allege a violation of § 2-217 of this chapter and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

(c) If the complaint is deemed sufficient to allege a violation of § 2-217 of this chapter, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(4) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(5) (a) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either:

1. Dismiss the complaint; or

2. Issue a recommendation for discipline to the alleged violator and to the Mayor, or impose a fine upon the violator, or both.

(b) The particular findings in the case, any recommendation for discipline and any fine imposed shall be a matter of public information.

(6) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48-hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Mayor or impose a fine upon the violator, or both.

(7) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under this subsection (E) within seven days after the complaint is filed, and during the seven days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(8) The Commission may fine any person who intentionally violates any provision of § 2-217 of this chapter in an amount of not less than $1,001 and not more than $5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this article in an amount of not less than $1,001 and not more than $5,000. The Commission may recommend any appropriate discipline up to and including discharge.

(9) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.
(Ord. 04-02, passed 5-18-2004)

§ 2-220 PENALTIES.

(A) A person who intentionally violates any provision of § 2-216 of this chapter may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.

(B) A person who intentionally violates any provision of § 2-217 of this chapter is subject to a fine in an amount of not less than $1,001 and not more than $5,000.

(C) Any person who intentionally makes a false report alleging a violation of any provision of this article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.

(D) (1) A violation of § 2-216 of this chapter shall be prosecuted as a criminal offense by an attorney for the city by filing in the Circuit Court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(2) A violation of § 2-217 of this chapter may be prosecuted as a quasi-criminal offense by an attorney for the city or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(E) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of §§ 2-216 or 2-217 of this chapter is subject to discipline or discharge.
(Ord. 04-02, passed 5-18-2004)

§§ 2-221—2-249 RESERVED.

ARTICLE XII. OFFICERS ELECTORAL BOARD

§ 2-250 CREATION; MEMBERS AND CONDUCT.

A Municipal Officers Electoral Board of the city, convened under the provisions of § 10-9 of the Elections Code of the state, shall have the power to hire a Hearing Officer, who shall be an attorney at law, admitted to practice in the courts of the state. It shall be the duty of the Hearing Officer to preside at and conduct such hearings as may be required for the determination of objections to nominating petitions and nominations made under the Election Code of the state to administer oaths, take evidence, rule on objections thereto and to make written recommended findings of fact and conclusions of law to the Municipal Officers Electoral Board in accordance with the rules of procedure of the Municipal Officers Electoral Board, the Election Code and the law of the state.
(Ord. 2010-11, passed 12-7-2010)

CHAPTER 3: ADVERTISING

CHAPTER 3: ADVERTISING

Section

3-1 Ordinances not repealed

§ 3-1 ORDINANCES NOT REPEALED.

No provision of this code shall be construed to repeal any ordinance of the city pertaining to advertising, including handbills and signs.
(1993 Code, § 3-1)

CHAPTER 4: ALCOHOLIC BEVERAGES

CHAPTER 4: ALCOHOLIC BEVERAGES

Section

Article I. In General

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ARTICLE I. IN GENERAL

§ 4-1 DEFINITIONS.

All words and phrases used in this chapter which are defined in the § 1-1 of the Liquor Control Act of 1934, 235 ILCS 5/1-1 shall have the meanings accorded to such words and phrases in such Act. (1993 Code, § 4-1)

Statutory reference:

Definitions, see § 1-3 of the Liquor Control Act, 235 ILCS 5/1-3

§ 4-2 ACCEPTANCE OF REGULATIONS.

Any person who accepts any alcoholic liquor license issued under this chapter hereby accepts and agrees to comply with all of the terms and conditions of this chapter, and all other applicable ordinances of the city.
(1993 Code, § 4-2)

§ 4-3 HOURS, DAYS OF SALE REGULATED.

(A) Holders of retail liquor licenses shall not sell at retail between the hours of 12:01 a.m. and 6:00 a.m. of each weekday, Monday through Friday, nor from 1:01 a.m. and 6:00 a.m. on Saturday, nor from 1:01 a.m. Sunday until 1:00 p.m. on Sunday, nor from 10:00 p.m. on Sunday until 6:00 a.m. on Monday. It shall be unlawful to sell or offer for sale such retail liquor during such hours. In order to observe Sunday hours and/or 1:00 a.m. closing hours, licensee shall have the correct classification of license and shall have paid the applicable fee therefor.

(B) Holders of a liquor license may sell at retail on Super Bowl Sunday between the hours of 1:00 p.m. and 11:59 p.m. and on New Year's Eve between the hours of 6:00 a.m. and 2:00 a.m. (New Year's Day); provided, however, that, if New Year's Eve Day is on a Sunday, the holders of a liquor license shall be permitted to sell at retail from 1:00 p.m. until 2:00 a.m. New Year's Day.

(C) Holders of any liquor license may sell at retail during the annual community Fall Festival from 6:00 a.m. until 1:00 a.m.
(1993 Code, § 4-3) (Ord. 93-6, passed 4-6-1993; Ord. 96-6, passed 4-2-1996; Ord. 2001-24, passed 12-18-2001)
Statutory reference:
Local regulation of hours of sale, see 235 ILCS 5/6-14

§§ 4-4—4-8 RESERVED.

(1993 Code, §§ 4-4—4-8)

§ 4-9 LOITERING ON PREMISES BY CERTAIN PERSONS PROHIBITED.

No person under the age of 21 years, intoxicated person or person known to be under legal disability or in need of mental treatment shall be allowed to loiter or remain in any place in the city where alcoholic liquor is sold or kept for sale, after being notified by the proprietor or his or her agent, or any police officer, to leave the premises.
(1993 Code, § 4-9)

§ 4-10 CARRYING, POSSESSING AND THE LIKE ON PUBLIC PROPERTY, WAYS.

(A) *Possession.* 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, and/or sidewalks, except in the original package and with the seal unbroken, within the city, unless such consumption is allowed in accordance with a permit issued pursuant to § 4-11.

(B) *Consumption.* No person shall consume any alcoholic liquor on any public property belonging to the city or on any public way or right-of-way, including but not limited to public highways, streets, alleys and/or sidewalks, within the city, unless such consumption is allowed in accordance with a permit issued pursuant to § 4-11.

(C) *Penalty.* Whoever violates any of the provisions of this section shall, upon conviction, be guilty of a class C misdemeanor.

(D) *Collection and disposition of fines.* Fines for the violation of this section when collected shall be paid into the treasury of the city.
(1993 Code, § 4-10) (Ord. 2016-06, passed 10-4-2016)

§ 4-11 SIDEWALK CAFES.

(A) *Permit required.* Upon application, the holder of a Class “A”, Class “E”, Class “J”, or Class “H” liquor license may be issued a sidewalk cafe permit pursuant to § 22-78, and, provided that the additional requirements of this section are met, such sidewalk cafe permit shall additionally authorize the retail sale of alcoholic liquor incident to the sale of food items in a sidewalk cafe to customers for on-site consumption consistent with the holder's class of liquor license.

(B) *Application.* In addition to the requirements of § 22-78(b), the holder of a Class “A”, Class “E”, Class “J”, or Class “H” liquor license shall also provide satisfactory proof that the applicant's dram shop insurance incorporates the sidewalk cafe area to be permitted, and the certificate of insurance shall evidence commercial general liability insurance with limits of not less than $2,000,000 per occurrence and/or in the aggregate combined single limit, for personal injury, bodily injury, and property damage liability.

(C) *Issuance.* If and when the application for a sidewalk cafe permit of a holder of a Class “A”, Class “E”, Class “J”, or Class “H” liquor license shall be approved, a sidewalk cafe permit shall issue, which shall authorize use of the sidewalk and the sale of food and beverages in a sidewalk cafe that is contiguous to the premises of the permittee, as well as the retail sale of alcoholic liquor to customers for on-site consumption, notwithstanding the general prohibitions of § 4-10(a) and (b).

(D) *Permit requirements*. Upon issuance, a sidewalk cafe permit issued under this section shall be subject to each of the following requirements with regard to the sale and consumption of alcoholic liquor, in addition to the requirements listed in § 22-78(d):

(1) Any alcoholic liquor sold in a sidewalk cafe shall be limited to those sales authorized by the liquor license held by a permittee.

(2) All holders of a sidewalk cafe permit may begin alcoholic liquor sales/service in the sidewalk cafe area at 10:00 a.m. on Monday through Saturday, and at 1:00 p.m. on Sunday.

(3) All holders of a sidewalk cafe permit must conclude all alcoholic liquor sales/service in the sidewalk cafe area and clear the sidewalk cafe area no later than 10:00 p.m.

(4) No permittee, nor any officer, agent, or employee thereof, shall sell, serve, or allow patrons to consume alcoholic liquor in the sidewalk cafe unless such patrons are seated in the seating indicated in the approved site plans.

(5) Alcoholic liquor shall not be brought into the sidewalk cafe area, except by a permittee or its employees carrying alcoholic liquor directly between the permitted establishment and the sidewalk cafe area.

(6) No permittee, nor any officer, agent, or employee thereof, shall permit alcoholic liquor to be brought by a patron into the sidewalk cafe from the inside of the permittee's premises or from off premises.

(7) Alcoholic liquor shall not be removed from the sidewalk cafe area, except by a permittee or its employees carrying alcoholic liquor directly between the permitted establishment and the sidewalk cafe area.

(8) The permittee and its employees shall generally police the activities and movements of its patrons to ensure that alcoholic liquor is not removed from or brought into the sidewalk cafe area.

(9) The sale or service of alcoholic liquor pursuant to a sidewalk cafe permit shall be done in accordance with all applicable state laws as to the sale or service of alcohol.

(E) *Revocation*. A permittee's failure to comply with any of the above requirements may result in revocation of the sidewalk cafe permit. The Mayor shall further have the power to revoke or suspend any liquor license as provided in § 4-29 based in full or in part upon the revocation of a licensee's sidewalk cafe permit pursuant to this subsection.

(F) *Annual renewal*. The sidewalk cafe permit shall only be valid from April 1 through November 30 annually. All holders of a sidewalk cafe permit shall be subject to an annual renewal and application.

(G) *Transferability*. The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated, voluntarily or involuntarily.

(H) *Sidewalk cafe permit fee*. The annual fee for a sidewalk cafe permit for the holder of a Class "A", Class "E", Class "J", or Class "H" liquor license shall be $200 and in addition to any annual alcohol license fee. This shall be a set fee and shall not be prorated.
(Ord 2016-06, passed 10-4-2016)

§§ 4-12—4-19 RESERVED.

(1993 Code, §§ 4-11—4-19)

ARTICLE II. LICENSES

§ 4-20 REQUIRED.

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic liquor without first having obtained a city retail dealer's license for each location where alcoholic liquor is sold or offered for sale.
(1993 Code, § 4-2)

§ 4-21 APPLICATION; PROCEDURE; CONTENTS.

(A) An applicant for a retail liquor license from the city shall submit to the Mayor an application in writing under oath stating:

(1) The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors and, if a majority in interest of the stock of such corporation is owned by one person or his or her nominees, the name and address of such person;

(2) The citizenship of the applicant, his or her place of birth and if a naturalized citizen, the time and place of his or her naturalization;

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

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

(5) The amount of goods, wares and merchandise on hand at the time the application is made;

(6) The location and description of the premises or place of business which is to be operated under such license; or in the case of a railroad or boat license where such car or boat is to be operated;

(7) A statement whether such applicant has made similar application for a similar license on premises other than those described in this application, and the disposition of such application;

(8) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article;

(9) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor;

(10) The date of incorporation if an Illinois corporation, or the date of becoming qualified under §§ 1.01 of the Business Corporation Act of 1983, 805 ILCS 5/1.01 to transact business in the state if a foreign corporation;

(11) He or she will not violate any of the laws of the state or of the United States in the conduct of his or her place of business;

(12) He or she has not received or borrowed money or anything else of value, and that he or she will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days) directly or indirectly from any manufacturer, importing distributor or distributor representative of any such manufacturer, importing distributor or distributor, and that he or she shall not be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor of this article, or this code of ordinances; and

(13) All other information required by state law for a state license.

(B) In addition to the foregoing information, such application shall contain such other and further information as the Mayor and the local commission may, by rule or regulation not inconsistent with law, prescribe.

(C) If the application is made in behalf of a partnership, firm, association, club or corporation, the

same shall be signed and sworn to by at least two members of such partnership, or the president and secretary of such corporation.
(1993 Code, § 4-21)
Statutory reference:
Persons ineligible to be licensed, see § 6-2 of the Liquor Control Act, 235 ILCS 5/6-2
Similar provisions, see § 7-1 of the Liquor Control Act, 235 ILCS 5/7-1

§ 4-22 PERSONS INELIGIBLE FOR LICENSES.

No license required by this article shall be issued to:

(A) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses;

(B) A person who is not of good character and reputation in the community in which he or she resides;

(C) A person who is not a citizen of the United States;

(D) A person who has been convicted of a felony under any federal or state law, unless the Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;

(E) A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.;

(F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

(G) A person whose license issued under this article has been revoked for cause;

(H) A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application;

(I) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license under this article for any reason other than residence within the city;

(J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license under this article for any reason other than citizenship and residence within the city;

(K) A corporation unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under §§ 1.01 et seq. of the Business Corporation Act of 1983, 805 ILCS 5/1.01 to transact business in the state;

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

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

(N) 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;

(O) Any law enforcing public official, including the local Liquor Control Commissioner, the Mayor, any Alderman or any president or member of a county board; and, no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor; except that, license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the state's Liquor Control Commission;

(P) A person who is not a beneficial owner of the business to be operated by the licensee;

(Q) A person who has been convicted of a gambling offense as proscribed by § 28-1(a)(3) through (a)(10) of the Criminal Code of 2012, 720 ILCS 5/28-1(a)(3) through (a)(11) as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions

(R) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in § 6-21(a) of the Liquor Control Act, 235 ILCS 5/6-21(a).

(S) A person who is licensed by any licensing authority as a manufacturer of beer, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer, having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this state as a distributor or importing distributor. For purposes of this subsection, a person who is licensed by any licensing authority as a ***MANUFACTURER OF BEER*** shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

(T) A person who is licensed in this state as a distributor or importing distributor, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in this state as a distributor or importing distributor

having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed as a manufacturer of beer by any licensing authority, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise, except for a person who owns, on or after the effective date of this amendatory Act of the 98th General Assembly, no more than 5% of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. For the purposes of this subsection, a person who is licensed by any licensing authority as a ***MANUFACTURER OF BEER*** shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.
(1993 Code, § 4-22)
Statutory reference:
Similar provisions, see § 6-2 of the Liquor Control Act, 235 ILCS 5/6-2

§ 4-23 CLASSIFICATION OF LICENSES, FEES.

(A) Licenses required by this article for the retail sale of alcoholic liquor shall be divided into the following classes:

(1) Class "A" licenses, which shall permit the retail sale of alcoholic liquor for consumption on the premises where sold as well as other retail sales of such liquor;

(2) Class "AA" licenses, which shall only be issued to the holders of a Class "A" liquor license and will allow the licensee (AA) to maintain 1:01 a.m. closing hours on Saturday and Sunday;

(3) Class "B" licenses, which shall permit the retail sale of alcoholic liquor, but not for consumption on the premises where such alcoholic liquor is sold;

(4) Class "C" licenses, which shall permit the retail sale of alcoholic liquor for consumption on the premises where sold for a period of time not to exceed 24 consecutive hours in duration by an organization which is recognized as tax exempt by the Internal Revenue Service pursuant to § 501 of the Internal Revenue Code, being 26 U.S.C. § 501;

(5) Class "D" licenses, which shall permit the retail sale of alcoholic liquor for consumption on the premises only, by private clubs to its members and guests;

(6) Class "E" licenses, which shall permit the retail sale of beer and wine only for consumption, on the premises where sold;

(7) Class "F" licenses, which shall permit the retail sale of alcoholic liquor for consumption on the premises only, at any bed and breakfast operated in the city during the conduct of such business operation;

(8) (a) Class "G" licenses, which shall permit the retail sale of wine or craft beer/ale in the original package, not for consumption on the premises where sold, unless such wine, craft-beer or ale is being offered as a tasting sample. Sampling limitations on the beer/ale allow the permit holder to offer up to three samples, consisting of no more than two ounces of beer/ale to a consumer over the age of 21 in one day. Sampling limitations on wine allow the permit holder to offer up to five flavors of wine, consisting of no more than two ounces of wine to a consumer over the age of 21 in one day.

(b) The Liquor Control Commissioner of the city shall have the power to issue a Class "G" license for use at a City Council approved festival, fair, bazaar or similar public gathering, and may impose reasonable conditions upon such issuance.

(c) Class "G" licenses may be issued for a maximum of two consecutive calendar days, and no more than nine such licenses shall be issued and outstanding at one time. No person, firm, organization, association, corporation or other entity shall be issued more than five class "G" licenses in any calendar year.

(d) Applicants for a Class "G" license shall provide proof of insurance, both liability and dram shop, and evidence of permission from the sponsor of the public gathering. Applications must be made at least 15 business days prior to the date for which the license is requested.

(e) The term ***CRAFT BEER***, as used herein, shall mean beer or ale produced by a craft brewer license or by a brew pub.

(9) (a) Class "H" licenses, which shall permit and authorize an on-premises microbrewery that produces beer in compliance with state and federal licenses authorizing the production, storage and distribution of an alcoholic beverage and shall further authorize the retail sale of other alcoholic liquor for consumption on the premises where sold as well as other retail sales of such liquor.

(b) The term ***MICROBREWERY***, as used herein, shall mean a brewery that is authorized to produce beer pursuant to a craft brewer license or brew pub license from the state.

(c) A Class "H" license shall further authorize the retail sale, at a bar or table, of the beer produced on the premises; the retail sale of craft beer produced off-premises by other breweries; and the retail sale of wine and other beers and shall permit the retail sale of alcoholic liquor for consumption on the premises where sold as well as other retail sales of such liquor.

(d) A Class "H" license shall further authorize up to four guest craft brewery beer dispensing taps; the consumption of sampler flights (small glasses), which do not exceed six fluid ounces per sample, of the beer produced on the premises or from the guest taps; as part of a tour of the microbrewery, the consumption of up to four samples, not to exceed four ounces per sample, of the beer produced on premises without charge; and the sale of beer dispensed into growlers for consumption off of the premises; provided, the growlers are properly sealed for transport in compliance with state law.

(10) Class “HH” licenses, which shall only be issued to the holders of a Class “H” liquor license and will allow the licensee (HH) to maintain 1:01 a.m. closing hours on Saturday and Sunday;

(11) (a) Class “J” licenses, which shall permit and authorize the manufacture of spirits by distillation in quantities not to exceed the number of gallons authorized for production each year by a craft distillery pursuant to §§ 1-1 et seq. of the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq. and the storage of such spirits and shall further authorize the retail sale of other alcoholic liquor for consumption on the premises where sold as well as other retail sales of such liquor.

(b) A Class “J” license shall further allow the licensee to sell to distributors and to non-licensees in accordance with the Liquor Control Act (or similar act) of the state. It shall allow the licensee to offer spirits manufactured by the licensee on the premises specified in such license for sale by the glass on the premises and in packaged form at retail on the premises specified in such license for the use or consumption off the premises.

(c) A Class “J” license shall permit the licensee to conduct tastings of spirits for which remuneration may or may not be received. A single tasting of distilled spirits shall not exceed one-fourth of one ounce. No more than three tastings of distilled spirits shall be provided to any person on any day.

(d) A Class “J” license shall further authorize the retail sale, at a bar or table, of spirits produced on the premises; the retail sale of wine and beer and shall permit the retail sale of alcoholic liquor for consumption on the premises where sold as well as other retail sales of such liquor.

(12) Class “JJ” licenses, which shall only be issued to the holders of a Class “J” liquor license and will allow the licensee (JJ) to maintain 1:01 a.m. closing hours on Saturday and Sunday.

(B) The license fee shall be paid by each licensee in the following amounts for the following license classifications:

Liquor License Classification	*Fee*
Class “A”	$500 annually
Class “AA”	$150 annually
Class “B”	$500 annually
Class “C”	$0
Class “D” with Sunday option	$400 annually
Class “D” without Sunday option	$300 annually
Class “E”	$250 annually
Class “F” with Sunday option	$500 annually
Class “F” without Sunday option	$400 annually

Liquor License Classification	*Fee*
Class “G”	$25 per day
Class “H”	$750 annually
Class “HH”	$150 annually
Class “J”	$750 annually
Class “JJ”	$150 annually

(1993 Code, § 4-23) (Ord. 85-3-1, passed 3-5-1985; Ord. 96-6, passed 4-2-1996; Ord. 2008-07, passed 8-5-2008; Ord. 2010-08, passed 8-17-2010; Ord. 2015-11, passed 8-18-2015)

Statutory reference:

Authority of City Council to determine kind, classification of licenses, see § 4-1 of the Liquor Control Act,235 ILCS 5/4-1

Retailer’s license, see § 1-1 of the Liquor Control Act, 235 ILCS 5/1-1

§ 4-24 RESTRICTIONS ON NUMBER OF LICENSES.

(A) (1) The number of licenses to be issued per each respective license classification listed in § 4-23(A) of this chapter shall be established by the City Council.

(2) This restriction on the number of licenses shall not limit the right to the renewal of any existing license, but as licenses are revoked, expire without renewal, or for any other reason cease to exist, then the total number of licenses for each classification shall automatically be reduced until the total of each such classification shall not exceed the number of licenses listed in subsection (B) below.

(B) The number of licenses available for issuance are as follows:

Liquor License Classification	*# of Licenses*
Class “A”	10
Class “AA”	10
Class “B”	3
Class “C”	2 at any given time, up to 5 per year
Class “D”	3
Class “E”	4
Class “F”	4
Class “G”	9 at any given time, up to 45 per year

Liquor License Classification	*# of Licenses*
Class “H”	2
Class “HH”	2
Class “J”	2
Class “JJ”	2

(1993 Code, § 4-24) (Ord. 85-3-1, passed 3-5-1985; Ord. 92-24, passed 8-4-1982; Ord. 96-6, passed 4-2-1996; Ord. 2007-13, passed 11-20-2007; Ord. 2010-08, passed 8-17-2010; Ord. 2008-08, passed 9-2-2008; Ord. 2015-11, passed 8-18-2015)

Statutory reference:

Authority to limit number of licenses, see § 4-1 of the Liquor Control Act, 235 ILCS 5/4-1

§ 4-25 TERM.

All licenses issued pursuant to this article shall terminate on May 1 of each year.
(1993 Code, § 4-25)

§ 4-26 LICENSE TO BE POSTED.

Every licensee shall cause his or her retail alcoholic liquor license issued pursuant to this article to be hung or posted in plain view in a conspicuous place on the licensed premises.
(1993 Code, § 4-26)

§ 4-27 TRANSFERABILITY OF LICENSES.

A license under this article shall be purely a personal privilege, good for not to exceed one year after issuance, except a non-beverage user’s license, unless sooner revoked as provided by state law, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided that, executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee. Except in the case of

a non-beverage user's license, a refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.
(1993 Code, § 4-27)
Statutory reference:
Similar provisions, see 235 ILCS 5/6-1

§ 4-28 CHANGING LOCATION OF LICENSED PREMISES.

Changes in location of the premises licensed as retail alcoholic liquor vendors may be permitted, if such change is approved, in writing by the Mayor. Changes in such locations shall always conform to this article, and other city ordinances.
(1993 Code, § 4-28)

§ 4-29 REVOCATION, SUSPENSION OF LICENSES; POWERS OF LIQUOR CONTROL COMMISSIONER.

The Mayor, as Liquor Control Commissioner of the city, shall have the power to revoke or suspend any liquor license under this article for violation of any section of this chapter, as specified in the §§ 1-1 of the Liquor Control Act of 1934, 235 ILCS 5/1-1, and all other powers granted to him or her in such act, subject to the restrictions and procedures contained therein.
(1993 Code, § 4-29)
Statutory reference:
General duties of local Liquor Control Commissioners, see § 4-2 of the Liquor Control Act, 235 ILCS 5/4-2
Revocation of local licenses, see § 7-5 of the Liquor Control Act, 235 ILCS 5/7-5

CHAPTER 5: ANIMALS AND FOWL

CHAPTER 5: ANIMALS AND FOWL

Section

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Statutory reference:

Animals running at large, see § 1 of the Animal Control Act, 510 ILCS 55/1

Authority to prohibit animals running at large, see § 11-20-9 of the Illinois Municipal Code, 65 ILCS 5/11-20-9

Inoculation against rabies, see § 8 of the Animal Control Act, 510 ILCS 5/8

ARTICLE I. IN GENERAL

§ 5-1 BREEDING ANIMALS PROHIBITED.

It shall be unlawful to keep or stand for breeding purposes within the city any stallion, jackass, bull or boar.
(1993 Code, § 5-1)

§ 5-2 KEEPING FARM ANIMALS.

(A) *Prohibitions*. The keeping of cattle, cows, horses, ponies, mules or donkeys, sheep, llamas, swine, goats, rabbits, chickens, ducks, geese or other fowl, or other farm animals or livestock within the city is hereby declared to be a nuisance and is prohibited, except as provided herein.

(B) *Exceptions*.

(1) This section shall not apply in areas of the city that are zoned agricultural, nor shall this section apply to livestock brought into the city for the purpose of processing at any appropriately licensed processing facility.

(2) The keeping of saddle horses shall be allowed within the city only in compliance with the following conditions.

(a) Saddle horses are not allowed, except on parcels of real estate larger than two and one-half acres that also has an owner occupied residential dwelling situated on the same parcel.

(b) No person shall keep more than one saddle horse per acre.

(c) All such saddle horses shall be kept in a fenced enclosure, no part of which is within 75 feet of any occupied dwelling, except any dwelling occupied by the owner of said saddle horses.

(d) All such saddle horses shall be kept in a fenced enclosure that has at least a 50-foot setback from any neighboring lot line or boundary.

(e) All fenced enclosures or areas in which saddle horses are kept must be maintained in a sanitary manner without the accumulation of dirt, offal, waste or urine and kept in such a manner as to prevent any disagreeable odors, infestations of pests or any other unsanitary or unhealthy condition.

(f) Prior to the keeping of any saddle horses, a $25 permit fee shall be filed with the city's Zoning Administrator.

(3) The keeping of grazing cattle shall be allowed within the city only in compliance with the following conditions.

(a) Grazing cattle are not allowed except on parcels of real estate larger than 12 acres that also has an owner occupied residential dwelling situated on the same parcel.

(b) No person shall keep more than one grazing cattle per acre.

(c) All such grazing cattle shall be kept in a fenced enclosure, no part of which is within 150 feet of any occupied dwelling, except any dwelling occupied by the owner of said grazing cattle.

(d) All such grazing cattle shall be kept in a fenced enclosure that has at least a 75-foot setback from any neighboring lot line or boundary.

(e) All fenced enclosures or areas in which grazing cattle are kept must be maintained in a sanitary manner without the accumulation of dirt, offal, waste or urine and kept in such a manner as to prevent any disagreeable odors, infestations of pests or any other unsanitary or unhealthy condition.

(f) Prior to the keeping of any grazing cattle, a $25 permit fee shall be filed with the city's Zoning Administrator.

(4) The keeping of rabbits and chickens shall be allowed within the city only in compliance with the following conditions.

(a) No person shall keep more than ten (total) chickens; except that, on any one parcel of real estate larger than two and one-half acres, the limit shall be 30 total.

(b) No person shall keep more than ten rabbits, excluding any rabbit less than 90 days old.

(c) All such rabbits or chickens shall be kept in a fenced enclosure no part of which is within 50 feet of any occupied dwelling, except any dwelling occupied by the owner of said rabbits or fowl.

(d) All such rabbits or chickens shall be kept in a fenced enclosure that has at least a 30-foot setback from any neighboring lot line or boundary.

(e) No such animal or fowl shall be permitted to run at large at any time.

(f) The keeping of roosters is prohibited.

(g) All coops, enclosures, pens or areas in which rabbits or chickens are kept must be maintained in a sanitary manner without the accumulation of dirt, offal, waste or urine and kept in such a manner as to prevent any disagreeable odors, infestations of pests or any other unsanitary or unhealthy condition.

(h) The keeping of rabbits and chickens shall only be allowed on property that has an owner-occupied residential dwelling situated on the same parcel.

(i) Prior to the keeping of any rabbits or chickens, a $25 permit fee shall be filed with the city's Zoning Administrator.

(C) *Powers of Police Chief.* The Police Chief shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to pose a health hazard to the general public.

(D) *Enforcement.* Any violation of this section shall be punishable by a fine of $100 per day for each day that the nuisance is not abated payable within ten days of the date of the violation, or $125 if paid after ten days, but before 30 days from the date of the violation.
(1993 Code, § 5-2) (Ord. 2014-24, passed 11-18-2014)

§ 5-3 ANIMALS RUNNING AT LARGE.

It shall be unlawful to allow or permit any animal of the species of horse, ass, mule, cattle, sheep, goat, swine or geese to run at large in the city.
(1993 Code, § 5-3)

§§ 5-4—5-14 RESERVED.

(1993 Code, §§ 5-4—5-14)

ARTICLE II. DOGS

§ 5-15 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. Off the premises of the owner or custodian of the dog and not under the immediate control of the owner or custodian.

COUNTY BOARD. The County Board of Menard County, Illinois.

DEPARTMENT OF AGRICULTURE. The Department of Agriculture of the state.

DOG. All members of the family Canidae.

INOCULATION AGAINST RABIES. The injection of an anti-rabies vaccine approved by the Department of Agriculture.

LEASH. A cord, rope, strap or chain which shall be securely fastened to a collar or harness of a dog and shall be of sufficient strength to keep such dog under control.

OWNER. Any person having a right of property in a dog or who keeps or harbors a dog, or who has a dog in his or her care, or acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him or her.

POUND. Any facility approved by the County Board or the City Council for the purpose of enforcing § 1 et seq. of the Animal Control Act, 510 ILCS 5/1 and used as a shelter for seized, stray, homeless, abandoned or unchained dogs.

RESTRAINT. A dog is controlled by a leash; at "heel" beside a responsible person, or obedient to that person's commands; within a vehicle being driven or parked on the streets; or within the property limits of his or her owner or custodian.
(1993 Code, § 5-15)

§ 5-16 INOCULATION REQUIRED, TAGS AFFIXED TO COLLARS.

(A) Each calendar year, or at such intervals as may be promulgated by the Department of Agriculture, every owner or custodian of a dog four months or more of age shall cause such dog to be inoculated against rabies.

(B) Such owner or custodian of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.
(1993 Code, § 5-16)

§ 5-17 INOCULATION PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.

(A) The inoculation of dogs required by § 5-16 of this chapter shall be performed by a veterinarian duly licensed to practice his or her profession in the state.

(B) Upon performing such inoculation, such veterinarian shall issue to the owner or custodian a certificate showing such fact and shall also deliver to such owner or custodian a metallic or other suitable tag to be attached to the collar or harness of such dog, which tag shall also certify to the fact of inoculation against rabies.
(1993 Code, § 5-17)

§ 5-18 DURATION OF INOCULATION.

The inoculation performed under the provisions of § 5-17 of this chapter shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.
(1993 Code, § 5-18)

§ 5-19 SPECIFICATIONS FOR TAG.

The tag issued under the provisions of § 5-17 of this chapter shall be in such form as shall be determined by the Department of Agriculture.
(1993 Code, § 5-19)

§ 5-20 EXHIBITION OF CERTIFICATE UPON REQUEST.

At any reasonable time upon request of any member of the Police Department, the owner or custodian of any unmuzzled dog shall exhibit his or her certificate, issued under the provisions of § 5-17 of this chapter, showing the inoculation against rabies of any dog owned or controlled by him or her.
(1993 Code, § 5-20)

§ 5-21 RESTRAINT OF DOGS.

The owner or custodian of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or custodian, unless the dog is under restraint.
(1993 Code, § 5-21)

§ 5-22 IMPOUNDMENT OF DOGS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR CUSTODIAN.

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

(B) When dogs are found running at large or unlicensed and their ownership is known to the designated police officers, such dogs may be impounded at the pound maintained by the County Board or the City Council, at the discretion of such police officers, but the police officers shall cite the owner of such dog to answer charges of such violation.
(1993 Code, § 5-22)

§ 5-23 NOTICE AND CITATION TO OWNER OR CUSTODIAN OF IMPOUNDMENT.

In case of impounding, and where the owner or custodian of such dog is disclosed by any tax or license tag worn by it, or is otherwise known to the officers impounding same, the Police Department shall, at once, give notice by mail to such owner or keeper, informing him or her of the impounding of his or her dog, and shall cite the owner or custodian of such dog to answer charges of violation of this article.
(1993 Code, § 5-23)

§ 5-24 REDEMPTION OF IMPOUNDED DOGS.

(A) Any dog impounded under the provisions of this article shall, unless sooner redeemed, be held for the period of seven days in order to afford opportunity to the owner or custodian thereof to redeem the same. Any such owner or custodian desiring to redeem his or her impounded dog shall pay the ordinary impounding fee and the cost of keeping such dog to the City Clerk.

(B) In case such dog has not been inoculated against rabies for the current year, such owner shall also advance the fee required to have such dog inoculated by a duly licensed veterinarian as he or she shall elect and the poundkeeper shall cause the dog to be duly inoculated against rabies. No dog shall be released without having been inoculated for the current calendar year, or in accordance with the requirements of the Department of Agriculture. Upon payment of the required charges, the dog shall be released to the owner or custodian.
(1993 Code, § 5-24)

§ 5-25 WHEN DOG DEEMED NUISANCE.

(A) Any dog which may in any manner continually disturb the quiet of any person or neighborhood, or shall destroy or in any manner injure or attempt to injure any human, animal, plant, shrub or other property not on the premises of its owner or custodian, is hereby declared to be a nuisance.

(B) Such dog may be taken up and impounded and may be redeemed in the manner provided in § 5-24 of this chapter.
(1993 Code, § 5-25) (Ord. 86-7-2, passed 7-15-1986; Ord. 88-6-8, passed 6-21-1988)

§ 5-26 DESTRUCTION OF UNREDEEMED DOGS.

Any impounded dog which shall not be redeemed within seven days may be humanely destroyed or otherwise disposed of by the poundkeeper.
(1993 Code, § 5-26)

§ 5-27 ENFORCEMENT OF ARTICLE.

It shall be the duty of Police Chief to enforce the provisions of this article.
(1993 Code, § 5-27)

§ 5-28 PENALTY FOR VIOLATION.

(A) Any owner or custodian of a dog who violates or fails to comply with the provisions of this article shall, upon conviction, be punished by a fine of $50, together with any court costs that may be assessed.

(B) Any owner or custodian of a dog who violates or fails to comply with the provisions of this article and who has previously been convicted of violating this article shall, upon conviction for such subsequent offense, be punished by a fine not to exceed $500, together with any court costs that may be assessed.
(1993 Code, § 5-28) (Ord. 88-6-8, passed 6-21-88; Ord. 93-16, passed 8-17-93)

§ 5-29 NOTICE AND CITATION TO OWNER OR CUSTODIAN OF INTENT TO PROSECUTE.

(A) If a police officer of the city intends to prosecute any owner or custodian of a dog who violates or fails to comply with the provisions of this article, such prosecution shall be commenced by the issuing to such person a uniform citation and complaint charging a violation or violations of this article.

(B) The officer shall also issue a written notice to the accused in substantially the following form:

Avoid Multiple Court Appearances

If you intend to plead "not guilty" to this charge, or if, in addition, you intend to demand a trial by jury, so notify the clerk of the court at least 10 days (excluding Saturdays, Sundays or holidays) before the day set for your appearance. A new appearance date will be set, and arrangements will be made to have the arresting officer present on that new date. Failure to notify the clerk of either your intention to plead "not guilty" or your intention to demand a jury trial may result in your having to return to court, if you plead "not guilty" on the date originally set for your court appearance.

(1993 Code, § 5-29) (Ord. 93-16, passed 8-17-1993)

§ 5-30 PLEA OF GUILTY AND PAYMENT OF FINE.

All violations of this article, except those committed by persons specified in § 5-31 of this chapter, may be satisfied without a court appearance by a written plea of guilty and payment of the fine specified in § 5-28 of this chapter together with any court costs.
(1993 Code, § 5-30) (Ord. 93-16, passed 8-17-1993)

§ 5-31 PERSONS PREVIOUSLY CONVICTED TO APPEAR IN COURT.

Any person who has previously been convicted of violating any provision of this article must appear before the Circuit Court to answer the charge or charges as set forth upon the uniform citation and complaint. The uniform citation and complaint shall specify whether the accused must appear before the Circuit Court.
(1993 Code, § 5-31) (Ord. 93-16, passed 8-17-1993)

CHAPTER 6: BUILDINGS

CHAPTER 6: BUILDINGS

Section

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Authority of city relative to dangerous buildings, see §§ 11-31-1 et seq. of the Illinois Municipal Code, 65 ILCS 5/11-31-1 et seq.

Authority of city to prescribe fire limits, see § 11-8-2 of the Illinois Municipal Code, 65 ILCS 5/11-8-2

General powers of city to prescribe regulations governing fire hazards in buildings, see § 11-6-1 of the Illinois Municipal Code, 65 ILCS 5/11-6-1

Incorporation by reference of certain construction regulations, see § 1-3-1 of the Illinois Municipal Code, 65 ILCS 5/1-3-1, § 0.01 of the Public Building Commission Act, 50 ILCS 220/0.01

ARTICLE I. IN GENERAL

§ 6-1 RESERVED.

(1993 Code, § 6-1)

§§ 6-2—6-11 RESERVED.

(1993 Code, §§ 6-2—6-11)

ARTICLE II. CONSTRUCTION

§ 6-12 PERMIT REQUIRED; EXCEPTION.

No person shall erect any new building or add to, repair or alter any building already erected, or move any building, without first obtaining a permit to do so. However, no permit shall be required for ordinary minor repairs which do not increase the size of the building, or alter its condition as a fire risk.
(1993 Code, § 6-12)

§ 6-13 PERMIT APPLICATION.

Any person desiring the permit required by § 6-12 of this chapter shall file with the Zoning Administrator an application in writing, addressed to the Mayor, stating the dimensions of the proposed building or addition; the nature and extent of the proposed alteration; the lot and block where the structure is, or is to be located; the general plan of construction; the materials to be used therein; and the purpose for which such building is to be used.
(1993 Code, § 6-13)

§ 6-14 ISSUANCE.

If the Mayor finds the application plans and building which were submitted pursuant to § 6-13 of this chapter conform to city ordinances, he or she shall endorse his or her approval upon such application, and the Zoning Administrator shall issue the permit required by § 6-12 of this chapter to such applicant under the corporate seal.
(1993 Code, § 6-14)

§ 6-15—6-28 RESERVED.

(1993 Code, §§ 6-19—6-28)

ARTICLE III. DANGEROUS BUILDINGS

§ 6-29 DEFINITION.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS BUILDING. Any building, shed, fence or other human-made structure which:

(1) 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;

(2) 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;

(3) By reason of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure; and

(4) 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.
(1993 Code, § 6-29)

§ 6-30 DECLARED TO BE NUISANCES.

Any dangerous building in the city is hereby declared to be a nuisance.
(1993 Code, § 6-30)

§ 6-31 EXISTENCE AND OCCUPANCY PROHIBITED.

It shall be unlawful for any person to maintain or permit the existence of any dangerous building owned by him or her in the city. It shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.
(1993 Code, § 6-31)

§ 6-32 CORRECTION OF DEFECTS OR REMOVAL GENERALLY.

(A) Whenever the Zoning Administrator or any other officer or employee shall be of the opinion that any building or structure is a dangerous building, he or she shall file a written statement to this effect with the Mayor. The Mayor shall, thereupon, cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it, and that the condition must be remedied at once. Such notice may be in the following form:

> To ____________________ (owner-occupant of the premises) known and described
>
> You are hereby notified that (described building) ______ on the premises above described has been condemned as a nuisance and a dangerous building after inspection by ____________________ .
>
> The causes for this decision are ____________________ (here insert the facts as to the dangerous condition) ____________________ .
>
> You must remedy this condition or demolish the building immediately, or the city will proceed to do so.

(B) If the person receiving such notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within 15 days from the time when such notice is served upon such person by personal service or by registered mail, the city may proceed to have the condition remedied or the building demolished in accord with the statutes of the state.
(1993 Code, § 6-32)

§ 6-33 REMOVAL OF DAMAGED BUILDINGS.

(A) Any building or structure within the city damaged by fire, decay or other cause to the extent of 50% of its value shall be torn down and removed.

(B) (1) Upon written notice by the Zoning Administrator, Fire Chief or any other city officer or employee filed with the Mayor, the Mayor shall appoint three persons to determine whether or not such building or structure has been damaged to the extent of 50% of its value.

(2) The Mayor's three appointees, who may be accompanied by additional officers, appointees or employees as they may designate, may enter and inspect the interior of any building or structure and premises for which a written notice has been issued under this section.

(3) A copy of the notice filed by the city officer or employee, together with a notice of the appointment of this Board of three persons to determine the damage, shall be served upon the owner of the premises by personal service or by registered mail to his or her last known address.

(4) Such notice may be in substantially the following form:

> You are hereby notified that ______________________ has determined that the building owned by you at ______________________ located within the city has been damaged by fire, decay or otherwise to the extent of 50% of its value; and that a board of three members has been appointed to verify this finding, which board will hold its first meeting in the city hall on the ________ day of ______________ at the hour of __________ o'clock, at which time it will determine whether this finding is correct.
>
> If this finding is verified by the board, you must tear down and remove the said building.

(C) If the Board of three members determines that the building in question has been damaged to the extent of 50% of its value, it shall be the duty of the owner to tear down or remove the building within 20 days after the finding of the Board, and it shall be unlawful to occupy or permit such building to be occupied after such finding.
(1993 Code, § 6-33) (Ord. 2005-20, passed 10-4-2005)

§§ 6-34—6-40 RESERVED.

(1993 Code, §§ 6-34—6-40)

ARTICLE IV. CONSTRUCTION, REMOVAL, DEMOLITION OF BUILDINGS AND THE LIKE WITHIN CERTAIN AREA

§ 6-41 PERMIT REQUIRED.

It shall be unlawful to construct, alter, remove or demolish, or to commence the construction, alteration, removal or demolition of a building, mobile home or structure or install equipment for the operation of a building or structure within the following described area, to wit:

(A) All that part of the city lying west of the Illinois & Midland Railroad; north of Antle Street; east of Sixth Street (Illinois Route 97); and south of a line 250 feet south of Liberty Street; and

(B) All that part of the city lying west of the east corporate limits and west of the Sangamon River and lying east of the Illinois & Midland Railroad and east of the former right-of-way of the Illinois Central Gulf Railroad, excepting the following, without first filing with the Zoning Administrator an application in writing and obtaining a formal permit:

(1) The part lying north of Light Street and west of a line 500 feet east of Fourth Street;

(2) The part lying south of Light Street, north of Liberty Street and west of a line 100 feet east of Fourth Street; and

(3) The part lying south of Liberty Street, north of a line 250 feet south of Liberty Street and west of a line 200 feet west of Fourth Street.
(1993 Code, § 6-41)

§ 6-42 RESERVED.

(1993 Code, § 6-42)

§ 6-43 APPLICATION FORM, CONTENTS.

(A) An application for a permit required by this article shall be submitted in such form as the Zoning Administrator may prescribe.

(B) Such application shall contain the full names and addresses of the applicant and of the owner and, if the owner is a corporate body, of its responsible officer. The application shall also describe briefly the proposed work and shall give such additional information as may be required by the Zoning Administrator for an intelligent understanding of the work proposed.
(1993 Code, § 6-43)

§ 6-44 THOSE AUTHORIZED TO MAKE APPLICATION.

(A) Applications for permits required by this article shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work.

(B) If such application is made by a person other than the owner, it shall be accompanied by a duly verified affidavit of the owner or the person making the application that the proposed work is authorized by the owner and that the person making the application is authorized to make such application.
(1993 Code, § 6-44)

§ 6-45 AMENDMENTS TO APPLICATION.

(A) Nothing in this article shall prohibit the filing of amendments to an application, or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was issued.

(B) Such amendments shall be filed with and be deemed a part of the original application, if approved before the certificate of occupancy has been issued, otherwise a new application for the alteration shall be made and a permit secured.
(1993 Code, § 6-45)

§ 6-46 PLANS TO ACCOMPANY APPLICATION.

Applications for permits under this article shall be accompanied by drawings of the proposed work, drawn to scale, showing when necessary floor plans, sections, elevations, structural details, computations and stress diagrams, as the City Clerk may require.
(1993 Code, § 6-46)

§ 6-47 PLOT PLAN.

When required by the Zoning Administrator, there shall be submitted with the application for a permit under this article a plot plan in a form and size designated by the Zoning Administrator for filing permanently with the permit record, drawn to scale, with all dimensions figured showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.
(1993 Code, § 6-47)

§ 6-48 REPAIRS.

Repairs may be made without filing an application or obtaining a permit under this article, unless such repairs amount to a “substantial improvement”, the cost of which equals or exceeds 50% of the actual cash value of the structure either:

(A) Before the improvement is started; or

(B) If the structure has been damaged and is being restored, before the damage occurred.
(1993 Code, § 6-48)

§ 6-49 ACTION ON APPLICATION.

The Zoning Administrator shall examine applications for permits under this article within a reasonable time after filing. If, after examination, he or she finds no objections to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto and the proposed construction of work will be safe, he or she shall approve such application and issue a permit for the proposed work as soon as practicable. If his or her examination reveals otherwise, he or she shall reject such application, note his or her findings in a written report to be attached to the application and deliver a copy to the applicant.
(1993 Code, § 6-49)

§ 6-50 REVOCATION OF PERMIT.

The Zoning Administrator may revoke a permit issued under this article or approval issued in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
(1993 Code, § 6-50)

§ 6-51 APPROVAL OF PERMIT IN PART.

Nothing in this article shall be construed to prevent the Zoning Administrator from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of such building or structure have been submitted or approved; provided, adequate information and detailed statements have been submitted for the same and have been found to comply with this article.
(1993 Code, § 6-51)

§ 6-52 PERMIT FOR REMOVAL.

No permit to remove a building or structure shall be issued until notice of application therefor shall have been given to the owners of property adjoining the property upon which such building or structure is to be moved and to the owners of wires or other impediments the temporary removal of which will be necessary, and an opportunity has been given such owners to be heard upon such application, nor until a bond in an adequate sum has been filed with the officer of proper authority, to indemnify and save harmless the municipality from damage.
(1993 Code, § 6-52)

§ 6-53 COMPLIANCE WITH PERMIT.

All work performed under a permit issued under this article by the Zoning Administrator shall conform to the approved application and plans, and approved amendments thereto. The location of all new construction as shown on the approval plot plan or an approved amendment thereto shall be strictly adhered to.
(1993 Code, § 6-53)

§ 6-54 REDUCING OR DIMINISHING LOT AREA.

It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot plan has been filed and has been used as the basis for a permit issued under this article, unless a revised plot plan showing the proposed changes in conditions shall have been filed and approved; provided, this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.
(1993 Code, § 6-54)

§ 6-55 SIGNATURE TO PERMIT.

Every permit issued by the Zoning Administrator under the provisions of this article shall have his or her signature affixed thereto.
(1993 Code, § 6-55)

§ 6-56 EXPIRATION OF PERMIT.

A permit issued pursuant to this article shall expire 12 months after its issuance. A permit issued pursuant to this article may be renewed for an additional 12 months upon application to the Zoning Administrator. The fee for renewal of a permit issued under this article shall be twice the fee paid for the permit being renewed.
(1993 Code, § 6-56) (Ord. 2008-02, passed 4-1-2008)

§ 6-57 POSTING OF PERMIT.

(A) A copy of the permit issued under this article shall be kept on the premises for public inspection during the prosecution of the work and until the completion of such work.

(B) The Zoning Administrator may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.
(1993 Code, § 6-57)

§ 6-58 COMMENCEMENT NOTICE TO BE GIVEN.

The Zoning Administrator shall be given at least 24 hours' notice of the starting of work under a permit.
(1993 Code, § 6-58)

§ 6-59 PERMIT COSTS.

Permit costs under this article shall be as follows:

(A) Permits to demolish: no fee; and

(B) Permits to construct, alter or improve a building or structure under § 6-41 of this chapter: no fee.
(1993 Code, § 6-59)

§ 6-60 PENALTIES.

Violations of this article shall be considered Class B misdemeanors. Each day of continuance of such violation shall be considered a separate offense.
(1993 Code, § 6-60)

§§ 6-61—6-80 RESERVED.

(1993 Code, §§ 6-61—6-80)

ARTICLE V. EXISTING STRUCTURES CODE

§ 6-81 ADOPTED.

(A) A certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the International Building Code, 2012 Edition, including appendix, as published by the International Code Council, be, and the same is, hereby adopted as the Building Code for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the said Building Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part of, as is fully set forth in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (B) below.

(B) None.
(1993 Code, § 6-81) (Ord. 85-12-2, passed 12-17-1985; Ord. 2015-01, passed 1-6-2015)

§ 6-82 PENALTY FOR VIOLATION.

Any person who shall violate any provision of this article shall, upon conviction thereof, be guilty of a Class C misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
(1993 Code, § 6-82) (Ord. 85-12-2, passed 12-17-1985)

§ 6-83 APPEALS BOARD—CREATED.

In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of the Code adopted by this article, there shall be and is hereby created a Property Maintenance Code Appeals Board.
(1993 Code, § 6-83) (Ord. 85-12-2, passed 12-17-1985)

§ 6-84 SAME—COMPOSITION.

The Property Maintenance Code Appeals Board shall consist of three residents appointed by the Mayor with the advice and consent of the City Council including: a realtor; a general contractor; and one citizen who is either a renter for at least two years or a homeowner for at least two years. The Mayor shall also appoint one member to act as Chairperson, who will serve one year. Each member shall have been a resident for at least one year prior to appointment. The renter or the homeowner member will be asked to resign if his or her status as renter or homeowner is changed. Thereafter, all appointments shall be for periods of two years. Each member shall serve until his or her successor has been appointed.
(1993 Code, § 6-84) (Ord. 85-12-2, passed 12-17-1985)

§§ 6-85—6-94 RESERVED.

ARTICLE VI. SWIMMING POOLS

§ 6-95 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASTM INTERNATIONAL (formerly known as ***AMERICAN SOCIETY FOR TESTING AND MATERIALS).*** The organization which sets quality and safety standards for swimming pool, spa and hot tub covers.

BARRIER. A fence, wall, building, other enclosure or combination thereof which completely encloses a swimming pool and obstructs access to a swimming pool.

JUVENILE POOL. A plastic, inflatable or other temporary structure intended for swimming or recreational bathing and having a depth of 24 inches or less.

PRIVATE SWIMMING POOL. A swimming pool or juvenile pool maintained not for profit by an individual or household or the use of the individual or household and invited guests.

PUBLIC SWIMMING POOL. A swimming pool or juvenile pool maintained by one of the following:

(1) Individuals for the use of more than one household;

(2) A club for the use of its members;

(3) Business for profit; or

(4) A school, park district, municipality or other not-for-profit organization.

SERIOUS RISK TO PUBLIC HEALTH AND SAFETY. The condition of a swimming pool creates an immediate probability that serious injury or death may occur as a result of the condition.

SWIMMING POOL. Any structure utilized for swimming, diving, recreational or therapeutic bathing that is capable of containing water with a depth of more than 24 inches. This includes, but is not limited to, in-ground, above-ground and on-ground swimming pools, hot tubs and spas, and also including all appurtenant equipment constructed, installed and maintained in or above the ground inside or outside of a building.

SWIMMING POOL, INDOOR. A swimming pool completely and permanently contained within a structure surrounding it on all sides by walls and a roof.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SWIMMING POOL CONSTRUCTION PERMIT. A permit issued by the city under the terms of this article for the construction, assembly, installation, enlargement, alteration or modification of any swimming pool within the corporate boundaries.

SWIMMING POOL RENEWAL PERMIT. A permit issued annually by the city under the terms of this article for the assembly or re-assembly of a removable swimming pool within the corporate boundaries.
(Ord. 2014-03, passed 3-4-2014)

§ 6-96 PERMIT REQUIREMENTS.

(A) It shall be unlawful to construct, install, enlarge, alter or erect any swimming pool within the corporate limits prior to the issuance of a swimming pool construction permit. Swimming pool construction permits shall be valid for a period lasting one year from issuance. If construction, installation, enlargement, alteration or erection of a swimming pool is not completed within one year of the issuance of the permit, a permittee must reapply for a new swimming pool construction permit with the Zoning Administrator.

(B) It shall be unlawful to assemble or reassemble a swimming pool within the corporate limits prior to the issuance of a swimming pool renewal permit. Swimming pool renewal permits shall be valid for a period lasting six months from issuance.

(C) No permit shall be required for a juvenile pool.
(Ord. 2014-03, passed 3-4-2014)

§ 6-97 PERMIT PROCESS.

(A) The Zoning Administrator shall supply application forms for permits to be issued pursuant to this section. No application shall be accepted in any other form nor without the application being completed.

(B) All applications submitted pursuant to this section shall be signed by the landowner of the property where the swimming pool is to be located and by the party who owns, maintains, uses or operates the swimming pool.

(C) Applications for permits submitted pursuant to this section shall be reviewed by the Zoning Administrator who shall within a reasonable amount of time conduct a site visit prior to approving or denying a permit application.

(D) Each application for a swimming pool construction permit or a swimming pool renewal permit shall be accompanied by a non-refundable permit fee as provided in this article and a set of plans or drawings which shall be drawn to scale. Specifically, the plans and drawings shall include an accurate depiction of all distances and dimensions and show explicitly and completely the lot lines, buildings located on the property, distance from the residence(s) and location of the barrier, doors, gates and pool walk. The pool, pool walk, barrier construction, electrical system and all relevant appurtenances pertaining to the pool, including its location, depth, size and capacity in gallons, must be sufficiently shown to demonstrate whether the swimming pool will comply with all ordinances. Specifications and methods for disposal of wastewater from the pool including backwash water and water drained from the pool must also be shown.

(E) Upon completion of construction, assembly or re-assembly, the owner shall notify the Zoning Administrator and, upon notification the Zoning Administrator, shall then conduct an inspection to determine compliance with the application, site plan and terms of this article.

(F) The Zoning Administrator shall, upon completion of construction of a pool or upon receipt of information that a pool is non-conforming and with prior notice to the owner, inspect a swimming pool to determine whether it is in compliance with provisions of this article.

(G) Upon inspection, if the Zoning Administrator determines a swimming pool poses a serious risk to public health and safety, the owner of the swimming pool shall immediately take action as may be required to remediate the unsafe condition. Such action may include, but shall not be limited to, draining of a swimming pool, permanent structural modifications, the erection of temporary barriers to prevent access or removal of a swimming pool. Any such condition may be considered a public nuisance.

(H) The Zoning Administrator may withdraw any approval granted based on false, misleading or inaccurate information at any time.
(Ord. 2014-03, passed 3-4-2014)

§ 6-98 LOCATION RESTRICTIONS.

(A) Private swimming pools shall be permitted only in residential 'R' districts.

(B) A swimming pool shall not be located less than eight feet from a side or rear lot line.

(C) No swimming pool shall be located in the front or side yard.
(Ord. 2014-03, passed 3-4-2014)

§ 6-99 BARRIER REQUIREMENTS.

(A) *Barrier, generally.*

(1) Every swimming pool shall be completely enclosed by a barrier of not less than four feet in height, measured from ground level on both the inside and the outside of the barrier.

(2) Excluding doors and gates when open, no opening in a barrier shall permit the passage of a four-inch diameter sphere.

(3) The vertical clearance between grade and the bottom of a barrier shall not exceed two inches, measured on the both sides of the barrier.

(4) A temporary barrier shall be installed prior to the commencement of the installation of any in-ground swimming pool unless a permanent barrier is erected prior to excavation.

(B) *Doors and gates, generally.*

(1) All doors or gates which are a part of the barrier shall be equipped with self-closing and self-latching devices which are designed for and capable of keeping the door or gate securely closed at all times when not in actual use.

(2) If the release mechanism of a self-latching device is located 54 inches or less from the bottom of the door or gate, the release mechanism shall be located on the swimming pool side of the door or gate, three inches or more below the top of the door or gate.

(3) No door, gate and/or barrier shall have an opening greater than one-half of an inch within 18 inches of the release mechanism.

(4) Access doors and gates shall comply with the requirements of subsections (C)(4) through (C)(8) below.

(C) *Above-ground or on-ground pool barriers.*

(1) If the top edge plate of the swimming pool is above ground level, a barrier may either be erected at ground level or mounted on the top edge plate of the swimming pool.

(2) The vertical walls of an above-ground or on-ground pool structure shall satisfy the barrier requirements of subsections (A)(1) and (A)(2) above; provided that, such walls comply with the four-foot requirements and the requirements of subsection (C)(3) below.

(3) If access to an above-ground or on-ground swimming pool is provided by a ladder, steps or similar means, the means of access shall either be surrounded by a barrier meeting the standards of subsections (C)(1) and (C)(2) above; provided that, such walls comply with the four-foot height requirement and be capable of being secured or locked to prevent access. If the ladder or steps are secured or locked, no opening in the ladder or steps shall allow the passage of a four-inch diameter sphere. Ladders which are removed to prevent access to the pool shall be stored in a secure manner.

(4) Solid barriers which do not contain openings, such as masonry or stone walls, shall not have indentations or protrusions that may facilitate climbing of the barrier. Normal construction tolerances and tooled masonry joints shall be allowable.

(5) Barriers composed of horizontal and vertical members in the same vertical plane shall have the horizontal members located on the swimming pool side of the barrier. Barriers having decorative cutouts with the vertical members shall not contain spacing within the cutouts greater than one and three-fourths inches in width.

(a) If the distance between the tops of the horizontal members is less than 45 inches, spacing between vertical members shall be not greater than one and three-fourths inches in width.

(b) If the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall be not greater than four inches in width.

(6) Chain link fence mesh shall be not greater than two and one-fourth inches square unless the fence contains slats fastened at the top or the bottom which reduce the openings to not more than one and three-fourths inches square.

(7) Where a barrier is composed of diagonal members in the same vertical plane, the opening formed by the diagonal members shall be not greater than one and three-fourths inches square.

(8) Barriers shall be designed and located to prohibit permanent structures, equipment, trees or similar objects from being used to climb the barriers.

(9) Spas and hot tubs with a safety cover which complies with ASTM standards shall be exempt from the provisions of this section.
(Ord. 2014-03, passed 3-4-2014)

§ 6-100 OPERATION AND MAINTENANCE.

(A) Swimming pools and juvenile pools shall be maintained in a clean, safe and sanitary condition.

(B) At the end of a swimming season, the pool water, structure or chamber shall be treated, altered or maintained so as to prevent the development of non-sanitary conditions.

(C) Swimming pools under construction or which are no longer being operated shall be maintained in a manner so as to prevent the development of non-sanitary conditions, potential injury or possible drowning.

(D) No private swimming pool shall be emptied in a manner which will cause or permit water to flow onto property owned or held by another person without the advanced written consent of all property owners over whose property the water will flow.

(E) Wastewater from the swimming pool may be discharged into a storm sewer. There shall be no direct physical connection between any sewer system and any drain from the swimming pool or circulation system.

(F) Alternative equivalent methods of wastewater disposal may be approved by the Zoning Administrator upon written application in such form as the Zoning Administrator may require. No method of wastewater disposal is permissible which would create a public health hazard or public nuisance.

(G) Failure to have gates closed or to remove or retract the ladder access to the pool or maintain pool covers, and barriers shall constitute a violation of the Zoning Ordinance and is subject to the penalties provided.
(Ord. 2014-03, passed 3-4-2014)

§ 6-101 VIOLATIONS AND ENFORCEMENT.

(A) It shall be a violation of this article for any person to own, maintain, use or operate a swimming pool that does not comply with the standards set forth in this article and fines shall be imposed accordingly.

(B) Any person who violates this article shall be liable for a fine of no more than $100 for a first offense, no more than $250 for a second offense and no more than $500 for each third or subsequent offense.

(C) After receiving notice of a first offense the person shall have two weeks to remedy the violation without an additional fine being imposed. If the violation is not remedied within the two-week period, each subsequent day that the violation continues shall constitute a separate offense. If the Zoning

Administrator determines a swimming pool poses a serious risk to public health and safety, the owner of the swimming pool shall immediately take action as may be required to remediate the unsafe condition. Such action may include, but shall not be limited to, draining of a swimming pool, permanent structural modifications, the erection of temporary barriers to prevent access or removal of a swimming pool. Any such condition may be considered a public nuisance.

(D) Any violation of this article shall be enforced as a civil ordinance violation. The Zoning Administrative Officer shall sign the complaints for violations of this article.
(Ord. 2014-03, passed 3-4-2014)

§ 6-102 COMPLIANCE AND REGULATIONS.

(A) Swimming pools constructed after the effective date of this article shall comply fully with the provisions herein.

(B) Swimming pools constructed prior to the effective date hereof or those under construction prior to the effective date hereof shall be brought into compliance with this article within 12 months of the effective date of this article. Notwithstanding the foregoing, if the non-complying features of an existing swimming pool or a swimming pool under construction create an immediate risk to public health and safety as may be determined by the Zoning Administrator, the owner of the swimming pool shall immediately take action as may be required to remediate the unsafe condition. Such action may include, but shall not be limited to, draining of a swimming pool, permanent structural modifications, the erection of temporary barriers to prevent access or removal of a swimming pool. Any such condition may be considered a public nuisance.
(Ord. 2014-03, passed 3-4-2014)

§ 6-103 FEES.

Permit fees shall be established by resolution.
(Ord. 2014-03, passed 3-4-2014)

CHAPTER 6.25: CABLE COMMUNICATIONS

CHAPTER 6.25: CABLE COMMUNICATIONS

Section

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ARTICLE I. IN GENERAL

§§ 6.25-1—6.25-14 RESERVED.

(1993 Code, §§ 6-1/4-1—6-1/4-14)

ARTICLE II. CABLE TELEVISION FRANCHISE

§ 6.25-15 PURPOSE.

(A) The city finds that the continued development of cable communication has the potential of having great benefit and impact upon the citizens of the city, because of the complex and rapidly changing technology associated with cable communications, the city further finds that the public convenience, safety and general welfare can best be served by establishing and maintaining regulatory powers which should be vested in the city or such city officials as the city shall designate. It is the intent of this article and subsequent amendments to provide for and specify the means to attain the best possible public interest and public purpose in these matters. Further, it is recognized that cable communications systems have the capacity to provide not only entertainment and information services to the city's residents, but can provide additional services.

(B) For these purposes, the following goals underlie the provisions contained herein:

(1) Where economically reasonable, cable television services should be made available to all city residents; and

(2) The system should be capable of accommodating both the present and reasonably foreseeable future cable television needs of the citizens of the city.
(1993 Code, § 6-1/4-15) (Ord. 94-17, passed 12-27-1994)

§ 6.25-16 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASIC CABLE SERVICE. Any service tier which includes the retransmission of local broadcast signals and the public, educational or government channels.

CABLE ACT. The Cable Communications Policy Act of 1984, 47 U.S.C. §§ 521 et seq.

CABLE TELEVISION SERVICE. The provision of television reception, communications and/or entertainment services for direct or indirect compensations, or as otherwise provided by this article, and distributing the same over a cable television system.

CABLE TELEVISION SYSTEM. A facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable television service to multiple subscribers within a community, not including a facility or combination of facilities that serves only to retransmit the television signals of one or more television broadcast stations; or a facility or combination of facilities that serves only subscribers in one or more multiple-unit dwellings under common ownership, control or management, unless such facility or facilities use any public right-of-way or public utility easement.

CHANNEL. A portion of the electro-magnetic frequency spectrum (or any other means of transmission, including, but not limited to, optical fibers) which is capable of carrying the equivalent of one six megahertz television broadcast signal and includes uses of all or any portion of such band of frequencies.

COMMERCIAL SUBSCRIBER. All subscribers not defined as either residential or non-commercial.

FCC. The Federal Communications Commission.

FRANCHISE. The non-exclusive rights granted pursuant to this article to construct, operate and maintain a cable television system along the public rights-of-way within all of the city. Any such authorization, in whatever form granted, shall not mean or include any license or permit required for the privilege of transacting and carrying on a business within the city as required by other ordinances and laws of the city.

FRANCHISE AGREEMENT. A contract entered into between the city and the grantee pursuant to this article, containing additional provisions of the franchise granted.

GRANTEE. The person, partnership, firm or corporation to whom a franchise, as herein defined, is granted by the City Council under this article and the lawful successor, transferee or assignee of said person, firm or corporation.

GROSS REVENUES. The following types of revenue received by a grantee directly from the operations of a cable television system in the city: regular subscriber service fees, per channel pay services, leased channel revenues, converter and remote control rental revenues.

NON-COMMERCIAL. Any public, educational or governmental institution.

RESIDENTIAL SUBSCRIBER. A subscriber who receives cable television service in a single-family home or in an individual dwelling unit of a multiple dwelling, where the service is not to be utilized in connection with a business trade or profession.

SERVICE AREA. The geographical area within the incorporated limits of the city as now exist or hereafter are expanded.

SUBSCRIBER. Any person or entity lawfully receiving any portion of the cable television service of a grantee pursuant to this article.
(1993 Code, § 6-1/4-16) (Ord. 94-17, passed 12-27-1994)

§ 6.25-17 APPLICATION FEE.

Applications for renewal of a franchise shall not be accompanied by a filing fee. The franchise fee collected by city shall be used to cover the costs associated with a renewal application.
(1993 Code, § 6-1/4-17) (Ord. 94-17, passed 12-27-1994)

§ 6.25-18 ACCEPTANCE; EFFECTIVE DATE.

(A) Within 30 days after final action granting a franchise, which shall be done by resolution of the City Council, the grantee shall file with the City Clerk a written acceptance acknowledged before a notary public of the conditions required for the franchise. Such acceptance shall acknowledge that the grantee agrees to be bound by and to comply with the provisions of this article, the franchise agreement (if any) and applicable law and shall be in such form and content as to be satisfactory to and approved by the City Attorney. If such acceptance is not filed within said time, then the franchise so awarded may be deemed void and of no further force and effect and the offer of franchise so awarded to the grantee may stand revoked, at the option of the city.

(B) Concurrently with the filing of the written acceptance, the grantee shall file with the City Clerk the bond and insurance certificate required by this article.

(C) The effective date of the franchise shall be the first day of the first month next following the date on which the grantee files the acceptance, bond and insurance certificate as required herein; provided, however, if any of the material required to be filed with the acceptance or the acceptance itself

is defective or fails to meet with approval, the franchise shall not be effective until such defect is cured or such approval is obtained.
(1993 Code, § 6-1/4-18) (Ord. 94-17, passed 12-27-1994)

§ 6.25-19 TERM OF FRANCHISE.

The duration of a franchise granted pursuant to this article shall not be more than ten years from the effective date.
(1993 Code, § 6-1/4-19) (Ord. 94-17, passed 12-27-1994)

§ 6.25-20 REVOCATION OF FRANCHISE AND OTHER PENALTIES.

(A) Subject to the provisions of this section, city reserves the right to revoke, at any time, any franchise granted hereunder and rescind all rights and privileges associated therewith in the event that:

(1) The grantee has not substantially complied with a material provision of this article, the franchise agreement or of any supplemental written agreement entered into by and between the city and the grantee;

(2) The grantee has made a material false statement in the application for the franchise, knowing it to be false, or the grantee commits a fraud in its conduct or relations under the franchise with the city;

(3) The grantee becomes insolvent, enters into receivership or liquidation, files for bankruptcy or assignment for benefit of creditors, is unable to pay its debts as they mature, unless the grantee is in due process of contesting such debts;

(4) The grantee fails to comply with any final federal or state judgment arising directly from the exercise of the grantee's rights under its franchise;

(5) The grantee fails to provide or maintain in full force and effect the bond and insurance policies required by this article; or

(6) The grantee assigns, sells or transfers its title or interest in its franchise without the consent of the City Council.

(B) In the event that the city shall make a preliminary decision to revoke a franchise granted hereunder, it shall give the grantee a minimum of 60-days' written notice of its intention to terminate and stipulate the cause. A public hearing shall be scheduled for the end of said 60-day period. If, during said period, the cause shall be cured to the satisfaction of the city, the city shall declare the notice to be null and void. If the cause is not cured to the satisfaction of the city, before a franchise may be terminated, the grantee must be provided with an opportunity to be heard before the City Council in a

public hearing in accordance with due process procedures. After the public hearing, if the city determines that the franchise should be terminated, it shall issue a written decision containing its findings of fact and stating the specific grounds for termination. The decision to terminate a franchise shall be subject to judicial review as provided by law.

(C) A grantee shall not be declared in default or be subject to any sanction under any provision of this article in any case where the action justifying such sanction is without the grantee's knowledge or authorization or outside its control.
(1993 Code, § 6-1/4-20) (Ord. 94-17, passed 12-27-1994)

§ 6.25-21 TRANSFER OF CABLE TELEVISION SYSTEM.

(A) No transfer of control of the cable television system other than a pro forma transfer to a parent or a wholly-owned subsidiary corporation, or to a partnership with the same general partner as the grantee, or hypothecation as the result of a commercial loan shall take place, whether by force or voluntary sale, lease, assignment, foreclosure, attachment, merger or any other form of disposition, without prior notice to and approval by the City Council, which approval shall not be unreasonably withheld. The notice shall include full identifying particulars of the proposed transaction. For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, the city may inquire into the qualifications of the prospective controlling party and the grantee shall assist the city in any such inquiry. The city shall have 90 days within which to approve or disapprove, by resolution, the proposed transfer of control. If the city fails to act within said 90-day period, the application to transfer control or assign the franchise shall be deemed to be granted.

(B) Approval of such transfer shall be expressly conditioned upon full compliance with the material terms of the franchise and this article. The transferee shall agree in writing to comply with all provisions of this article and the franchise agreement.

(C) For the purpose of this section, the term ***CONTROL*** is not limited to majority stock ownership, but includes actual working control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of affiliated persons of 25% of the voting shares of the grantee.
(1993 Code, § 6-1/4-21) (Ord. 94-17, passed 12-27-1994)

§ 6.25-22 AUTHORITY GRANTED BY THE FRANCHISE.

(A) The grantee of any franchise granted pursuant to the provisions of this article shall, subject to the conditions and restrictions set out in this article, be authorized to construct or have constructed, operate and maintain a cable television system, and to engage in the business of providing cable television service in the city, as defined herein, and in the franchise, and for that purpose to erect, install, construct, repair, replace, reconstruct and maintain such poles, wires, cables, conductors, ducts,

conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the cable television system; provided, however, that, before any pole, wire or other thing mentioned above which is necessary and appurtenant to the cable television system is placed on or within any street, the required permits to do so must be obtained by the grantee from the city; and, provided further that, before any such construction is commenced, the plans and specifications thereof must be approved in writing by the city which approval is hereby deemed given. It shall be unlawful for any telephone, telegraph or power company or any other public utility company or person to lease or otherwise make available to any person, any poles, lines, facilities, equipment or other property for use in connection with the operation of a cable television system or the provision of cable television service, unless such other person holds a valid franchise granted pursuant to the provisions of the article.

(B) The authority granted to a grantee pursuant to the provisions of this article is not and shall not be deemed to be an exclusive right or permission. The city expressly reserves the right to grant one or more non-exclusive franchises to operate a cable television system to other persons for the entire franchise area at any time under the same substantive terms and conditions as apply to the existing grantee. No such additional franchise granted by the city shall in any way affect the obligations of any other grantee.

(C) If the city grants an additional franchise under this article which contains terms deemed more favorable by any existing grantee, said existing grantee may elect to incorporate said terms or provisions into its existing franchise upon notice to the city.
(1993 Code, § 6-1/4-22) (Ord. 94-17, passed 12-27-1994)

§ 6.25-23 FRANCHISE FEE.

(A) Because the city finds that the administration of a franchise granted pursuant to this article imposes upon the city additional regulatory responsibility and expense, a grantee of any franchise hereunder shall pay to the city, within 45 days after the end of the second and fourth quarter of its fiscal year, a sum equal to 3% of its basic revenues. This fee shall be in addition to any and all taxes which are now or may be required hereafter to be paid pursuant to any federal, state or local law. This fee shall be deemed to reimburse the city for all costs of regulating the cable television system of the grantee and shall cover the expense of all regulatory requirements including, but not limited to, any performance testing required by the city under the terms of this article and any renewal or transfer procedures arising hereunder.

(B) Acceptance of payment hereunder shall not be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable under this article or for the performance of any other obligations hereunder.
(1993 Code, § 6-1/4-23) (Ord. 94-17, passed 12-27-1994)

§ 6.25-24 LIMITATIONS OF FRANCHISE.

(A) In addition to the limitations otherwise herein appearing, the franchise is subject to the limitation that the grantee shall at all times during the life of any franchise hereunder be subject to the lawful exercise of its police power by the city and other duly authorized regulatory state and federal bodies and shall comply with any and all ordinances which the city has adopted or shall adopt applying to the public generally and shall be subject to all laws of the state and the United States.

(B) Time shall be of the essence in any franchise granted hereunder. The grantee shall not be relieved of its obligations to comply promptly with a provision of this article by the failure of the city to enforce compliance. Failure of the city to enforce any breach by the grantee shall not constitute a waiver by the city.

(C) Any poles, cable, electronic equipment or other appurtenances of the grantee to be installed in, under, over, along, across or upon a street shall be so located so as to cause minimum interference with the public use of the streets and to cause minimum interference with the rights of other users of the streets or of property owners who adjoin any of the streets.

(D) In the event of disturbance of any street, other public property or private property by the grantee, it shall, at its own expense and using reasonable efforts, replace and restore property to the condition existing before the work was done.

(E) (1) The grantee shall contract, maintain and operate the cable television system so as to cause minimum inconvenience to the general public.

(2) All excavations shall be properly guarded and protected. All excavations shall be filled and the surface restored promptly after completion of the work at the grantee's sole cost and expense. The grantee shall, at all times, comply with all excavation ordinances of the city.

(F) (1) The grantee shall, upon reasonable notice from any person holding a building moving permit issued by the city, temporarily alter its facilities to permit the moving of such building. The actual cost of such altering shall be borne by the person requesting the altering and the grantee shall have the right to request payment in advance.

(2) For the provisions of this article, ***REASONABLE NOTICE*** shall be construed to mean at least 72 hours prior to the move.

(G) If, at any time, in case of fire or disaster in the city, it shall become necessary, in the judgment of the city or the Chief of the Fire Department, to cut or move any of the wires, cable amplifiers, appliances or appurtenances thereto of the grantee, such cutting or moving may be done and any repairs rendered necessary thereby shall be made by the grantee at no expense to the city.
(1993 Code, § 6-1/4-24) (Ord. 94-17, passed 12-27-1994)

§ 6.25-25 ADDITIONAL CITY RIGHTS IN FRANCHISE.

(A) The city reserves the right upon reasonable notice to require the grantee, at his or her expense, to protect, support, temporarily disconnect, relocate or remove from the streets any property of the grantee by reason of traffic conditions, public safety, street construction or excavation, change or establishment of street grade, installation of sewers, drains, water pipes, power or communications lines, tracts or other types of structure or improvements by governmental agencies. ***REASONABLE NOTICE***, for this provision of the article, shall be construed to mean at least 30 days, except in the case of emergencies where no specific notice period shall be required.

(B) In the event of the failure by the grantee to complete any work required by subsection (A) above or any work required by city law or ordinance within the time established, the city may cause such work to be done and the grantee shall reimburse the city the reasonable costs thereof within 30 days after receipt of an itemized list of such cost.

(C) The city reserves the right, in the event of an emergency or disaster, to require the grantee to make available to the city, upon request, the grantee's audio override, if any, and community channel, if any, at no cost, for emergency use during such emergency or disaster period.

(D) The city reserves the right during the life of any franchise hereunder to inspect, upon reasonable notice, at all reasonable hours, the grantee's contracts and engineering records dealing with gross revenue and technical service provided by the grantee; provided that, information pertaining to service to individual subscribers will be available pursuant to § 631 of the Cable Act.

(E) The city reserves the right during the life of any franchise granted hereunder, to install and maintain free of charge upon the poles or in the conduits of a grantee any wire and pole fixtures necessary for municipal networks such as police and fire, on the condition that such installations and maintenance thereof do not interfere with the operations of the grantee.

(F) The city reserves the right during the life of any franchise granted hereunder, to reasonably inspect all construction or installation work performed subject to the provisions of the article to ensure compliance with the terms of the article. At its own expense, the city may also perform measurements upon and randomly inspect any portion of a grantee's system to ensure compliance with the technical standard under which the grantee is authorized to operate; provided that, such measurement or inspection does not interfere with the operations of the cable television system.

(G) At any time during the term of the franchise, but no more than once annually, and upon 30 days' notice, the city reserves the right to hold a public hearing for the expressed purpose of reviewing the general and specific performance of the grantee with regard to all franchise provisions contained herein or in any franchise agreement issued hereunder.

(H) Any right or power in or duty impressed upon any officer, employee, department or board of the city shall be subject to transfer by the City Council by law to any other officer, employee, department

or board of the city. The city reserves all rights not specifically granted herein, and the enumerations of the rights herein shall not be construed to be a limitation of any right or power the city may otherwise have.
(1993 Code, § 6-1/4-25) (Ord. 94-17, passed 12-27-1994)

§ 6.25-26 SERVICE AREA.

(A) Subject to the provisions of subsection (B) below, the grantee of any franchise hereunder shall offer cable television service to all potential residential subscribers who are located within the city limits as of the effective date of the franchise. Subject to the provisions of subsection (B) below, the grantee shall offer cable television service to all potential residential subscribers within any area described in any annexation ordinance passed after the passage of this article, within one year of the effective date of the said annexation ordinance.

(B) The grantee of any franchise hereunder shall offer cable television service to all potential residential subscribers located within 150 feet of the grantee's feeder cable where there exists a minimum density of 35 dwelling units per mile. The grantee may elect, but has no obligation, to offer cable television service to areas not meeting the above standard.

(C) In the event the continued use of a street is denied for any reasonable reason related to public health, safety or welfare, the grantee will make every reasonable effort to provide residential service over alternate routes.
(1993 Code, § 6-1/4-26) (Ord. 94-17, passed 12-27-1994)

§ 6.25-27 TIME FOR PROVIDING SERVICE.

Unless otherwise authorized by the City Council, all areas meeting the requirements of § 6.25-26(B) of this chapter subsequent to the effective date of a franchise granted pursuant to this article shall be offered cable television service within 12 months of the effective date of the annexation.
(1993 Code, § 6-1/4-27) (Ord. 94-17, passed 12-27-1994)

§ 6.25-28 CONDITION OF USE OF STREETS.

(A) The poles used for a distribution system shall be, to the extent possible, those erected and maintained by either a power company or a telephone company, or both. Notwithstanding any other provisions of this article, no poles, except replacements for existing poles, shall be erected by or for the grantee, in any street, except when necessary to service a subscriber. Any poles, wires, cable or other facilities to be constructed or installed by grantee on or within the streets shall be constructed or installed only at such locations and depths and in such a manner as to comply with all state statutes and rules and regulations of the state, the city and any other agency of competent jurisdiction.

(B) The installation of trunk and distribution lines, including service drops to subscribers, shall be made underground in areas where both telephone and power lines are underground or are placed underground and the service poles are removed.
(1993 Code, § 6-1/4-28) (Ord. 94-17, passed 12-27-1994)

§ 6.25-29 SYSTEM DESIGN AND CHANNEL CAPACITY.

The cable television system shall be constructed and operated in a manner as set forth in this article. The cable television system shall have a capacity of at least 300 MHz bandwidth and shall be constructed and operated in a manner as set forth in this article.
(1993 Code, § 6-1/4-29) (Ord. 94-17, passed 12-27-1994)

§ 6.25-30 INTERCONNECTION.

Where economically reasonable and technically possible, the grantee may connect its system with other cable systems adjoining it so as to provide the widest possible combination of programming in the most efficient manner.
(1993 Code, § 6-1/4-30) (Ord. 94-17, passed 12-27-1994)

§ 6.25-31 SERVICE TO GOVERNMENT BUILDINGS.

(A) The grantee shall, upon request therefore, provide and furnish without charge to all public educational institutions and governmental buildings within the service area and within 150 feet of the grantee's existing distribution cable, one service outlet.

(B) The institutions shall be entitled to receive, free of charge, the grantee's basic cable television service.

(C) The grantor will provide a list of said buildings to the grantee as an attachment to the franchise.
(1993 Code, § 6-1/4-31) (Ord. 94-17, passed 12-27-1994)

§ 6.25-32 PARENTAL CONTROL DEVICES.

(A) The grantee shall, at all times, have available parental control devices for the purpose of controlling premium television programming on individual subscriber television sets.

(B) The grantee shall have the right to charge reasonable fees for the use of such devices.
(1993 Code, § 6-1/4-32) (Ord. 94-17, passed 12-27-1994)

§ 6.25-33 CONSTRUCTION STANDARDS.

(A) The grantee shall construct, install, operate and maintain the cable television system in a manner consistent with all laws, ordinances, construction standards, governmental requirements and the construction and operational standards contained in this article and any franchise agreement.

(B) All installation and maintenance of electronic equipment shall be of a permanent nature, durable and installed in accordance with the applicable sections of the National Electrical Safety Code published by the Institute of Electrical and Electronics Engineers, the National Electrical Code published by the National Fire Protection Association and all state and local codes where applicable.

(C) Antenna supporting structures (towers) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable local or state codes and regulations.

(D) All construction methods and standard shall conform to standard industry practices at the time of construction, and as specified herein and in any franchise agreement.

(E) Any contractor used by a grantee for construction, installation, operation, maintenance or repair of system equipment must be properly licensed under the laws of the state to which the contractor is licensed, and all local ordinances.

(F) The city does not guarantee the accuracy of any maps showing the horizontal or vertical location of existing substructures. In public rights-of-way, where necessary, the locations shall be verified by excavation.
(1993 Code, § 6-1/4-33) (Ord. 94-17, passed 12-27-1994)

§ 6.25-34 OPERATIONAL STANDARDS AND PERFORMANCE MONITORING.

(A) The cable television system shall be operated in compliance with the customer service standards established by the Federal Communications Commission in 47 C.F.R. § 76.309.

(B) The grantee shall put, keep and maintain all parts of the system in good condition throughout the entire franchise term.

(C) The grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notices and shall occur during periods of minimum system use.

(1) Service repair response time to a subscriber outage call shall not exceed 48 hours, except on weekends and holidays or in circumstances beyond the reasonable control of the grantee.

(2) Trained technicians shall respond on a 24 hours a day, seven days a week, basis whenever ten or more verifiable subscriber complaints of outage are received.

(3) The grantee shall have a local, publicly listed telephone number. The grantee shall provide the means to accept complaint calls 24 hours a day, seven days a week.
(1993 Code, § 6-1/4-34) (Ord. 94-17, passed 12-27-1994)

§ 6.25-35 RATES AND CHARGES.

(A) The grantee shall file with the city schedules which shall describe all services offered, all rates and charges of any kind, and all terms and conditions relating thereto.

(B) The grantee shall have the right to pass through to its subscribers all taxes and fees related to the provision of cable television service and the grantee shall have the right to itemize all such taxes and fees on the customer bills.

(C) The City Council reserves the right and authority to comment, whether publicly or in private, regarding the grantee's schedule of rates and charges.
(1993 Code, § 6-1/4-35) (Ord. 94-17, passed 12-27-1994)

§ 6.25-36 RIGHTS OF INDIVIDUALS.

(A) The grantee shall not deny service, deny access or otherwise discriminate against subscribers or other users, or any citizen on the basis of race, color, religion, national origin, sex or sexual orientation. The grantee shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to non-discrimination.

(B) The grantee shall comply with the individual privacy provisions contained in the Cable Act.
(1993 Code, § 6-1/4-36) (Ord. 94-17, passed 12-27-1994)

§ 6.25-37 LIABILITY AND INDEMNIFICATION.

(A) The grantee shall, at its sole cost and expense, fully indemnify, defend and save harmless the city, its officers, councils, commissions and employees against any and all actions, liability, judgments, executions, claims or demands whatsoever by others, including, but not limited to, copyright infringement and all other damages arising out of the installation or operation or maintenance of the cable television system authorized herein, whether or not any act of omission complained of is authorized, allowed or prohibited by this article and any franchise granted hereunder. The grantee shall further indemnify and save the city harmless against all liabilities to others arising out of such construction,

operation and maintenance, including, but not limited to, any liability for damages by reason of, or arising out of, any failure by grantee to secure licenses from the owners, authorized distributors or licensees of programs to be transmitted or distributed by the grantee, and against any loss, cost, expense, and damages resulting therefrom, including reasonable attorney's fees, arising out of the grantee's exercise or enjoyment of this franchise, irrespective of the amount of any comprehensive liability policy required hereunder.

(B) The foregoing liability and indemnity obligations of the grantee pursuant to this section shall not apply to damages occasioned by acts of the city, its agents or employees, nor shall it be deemed a waiver of any defense of contributory negligence which the grantee may assert against the city, its agents or employees.
(1993 Code, § 6-1/4-37) (Ord. 94-17, passed 12-27-1994)

§ 6.25-38 INSURANCE.

(A) At the time of filing written acceptance of the franchise, the grantee shall file with the City Clerk certificates of insurance for the following:

(1) A general comprehensive public liability insurance policy, indemnifying, defending and saving harmless the city, its officers, councils, commissioners, agents or employees from any and all claims by any person whatsoever on account of injury to or death of a person or persons occasioned by the operations of the grantee under the franchise granted hereunder with a minimum of liability of $500,000 for personal injury or death of any one person, and $1,000,000 for personal injury or death of any two or more persons in any one occurrence. Renewal certificates of such insurance shall be promptly forwarded to the City Clerk as such renewals are made, and such insurance shall be constantly kept in force and effect during the term of this franchise; and

(2) Property damage insurance indemnifying, defending and saving harmless the city, its officers, councils, commissions, agents and employees from and against all claims by any person whatsoever for property damage occasioned by the operation of a grantee under the franchise granted hereunder with a minimum liability of $500,000 for property damage to any one person and $1,000,000 for property damage to two or more persons in any one occurrence.

(B) Such insurance as provided for in this section shall be provided at the grantee's sole cost and expense and be kept in full force and effect by the grantee during the existence of the franchise and until after the removal of all poles, wires, cables, underground conduits, manholes and other conductors and fixtures incident to the maintenance and operation of the cable television system, as defined in the franchise.

(C) All of the foregoing insurance contracts shall be issued and maintained by companies authorized to do business in the state and they shall require 30 days' written notice of any cancellation or reduction in coverage to both the city and the grantee herein.
(1993 Code, § 6-1/4-38) (Ord. 94-17, passed 12-27-1994)

§ 6.25-39 FRANCHISE BOND.

(A) At the time of filing its written acceptance of the franchise, the grantee shall file with the City Clerk and at all times thereafter maintain in full force and effect for the term of the franchise, at the grantee's sole cost and expense, a franchise bond by a company authorized to do business in the state and in a form approved by the Mayor, in the amount of $10,000, conditioned upon the faithful performance of grantee of all the terms and conditions of its franchise for the term thereof.

(B) The rights to the city with respect to the bond are in addition to all other rights of the city, whether reserved by this article or authorized by law, and no action, proceeding or exercise of right with respect to such bond shall affect any other right the city may have.
(1993 Code, § 6-1/4-39) (Ord. 94-17, passed 12-27-1994)

§ 6.25-40 FILING AND COMMUNICATIONS WITH REGULATORY AGENCIES.

(A) The grantee shall maintain copies of all petitions, applications and communications, relative to any franchise granted pursuant to this article transmitted by the grantee to, or received by the grantee from all federal and state regulatory commissions or agencies having competent jurisdiction to regulate the operations of any cable television system authorized hereunder.

(B) Said copies shall be available for inspection by the city during regular business hours of the grantee.
(1993 Code, § 6-1/4-40) (Ord. 94-17, passed 12-27-1994)

§ 6.25-41 REPORTS.

(A) The grantee shall file annually with the City Clerk, not later than four months after the end of its fiscal year during which it accepted a franchise hereunder and within four months after the end of each subsequent fiscal year, a letter containing the amount of the gross revenues for the previous fiscal year certified by the grantee's controller or chief financial officer.

(B) The city shall have the right to examine the books and records of the grantee for the purpose of verifying gross revenues.
(1993 Code, § 6-1/4-41) (Ord. 94-17, passed 12-27-1994)

§ 6.25-42 FRANCHISE RENEWAL.

Upon completion of the term of any franchise granted pursuant to this article, the procedures for franchise renewals as established by the Cable Act will apply.
(1993 Code, § 6-1/4-42) (Ord. 94-17, passed 12-27-1994)

§ 6.25-43 FRANCHISE REQUIRED.

It shall be unlawful for any person to construct, operate or maintain a cable television system in the city unless such person or the person for whom such action is being taken shall have first obtained and shall currently hold a valid franchise granted pursuant to this article. It shall also be unlawful for any person to provide cable television service in the city unless such person shall have first obtained and shall currently hold a valid franchise granted pursuant to the provisions of the article. All franchises granted by the city pursuant to this article shall contain the same substantive terms and conditions.
(1993 Code, § 6-1/4-43) (Ord. 94-17, passed 12-27-1994)

§ 6.25-44 UNAUTHORIZED CONNECTIONS OR MODIFICATIONS.

(A) It shall be unlawful for any person without the expressed consent of the grantee, to make any connection, extension or division whether physically, acoustically, inductively, electronically or otherwise with or to any segment of the cable television system for any purpose whatsoever.

(B) It shall be unlawful for any person to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of a franchised cable television system for any purpose whatsoever.

(C) Any person found guilty of violation this section may be assessed a fine not to exceed $500 or sentenced to 30 days in jail, or both.
(1993 Code, § 6-1/4-44) (Ord. 94-17, passed 12-27-1994)

§ 6.25-45 NOTICE.

Whenever under the terms of the franchise either party shall be required or permitted to give notice to the other, such notice shall be in writing and if to be served on the city, it shall be delivered either by first class U.S. mail or by handing such notice to the City Clerk at the city municipal offices and, if to grantee, then by delivering by first class U.S. mail or by handing such notice to such officer at such address as the grantee shall from time to time direct. The original name and address of the officer on behalf of the grantee shall be included in the grantee's acceptance of the franchise.
(1993 Code, § 6-1/4-45) (Ord. 94-17, passed 12-27-1994)

CHAPTER 6.5: DISCRIMINATION AND PREJUDICE

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Statutory reference:

Human rights in employment, see 775 ILCS 5/1-101 et seq.
Human rights in real estate transactions, see 775 ILCS 5/3-101 et seq.
Local Human Rights Commissions, see 775 ILCS 5/7-108

ARTICLE I. IN GENERAL

§§ 6.5-1—6.5-9 RESERVED.

(1993 Code, §§ 6-1/2-1—6-1/2-9)

ARTICLE II. COMMISSION ON HUMAN RELATIONS

§ 6.5-10 DEFINITION.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION. The Commission on Human Relations of the city.
(1993 Code, § 6-1/2-10)

§ 6.5-11 CREATION AND MEMBERSHIP.

(A) There is hereby created a Commission on Human Relations, which shall be composed of five members. Each member of the Commission shall be appointed by the Mayor, with the consent of the City Council. Each member of the Commission shall be a qualified elector of the city and shall have resided in the city at least one year preceding his or her appointment. The members of the Commission shall serve for staggered terms of two years; all appointments to fill vacancies shall be made in like manner as in the case of other appointments to the Commission.

(B) A Commissioner having been duly appointed shall continue to serve after the expiration of his or her term until his or her successor has been appointed. All terms shall expire on June 30 in the final year of appointment.
(1993 Code, § 6-1/2-11)

§ 6.5-12 RESERVED.

(1993 Code, § 6-1/2-12)

§ 6.5-13 MEETINGS; ELECTION OF VICE-CHAIRPERSON AND SECRETARY.

The Commission on Human Relations shall meet and elect a Vice-Chairperson and a Secretary from its members as soon as possible after their appointment by the Mayor and confirmation by the City Council. Such Commission shall hold regular annual meetings and such other meetings as may be necessary, and such meetings shall be held in the City Hall or some other suitable place.
(1993 Code, § 6-1/2-13)

§ 6.5-14 POWERS AND DUTIES.

(A) *Advice and consultation.* The Commission on Human Relations shall advise and consult with the Mayor and City Council on matters involving racial, religious, ethnic prejudices or discrimination and recommend acts to give effect to this chapter.

(B) *Powers.* The Commission shall have and exercise the power to:

(1) Act to eliminate unlawful practices relating to the affirmative action plan, the fair housing ordinance, the equal employment and business opportunity ordinance or any other ordinance or resolution assigned to the Commission by the City Council;

(2) Receive, initiate and investigate complaints alleging discrimination, as outlined in the ordinances of the Commission's jurisdiction. Any complaint initiated by the Commission shall be in writing, shall be signed by the Chairperson or Vice-Chairperson of the Commission and shall fully set forth the circumstances of the alleged violation and the source of all information upon which the complaint is based, including the names and addresses of all complainants. Such written complaint shall be served upon the party alleged to be in violation of the ordinances under the Commission's jurisdiction;

(3) Seek conciliation of, hold hearings on and make findings of fact with respect to any such complaint;

(4) Recommend the issuance of orders subject to approval by the City Council and publish its findings of fact and recommend orders in accordance with the provisions of the ordinances under the Commission's jurisdiction after submission to the City Council;

(5) Render from time to time, but not less than every one year, a written report to the City Council of its activities and recommendations with respect to the ordinances under the Commission's jurisdiction, which written reports shall be made public after submission to the City Council; and

(6) Adopt, after approval of the City Council, such rules and regulations as may be necessary or desirable to carry out the purposes of the ordinances under the jurisdiction of the Commission.

(C) *Complaint; conciliation.*

(1) Any person aggrieved in any manner by a violation of any provision of any ordinance under the jurisdiction of the Commission may file with the Commission a written verified complaint setting forth his or her grievance.

(a) The complaint shall state:

1. The name and address of the complainant;

2. The name and address of the person against whom the complaint is brought, if known to the complainant; and

3. The alleged facts surrounding the alleged violation of the ordinance.

(b) Such complaint shall state the name and address of all persons believed to have knowledge concerning the alleged facts.

(c) The Commission shall provide a printed form of complaint for the use of aggrieved persons.

(2) After the filing of any complaint, the Commission shall serve a copy of the complaint on the party or parties charged and the Chairperson or Vice-Chairperson of the Commission shall designate a panel, comprised of three or more Commission members, to make a prompt investigation in connection therewith.

(3) If such panel shall determine, after such investigations, that probable cause exists for the allegations of the complaint:

(a) The panel shall set a date for a meeting; and

(b) At such meeting, the panel or any member thereof shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by all proper methods of conciliation and persuasion.

(4) Meetings or efforts by the Commission to conciliate a complaint of discrimination filed under any of the ordinances of the Commission's jurisdiction shall not be subject to the provisions of §§ 1 et seq. of the Open Meetings Act, 5 ILCS 120/1; provided, however, that, no final action for the recommendation of a penalty by the Commission shall be taken, except at a meeting open to the public.

(5) If, at any time within 60 days after the date of filing of the complaint, such panel shall determine that such attempts at conciliation would not be in furtherance of the objectives of any ordinance under the jurisdiction of the Commission, the Commission shall thereupon proceed promptly to a full hearing of the complaint, in accordance with subsection (D) below.

(D) *Hearing by Commission.*

(1) Such hearing shall be conducted by the Commission, or a panel thereof, upon due and reasonable notice to all parties. The Commission shall have power to administer oaths and to take sworn testimony. Any party alleged to have violated any ordinance under the jurisdiction of the Commission shall be entitled to be represented by counsel and shall have the right to call witnesses in his or her own behalf and to cross-examine witnesses.

(2) At the conclusion of such hearing, the Commission shall render to the City Council a written report and recommendations, which shall also be served by mail upon the complainant and the party or parties charged. No report shall be delayed more than 60 days after the date of the first issuance of notice for commencement of a hearing.

(E) *Enforcement.*

(1) The Commission shall be empowered, at the conclusion of proceedings held under subsection (D) above, to recommend to the City Council that the Council order any person found to be in violation of any ordinance under the jurisdiction of the Commission to cease and desist from any practice of violation, upon such terms as shall be necessary and proper for the enforcement of any ordinance under the jurisdiction of the Commission.

(2) At the conclusion of the hearing proceedings held under subsection (D) above, the Commission shall be empowered, as a part of its report to recommend to the City Council that it direct the City Attorney to:

(a) Apply to any court of competent jurisdiction for such relief as may seem to the court appropriate for the enforcement of any ordinance under the jurisdiction of the Commission and the elimination of any violation thereof; and

(b) In the case of any unlawful practice or violation of any ordinance under the jurisdiction of the Commission by any person in the course of performing under a contract or subcontract with the state or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, to petition or institute proceedings with such contracting agency for the purpose of causing it to terminate such contract or any portion thereof, either absolutely or on condition of compliance with the provisions of any ordinance under the jurisdiction of the Commission.

(3) After receipt of the recommendation of the Commission, the City Council may issue such cease and desist orders and may direct such action by the Mayor, including the procedures as in

subsection (E)(2) above, as shall be necessary for the enforcement of any ordinance under the jurisdiction of the Commission.

(F) *Limitation of time to file complaints*. Any complaint filed under this section with the Commission must be filed within 30 days after the alleged discriminatory violation occurred or it shall be barred.
(1993 Code, § 6-1/2-14)

§ 6.5-15 PROCEDURES FOR COMPLAINTS AGAINST CITY.

Any person aggrieved in any manner by a violation by the city, its officers or employees, of any ordinance under the jurisdiction of the Commission on Human Relations shall follow the complaint, conciliation and hearing procedures established in § 6.5-14(C) and (D)(1) of this chapter, and shall comply with the limitation requirement established in § 6.5-14(F) of this chapter. Section 6.5-14(D)(2) and (E) of this chapter, concerning recommendations and enforcement, however, shall be inapplicable. Instead, at the conclusion of the hearing, the Commission may render a written report and recommendations to such state or federal agencies as the Commission deems necessary and appropriate, and shall serve copies by mail upon the complainant, parties charged and the City Council. No report shall be delayed more than 60 days after the date of the first issuance of notice for commencement of a hearing.
(1993 Code, § 6-1/2-15)

§§ 6.5-16—6.5-20 RESERVED.

(1993 Code, § 6-1/2-16—6-1/2-20)

ARTICLE III. EQUAL EMPLOYMENT AND BUSINESS OPPORTUNITIES

§ 6.5-21 DECLARATION OF POLICY.

It is hereby declared to be the employment policy of the city, without in any way precluding the city and/or any vendors doing business with the city and its employees from selecting between persons of equal merit and capabilities, to encourage equal employment and business opportunity or apprenticeship opportunity without discrimination because of race, color, sex, religion, national origin, ancestry or age and to concurrently protect employers, labor organizations and employment agencies from unfounded charges of discrimination.
(1993 Code, § 6-1/2-21)

§ 6.5-22 RESERVED.

(1993 Code, § 6-1/2-22)

§ 6.5-23 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGE. The chronological age of a person who is at least 40 years old, except with regard to any practice described in § 6.5-24 of this chapter, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of § 6.5-24 of this chapter, ***AGE*** means the chronological age of a person who is 18, but not yet 40, years old.

CONTRACTOR. Persons who contract with the city in a total amount greater than $10,000 for any single contract in the current or preceding fiscal year.

DISCRIMINATE and ***DISCRIMINATION.*** Any difference in treatment based on race, color, sex, religion, ancestry, national origin or age.

EMPLOY. To use or be entitled to the use and benefit of the services of a person as an employee.

EMPLOYEE. Any person who performs services for an employer for compensation, whether in the form of wages, salary, commission or otherwise, excluding the parents, spouse or children of the employer.

EMPLOYER. The city and any contractor or vendor doing business with the city and its employees.

EMPLOYMENT. The state of being employed as an employee by an employer.

EMPLOYMENT AGENCY. Both public and private employment agencies and any person, labor organization or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

HIRE. To engage or contract for, or attempt to engage or contract for, the services of any person as an employee.

LABOR ORGANIZATION. Any person, employee representation committee, organization or plan in which employees participate and which exists wholly or in part for the purpose of collective bargaining or of dealing with employers concerning grievances, labor disputes, wages, rates of pay,

hours or other terms or condition of employment or of other mutual aid or protection in relation to employment, and shall include without limitation any conference, general committee, joint board or joint council.

PERSON. One or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees or union labor associations, corporations, the state and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

VENDOR. Any person who has sold more than $10,000 in worth of goods or services to the city in the current or preceding fiscal year.
(1993 Code, § 6-1/2-23)

§ 6.5-24 UNLAWFUL EMPLOYMENT PRACTICES.

It shall be an unlawful employment practice:

(A) For an employer to fail or refuse to hire any person or otherwise discriminate against any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, discharge or any term or condition of employment because of race, color, sex, religion, ancestry, national origin, age or citizenship status;

(B) For an employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, sex, religion, ancestry, national origin, age or citizenship status;

(C) For an employer, labor organization, employment agency or any joint labor-management committee controlling apprentice training programs to deny or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, sex, religion, ancestry, national origin, age or citizenship status;

(D) For an employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, sex, religion, ancestry, national origin, age or citizenship status; provided that, this section shall not be construed to prohibit the keeping of such records as are necessary to implement an affirmative action program as required by § 6.5-27 of this chapter, or as required by law;

(E) For an employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, sex, religion, ancestry, national origin, age or citizenship status;

(F) For an employment agency to fail or refuse to classify properly or refer to employment or otherwise discriminate against any person because of race, color, sex, religion, ancestry, national origin, age or citizenship status;

(G) For an employer to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this article, to any employment agency, employment service, labor organization, training school, training center or any other employee-referring source which serves persons who are predominantly of the same race, color, sex, religion, ancestry, national origin or age;

(H) For any labor organization to discriminate against any person in a way which would deprive or limit his or her employment opportunities or otherwise adversely affect his or her status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, sex, religion, ancestry, national origin, age or citizenship status;

(I) For an employer, employment agency or labor organization to discriminate against any person because he or she opposed any practice forbidden by this article or because he or she made a complaint or testified or assisted in any manner in any investigation or proceeding under this article;

(J) For any person, whether an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be unlawful employment practice by this article, or to obstruct or prevent any person from enforcing or complying with the provisions of this article or to attempt directly or indirectly to commit any act declared by this article to be an unlawful employment practice;

(K) For an employer, employment agency or labor organization to inquire on a written application whether a job applicant has ever been arrested; provided that, this section shall not be so construed to prohibit the obtaining of information or records concerning the conviction of any individual; and/or

(L) For an employer to request for purposes of satisfying the requirements of Immigration Reform and Control Act, 8 U.S.C. § 1324a(b), as now or hereafter amended, pertaining to immigration, more or different documents than are required under such section or to refuse to honor documents tendered that on their face reasonably appear to be genuine. It is not an unlawful employment practice for an employer to take any action that is required by 8 U.S.C. § 1324a, as now or hereafter amended.
(1993 Code, § 6-1/2-24)

§ 6.5-25 COMPLAINTS.

Any person aggrieved in any manner by a violation of the provisions of this article may file a written complaint, explaining his or her grievance to the Commission on Human Relations as outlined in Article II of this chapter.
(1993 Code, § 6-1/2-25)

§ 6.5-26 AFFIRMATIVE ACTION REQUIREMENTS FOR CONTRACTS WITH THE CITY.

(A) The city shall not contract with any contractor, purchase goods or services from any vendor, maintain any financial relations with any financial institution, or use the services of any labor organization or member thereof, which is found to be in violation of the provisions of § 6.5-24 of this chapter by the Commission on Human Relations, except where such contractor, vendor or financial institution is the sole source of the particular product or service being sought by the city and such product or services is essential for the governmental operations of the city.

(B) (1) The city shall not contract with any contractor or vendor, maintain any financial relations with any financial institution, or use the services of any labor organization or member thereof, which does not, upon written request by the city, submit a written commitment to provide equal employment opportunities.

(2) Such commitment would:

(a) Set out and agree to maintain specific employment or membership practices and policies sufficient to achieve equal opportunity;

(b) Set out goals for participation by minority, racial and ethnic groups, and female persons qualified by or for training or through previous work experience. This provision will not infringe upon the right of the employer to determine the need for qualification of employees;

(c) Agree to submit to the city upon request written evidence of the effectiveness of the above required practices, policies and goals;

(d) Agree to submit to the city upon request statistical data concerning employee composition on race, color, sex and job description;

(e) Agree to distribute copies of the above commitment to all persons who participate in recruitment, screening, referral and selection of job applicants, prospective job applicants or members; and

(f) Agree to require any subcontractor to submit to the city a written commitment which contains the provisions required by subsections (B)(2)(a) through (B)(2)(e) above.

(C) All contracts by and between the city and its contractors and vendors for the purchase by the city of goods and/or services shall contain the following clauses.

(1) The contractor/vendor will not discriminate against any employee or applicant for employment because of race, color, sex, religion, ancestry, national origin, place of birth or age. The contractor/vendor will take affirmative action to comply with the provisions of the equal employment

and business opportunities ordinance of the city and will require, upon written request by the city, a written commitment to comply with those provisions. The contractor/vendor will distribute copies of this commitment to all persons who participate in recruitment, screening, referral and selection of job applicants, prospective job applicants, members or prospective subcontractors.

(2) The contractor/vendor agrees that the provisions of the equal employment and business opportunities ordinance of the city is hereby incorporated by reference, as if set out verbatim.

(D) Any contractor, vendor, financial institution or labor organization contracting with the city will be required to submit to the city, upon written request by the city, compliance reports containing such information as to the practices, policies, programs and statistics of employee or membership composition on race, color, sex, age and job description, as may be prescribed by the city, and will require any subcontractor to submit a compliance report upon written request by the city.

(E) If any contractor, vendor, financial institution or labor organization contracting with the city fails to comply with the equal employment and business provisions and the affirmative action provisions of this article, the city, at its option, may do any or all of the following:

(1) Cancel, terminate or suspend the contract in whole or in part;

(2) Declare the contractor, vendor, financial institution or labor organization ineligible for further contracts with the city for a calendar year;

(3) Recover from the contractor or vendor by set-off against the unpaid portion of the contract price, or otherwise pursuant to this contract, the sum of $50 per day, as liquidated damages and not as a penalty, for each day that the contractor or vendor shall fail to comply with these provisions of the contract, as determined by the Commission on Human Relations in accordance with its rules and regulations, the sum being fixed and agreed upon by and between the contractor and the city because of the impracticability and extreme difficulty of fixing and ascertaining the actual damages which the city would sustain in the event of such a breach of contract, and such amount is agreed to be the amount of damages which the city would sustain; and/or

(4) Impose such other sanctions as may be recommended by the Commission on Human Relations, pursuant to this article or other ordinances.
(1993 Code, § 6-1/2-26)

§ 6.5-27 AFFIRMATIVE ACTION PROGRAM.

The Mayor and City Council will develop and maintain an affirmative action program to achieve in city employment practices the equal employment policy that is described in § 6.5-21 of this chapter.
(1993 Code, § 6-1/2-27)
Statutory reference:
Affirmative action, see § 2-105 of the Illinois Human Rights Act, 775 ILCS 5/2-105

§ 6.5-28 EQUAL EMPLOYMENT OPPORTUNITY CLAUSE; COMPLIANCE.

Nothing in this article shall in any way obviate the need to comply with any resolutions previously adopted by the city before 4-4-1978, pertaining to unfair employment practices and the applicability of the equal employment opportunity clause to contracts entered into by the city.
(1993 Code, § 6-1/2-28)

§§ 6.5-29—6.5-40 RESERVED.

(1993 Code, §§ 6-1/2-29—6-1/2-40)

ARTICLE IV. FAIR HOUSING PRACTICES

§ 6.5-41 PURPOSE AND DECLARATION OF POLICY.

It is hereby declared to be the policy of the city and the purpose of this article, in the exercise by the city of its police and regulatory powers for the protection of the public safety, for the health, morals, safety and welfare of persons residing in the city and for the maintenance and promotion of commerce, industry and good government in the city, to secure to all persons living or desiring to live in the city a fair opportunity to purchase, lease, rent or occupy housing without discrimination based on race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service.
(1993 Code, § 6-1/2-41)

§ 6.5-42 CONSTRUCTION OF ARTICLE.

This article shall be construed according to the fair import of its terms and shall be liberally construed to further the purposes and policy stated in § 6.5-41 of this chapter and the special purposes of the particular provisions involved.
(1993 Code, § 6-1/2-42)

§ 6.5-43 RESERVED.

(1993 Code, § 6-1/2-43)

§ 6.5-44 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DWELLING. Any building or structure, or portion thereof, within the city which is arranged, designed or used as a home, residence or living quarters for one or more individuals.

HOUSING. Any building or structure, or portion thereof, within the city which is used or occupied as the home, residence or living quarters for one or more individuals, groups or families, and includes any vacant land within the city which is zoned and intended to be used for the construction of any such building or structure.

LEASE. Sublease, assignment and rent or rental, and includes any contract to do any of the foregoing.

LENDING INSTITUTION. Any bank, insurance company, savings and loan association or other person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.

OWNER. Any person who holds legal or equitable title to, or owns any beneficial interest in, any dwelling or housing, or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any dwelling or housing.

PERSON. One or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees or union labor associations, corporations, the state and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

PURCHASE. Any contract to purchase.

REAL ESTATE AGENT. Any real estate broker, any real estate salesperson and any other person who, as employee or agent or otherwise, engages in the management or operation of any dwelling or housing.

REAL ESTATE BROKER. Any person licensed as a real estate broker in accordance with the provisions of §§ 1-1 et seq, of the Real Estate License Act of 2000, 225 ILCS 454/1-1 et seq.

REAL ESTATE TRANSACTION. The sale, exchange, rental or lease of real property. ***REAL ESTATE TRANSACTION*** also includes the brokering or appraising of residential real property and the making or purchasing of loans or providing other financial assistance:

(1) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

(2) Secured by residential real estate.

SALE. Any contract to sell or exchange or to convey, transfer or assign legal or equitable title to, or a beneficial interest in, real estate.
(1993 Code, § 6-1/2-44)

§ 6.5-45 UNLAWFUL HOUSING PRACTICES—OWNERS.

(A) *Discriminatory terms.* It shall be an unlawful housing practice and a violation of this article for any owner or other person to sell or lease a dwelling or housing on terms, conditions or privileges that discriminate between persons because of race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service.

(B) *Refusals to deal.* It shall be an unlawful housing practice and a violation of this article for any owner or other person to refuse to negotiate for, enter into or perform any sale or lease of any dwelling or housing because of the race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service of any party to such sale or lease, or of any family member of any such party, or of any person using, occupying or intending to use or occupy such dwelling or housing, or of any person using or occupying any dwelling or housing in the area in which such dwelling or housing is located.

(C) *Withholding housing.* It shall be an unlawful housing practice and a violation of this article for any owner or other person to represent to any person that any dwelling or housing is not available for inspection, purchase, sale, lease or occupancy when in fact it is so available, or otherwise to withhold housing from any person because of race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service.

(D) *Advertisements, generally.* It shall be an unlawful housing practice and a violation of this article for any owner or other person to publish or circulate a statement, advertisement or notice of an intention to sell or lease any dwelling or housing in a manner that is unlawful under this article.

(E) *Advertisements, causing or permitting.* It shall be an unlawful housing practice and a violation of this article for any owner or other person to cause any person to circulate or publish a statement, advertisement or notice that such owner or other person intends to sell or lease any dwelling or housing in a manner that is unlawful under this article, or to consent thereto.

(F) *Signs and notices.* It shall be an unlawful housing practice and a violation of this article for any owner or other person to post or erect, or cause any person to post or erect, any sign or notice upon any dwelling or housing indicating intent to sell or lease any dwelling or housing in a manner that is unlawful under this article.

(G) *Limitations*. Nothing in this article shall require an owner to offer property to the public at large before selling or renting it; providing, he or she complies with all other provisions of this article. Nor shall this article be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service. Nothing in this article shall require an owner to offer property for sale or lease or to show his or her property to any person if such person is not negotiating for the purchase or lease of such property in good faith.
(1993 Code, § 6-1/2-45)

§ 6.5-46 SAME—REAL ESTATE AGENTS AND LENDING INSTITUTIONS.

(A) *Refusal of offer*. It shall be an unlawful housing practice and a violation of this article for any real estate agent or other person to refuse to receive or to fail to transmit a bona fide offer for the purchase, sale, exchange or lease of any dwelling or housing because of race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service of the person making such offer.

(B) *Licensing*. Every real estate broker shall apply for and obtain a license from the state in accordance with the provisions of §§ 1-1 of the Real Estate License Act of 2000, 225 ILCS 454/1-1 et seq., prior to transacting any business involving real estate in the city as a real estate broker and prior to advertising or assuming to act as such real estate broker. The commission of any act made unlawful in this article for persons duly licensed shall nevertheless constitute a violation of this article if committed by any real estate broker or any other person acting without such license.

(C) *Discriminating in lending*. It shall be an unlawful housing practice and a violation of this article for any lending institution, in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase, sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing, to offer, seek or agree to terms, conditions or privileges that discriminate between persons because of race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service.

(D) *Refusal to deal in lending*. It shall be an unlawful housing practice and a violation of this article for any lending institution to refuse to negotiate for, enter into or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing because of the race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service of any party to such agreement or of family member of any such party, or of the residents of the area in which such dwelling or housing is located.

(E) *Coverage*. This section shall apply respectively to every real estate agent who, within the city, performs any function such as real estate agent, but does not maintain an office or place of doing business within the city, as well as to every real estate agent and lending institution who maintains an

office or place of doing business within the city; provided, however, that, the provisions of this article shall not be so construed as to prohibit a real estate broker or real estate agent, on behalf of the owner, from inquiring into and reporting upon qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service.
(1993 Code, § 6-1/2-46)

§ 6.5-47 SAME—IN GENERAL.

(A) *Representation.* It shall be an unlawful housing practice and a violation of this article for any person, for the purpose of inducing any other person to enter into a real estate transaction with such person or his or her principal or agent:

(1) To represent that a change has occurred, will occur or may occur with respect to the race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service in the composition of the owners or occupants in any block, neighborhood or area in which the dwelling or housing (which is the subject of the real estate transaction) is located; or

(2) To represent that a change with respect to race, color, religion, sex, national origin, ancestry, age, marital status, handicap or unfavorable discharge from military service in the composition of the owners or occupants in any block, neighborhood or area will result in lowering of property values, or in an increase in criminal or antisocial behavior, or in a decline in the quality of schools, in such block, neighborhood or area.

(B) *Miscellaneous conduct.* It shall be an unlawful housing practice and a violation of this article for any person:

(1) To aid, abet, incite or coerce a person to engage in unlawful housing practice;

(2) Willfully to interfere with the performance of a duty or the exercise of a power by the Commission on Human Relations or one of its members or representatives; or

(3) Willfully to obstruct or prevent a person from complying with the provisions of this article or an order issued thereunder.
(1993 Code, § 6-1/2-47)

§ 6.5-48 ENFORCEMENT.

(A) *Commission powers.* The Commission on Human Relations shall have and exercise, with respect to all dwellings and housing and with respect to all persons subject to this article, the power to:

(1) Act to eliminate unlawful housing practices through procedures outlined in Art. II of this chapter;

(2) Make recommendations to the City Council with respect to possible discriminating actions by real estate brokers regarding fair housing. Such alleged actions to be reported to the proper state authorities for possible proceedings against the real estate broker; and

(3) Recommend to the City Council, upon the conclusion of proceedings held under § 6.5-14(D) of this chapter, that the City Council direct the City Attorney to petition or institute proceedings with the state's Department of Registration and Education for the purpose of causing the department to revoke, suspend or refuse to renew the license granted by such department to any real estate broker or real estate salesperson found to have violated any provision of this article.

(B) *Fines*. Any person who violates any provision of this article, upon conviction thereof, shall be subject to a fine of not less than $50, nor more than $500.
(1993 Code, § 6-1/2-48)

CHAPTER 7: EMERGENCY SERVICES AND DISASTER RELIEF

CHAPTER 7: EMERGENCY SERVICES AND DISASTER RELIEF

[Reserved]

CHAPTER 8: RESERVED

CHAPTER 9: FIRE PREVENTION AND PROTECTION

CHAPTER 9: FIRE PREVENTION AND PROTECTION

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Statutory reference:

Authority to render fire protection outside city limits, see § 11-6-2 of the Illinois Municipal Code, 65 ILCS 5/11-6-2

ARTICLE I. IN GENERAL

§ 9-1 RESTRICTIONS ON LUMBER STORAGE.

Except within the facilities of an existing lumberyard, no person shall keep on hand for manufacturing or building purposes, or permit to be kept for such purposes on his or her premises, more than 10,000 feet of lumber at one time within the the city.
(1993 Code, § 9-1)

Statutory reference:

Authority to regulate lumber storage within fire limits, see § 11-8-5 of the Illinois Municipal Code, 65 ILCS 5/11-8-5

§ 9-2 STORAGE OF COMBUSTIBLE, FLAMMABLE WASTE IN BUILDINGS.

No occupant or owner of a premises located within the city shall permit combustible or flammable waste material to be stored within a building.
(1993 Code, § 9-2)

Statutory reference:

Authority to regulate lumber storage within fire limits, see § 11-8-5 of the Illinois Municipal Code, 65 ILCS 5/11-8-5

§ 9-3 DISPOSING OF COMBUSTIBLE, FLAMMABLE WASTE.

(A) The occupant or owner of any business or premises shall deposit all flammable or combustible waste material only in a receptacle therefor to be located at the rear of such building or premises.

(B) Such receptacle shall be made of fire-resistant materials or metal. Such waste material shall not be burned, but shall be hauled away or otherwise disposed of by the owner or occupant.
(1993 Code, § 9-3)

§ 9-4 MISUSE OF FIRE EQUIPMENT.

It shall be unlawful to use any hose, fire truck or fire apparatus of the city for any private purposes, other than in fighting fire, or to remove the same or any part thereof from its place of deposit, without the consent of the Fire Chief, or to willfully or negligently break, deface or injure any fire engine, hose, equipment or other fire apparatus of the city, or in any manner interfere with the use of the same.
(1993 Code, § 9-4)

§ 9-5 ENTERING FIRE HOUSE WITHOUT PERMISSION.

It shall be unlawful to enter the city fire house without the consent of the Fire Chief.
(1993 Code, § 9-5)

§ 9-6 WATER HYDRANTS—DECLARED PUBLIC HYDRANTS; OPENING HYDRANTS.

All water hydrants on the mains are hereby declared to be public hydrants, and no person, other than an authorized officer of the city or member of the city's Fire Department, shall at any time open any hydrant, draw water from any hydrant, remove any protection from a hydrant or in any manner interfere with any hydrant.
(1993 Code, § 9-6)

§ 9-7 SAME—DELEGATING OPENING; REMOVAL OF WRENCHES AND THE LIKE.

No person authorized to open water hydrants shall delegate his or her authority to another, or permit any person to take hydrant wrenches or allow any wrench, hose or apparatus to be taken from the fire house of the city, except for purposes strictly connected with the Fire Department, or as they accompany the Fire Department on fires.
(1993 Code, § 9-7)

§ 9-8 SAME—NON-PAYING CONSUMERS.

(A) No water hydrants shall be used by non-paying consumers.

(B) Anyone who permits any non-paying consumer to use water from any hydrant shall have his or her water service stopped.
(1993 Code, § 9-8)

§ 9-9 BURNING REFUSE AND YARD WASTE.

(A) It shall be unlawful to burn any refuse, trash, garbage, rubbish, landscape waste or other waste or materials within the city limits, whether on private or public ground, except as otherwise provided in this section.

(B) For purposes of this section, ***LANDSCAPE WASTE*** shall mean any discarded vegetable or plant matter, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings. ***LANDSCAPE WASTE*** shall not include waste resulting from the handling, processing, preparation cooking and consumption of food or food products.

(C) It shall not be unlawful to burn any landscape waste within the city limits, subject to the following restrictions.

(1) Burning of yard waste shall be permitted year round.

(2) No burning shall commence prior to 10:00 a.m., nor shall it be allowed later than sunset, except during the calendar months of October and November, during which no burning shall commence prior to 8:00 a.m., nor shall it be allowed later than one hour past sunset.

(3) A water hose connected to a water source that will reach to the fire area shall be present at all times until the fire is thoroughly extinguished.

(4) No burning shall be permitted on the surface of any public ground; provided that, solely for purposes of this subsection (C)(4), ***PUBLIC GROUND*** shall not be deemed to include unimproved right-of-way of the city adjacent to a public street or sidewalk.

(5) No burning shall be permitted on private property with a surface other than grass, soil or gravel.

(6) No burning shall be permitted if wind speeds exceed ten mph.

(7) Any person burning yard waste shall immediately cease and desist upon direction or order of the Fire or Police Department of the city.

(8) No material other than yard waste generated at the site where the burning occurs shall be burned.

(9) No yard waste shall be transported into the city from outside the city by any person for disposal through burning within the city, and no yard waste may be burned within the city; except that, yard waste naturally generated from trees, bushes, shrubs and lawns within the city.

(10) All fires and burning activities shall be supervised and attended at all times.

(11) No burning shall occur within any barrel, drum, wire basket or other container or device used to hold the material within.

(12) Burning shall not create a visibility hazard.

(D) Nothing in this section shall prohibit any of the following activities:

(1) The operation of any industrial or commercial incinerator in accordance with the rules and regulations of the state's Pollution Control Board;

(2) Fires in indoor domestic fireplaces or fires in outdoor fireplaces; provided that, only seasoned dry wood may be used for fires in this category;

(3) Highway safety flares and fires for providing heat for outdoor workers;

(4) Fires for instruction in the methods of firefighting or for research in the control of fires; provided that, the city grants prior approval after the Fire Department has conducted an on-site inspection of the location and material to be burned;

(5) Fires for disposal of hazardous or toxic material and by-products of natural disasters where the state's Environmental Protection Agency determines, in writing, in advance, that there is no practical alternative method of disposal;

(6) Fires for wildlife management practices, prairie grass plot management practices and prevention or control of disease or pests; provided that, the city grants prior approval after the Fire Department has conducted an on-site inspection of the location and material to be burned;

(7) Outdoor cooking grill fires, fueled by charcoal, seasoned dry wood, natural gas or liquid petroleum gas, for the purpose of preparing food for human consumption; and

(8) Weiner roast fires on public or private property; provided that:

(a) Fuel for the fire shall consist of seasoned dry wood only and shall not include construction materials;

(b) The fire shall be no more than four feet in diameter, nor more than two feet in height;

(c) The fire shall be located a minimum of 20 feet away from any structure or other combustible object;

(d) A water hose connected to a water source that will reach to the fire area shall be present at all times until the fire is thoroughly extinguished;

(e) No flammable liquid shall be used to start or maintain the fire;

(f) If on public property, the public body which owns the property consents;

(g) Two adults are present while the fire is in progress and until completely extinguished; and

(h) The fire is thoroughly extinguished immediately after the event.

(E) Any person who violates or fails to comply with the provisions of this article shall, upon conviction, be punished by:

(1) For the first offense, a fine of $25, together with any court costs that may be assessed;

(2) For a second offense occurring within two years of an original conviction for violating this article, a fine of $100, together with any court costs that may be assessed; and

(3) For a third, or subsequent, offense occurring within two years of an original conviction for violating this article, a fine of $250, together with any court costs that may be assessed.
(1993 Code, § 9-9) (Ord. 88-10-1, passed 10-18-1988; Ord. 2003-20, passed 10-21-2003; Ord. 2006-12, passed 11-7-2006)

§§ 9-10—9-18 RESERVED.

(1993 Code, §§ 9-10—9-18)

ARTICLE II. FIRE PROTECTION OUTSIDE THE CITY

§ 9-19 RURAL FIRE SERVICE.

The Fire Chief and the members of the Fire Department are authorized, though not required absent contractual obligation, to render firefighting service outside the corporate limits of the city for the

purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in case of accidents.
(1993 Code, § 9-19) (Ord. 2013-13, passed 9-3-2013)

§ 9-20 ACCEPTANCE OF ARTICLE; RENDERING OF SERVICE.

Fire protection service shall be rendered outside the city only upon acceptance of the terms of this article. Acceptance shall be manifested by a request for firefighting service outside the corporate limits of the city.
(1993 Code, § 9-20)

§ 9-21 MAKING REQUEST FOR SERVICE.

Fire protection service beyond the city limits shall be rendered to owners of rural property within a five-mile radius of the city upon a request from the land owner, occupant or authorized agent thereof, and to owners of property within a neighboring city or village or fire protection district, upon a request from the Mayor or President of the Board of Trustees, or Fire Chief.
(1993 Code, § 9-21)

§ 9-22 FEE—GENERALLY.

The City Council shall, from time to time, establish a schedule of fees for fire service outside the city. All such service shall be rendered at the rate prescribed in such schedule.
(1993 Code, § 9-22) (Ord. 2013-13, passed 9-3-2013)

§ 9-23 FEE SCHEDULE ESTABLISHED.

For any response of the Fire Department to any individual, entity and/or premises, a response fee of $550 shall be charged for the first hour and $350 for each additional hour, unless otherwise provided by contractual arrangement. An additional charge may be levied to reimburse the city for extraordinary expenses of materials used in rendering the services. The charges for time shall commence at the time of the alarm until all equipment is placed back into service.
(1993 Code, § 9-23) (Ord. 2013-13, passed 9-3-2013)

§ 9-24 WHEN SERVICE NOT TO BE PERFORMED.

The Fire Department shall not leave the city to provide fire protection outside the city at any time when such Department is responding to an alarm within the city, or fighting a fire therein. The Fire

Department shall not leave the city unless at that time one complete unit of firefighting apparatus, and a sufficient number of firefighters to adequately operate it, shall remain in the city.
(1993 Code, § 9-24)

§ 9-25 LIABILITY.

Neither the city nor any member of the Fire Department shall be under any liability for any failure to respond to a request for fire protection service outside the city or for any act or failure to act, when responding to such a request, or for any act or omission performed on any premises in response to a request for such service.
(1993 Code, § 9-25)

§§ 9-26—9-35 RESERVED.

(1993 Code, §§ 9-26—9-35)

ARTICLE III. FIRE DEPARTMENT

§ 9-36 ESTABLISHED; COMPOSITION.

There is hereby created a Fire Department, which shall consist of a Fire Chief and such officers and members as may be appointed by the City Council.
(1993 Code, § 9-36)
Statutory reference:
Authority to create Fire Department, see 65 ILCS 5/11-6-1

§ 9-37 QUALIFICATIONS OF MEMBERS.

All members of the Fire Department of the city shall be able-bodied and of steady habits and shall not be a member of any other volunteer emergency response organization.
(1993 Code, § 9-37) (Ord. 2013-13, passed 9-3-2013)

§ 9-38 APPOINTMENT; TERM.

The Fire Chief shall recommend to the City Council the names of prospective members of the Fire Department. Such persons as have been approved by the City Council shall be members of such

Department, after having been appointed by the Mayor. Members of the Fire Department shall serve at the will and pleasure of the City Council.
(1993 Code, § 9-38)

§ 9-39 COMPENSATION.

The members of the Fire Department shall be paid such compensation as the City Council may fix from time to time.
(1993 Code, § 9-39)

§ 9-40 COMMITTEE ON FIRE TO REGULATE.

The Committee on Fire of the City Council shall have general supervision over the Fire Department and its property, shall keep the organization efficient and shall make rules and regulations for the Fire Department.
(1993 Code, § 9-40) (Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 9-41 FIRE CHIEF DUTIES—GENERALLY.

The Fire Chief shall, subject to the order and direction of the Mayor and the Committee on Fire of the City Council, have control of the Fire Department and all fire equipment, apparatus and tools belonging to the city.
(1993 Code, § 9-41) (Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 9-42 RESERVED.

(1993 Code, § 9-42)

§ 9-43 SAME—MAINTENANCE OF EQUIPMENT; REPORT ON CONDITION.

The Fire Chief shall attend to all repairs required to be made upon all firefighting equipment without delay. He or she shall report to the City Council the condition of the hose, equipment and fire apparatus belonging to the city at the first regular meeting in May, August, November and February of each year.
(1993 Code, § 9-43)

§ 9-44 SAME—AT FIRES.

The Fire Chief shall attend all fires in the city, shall take command of the Fire Department and shall direct the fire company in its duties.
(1993 Code, § 9-44)

§ 9-45 FIRE CHIEF EMPOWERED TO ARREST.

The Fire Chief shall have the power to make arrests.
(1993 Code, § 9-45)

§ 9-46 DESTRUCTION OF BUILDINGS DURING FIRE.

Whenever it may be necessary for the protection of other property and to prevent the spread of a conflagration, the Fire Chief, or the Mayor, may cause buildings to be removed, torn down or destroyed in the best manner possible.
(1993 Code, § 9-46)

§ 9-47 MEMBER'S DUTIES—GENERALLY.

It shall be the duty of the officers and members of the Fire Department to take good care of the fire apparatus, and the place where such equipment is kept, and to attend all fires.
(1993 Code, § 9-47)

§ 9-48 SAME—AT FIRE.

When the fire alarm sounds, the officers and members of the Fire Department shall immediately go to the fire with the fire trucks, hose and necessary apparatus. Members and officers of the Fire Department shall work under the direction of the Fire Chief until such fire is extinguished, and shall not leave the fire without the permission of the officer in command.
(1993 Code, § 9-48)

§ 9-49 FAILURE, REFUSAL OF MEMBER TO OBEY ORDERS.

It shall be unlawful for any firefighters in attendance at a fire to neglect or refuse to obey the orders of the officer in command at the fire.
(1993 Code, § 9-49)

§ 9-50 DUTIES AFTER FIRE.

At the conclusion of any fire, the members of the Fire Department shall return the fire apparatus to the house where such is kept. If necessary, the equipment shall be replenished and cleaned.
(1993 Code, § 9-50)

§ 9-51 FIREFIGHTER CERTIFICATION.

(A) *Participation.* The city hereby elects to participate in the programs provided for in §§ 1 et seq. of the Illinois Fire Prevention Training Act, 50 ILCS 740/1 et seq.

(B) *Completion of training.* All members of the Fire Department must complete a Basic Operations Firefighter (formerly Firefighter II) training program approved by the Office of the State Fire Marshal and pass the state test for Basic Operations Firefighter certification prior to completion of their probationary period of 24 months.

(C) *Probationary period.* A member shall remain a probationary member until successful completion of both all modules of the Basic Operations Firefighter training program and completion of the city's Fire Department's Personal Qualification Program. The probationary period for members relates solely to participation in the programs provided for in the Act and shall, at the discretion of the Chief, last for up to 24 months. During a member's probationary period, the probationary member may be dismissed from the Fire Department for any reason or no reason or without cause. Completion of the probationary period does not alter a member's at-will status or create an employment contract with the city.

(D) *Failure to complete training within probationary period.* Failure of any trainee to complete such basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his or her probationary period ends. This individual may later become certified without reimbursement.
(Ord. 2014-11, passed 8-5-2014)

CHAPTER 9.5: FLOODS

CHAPTER 9.5: FLOODS

Section

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9.5-4 Duties of Zoning Administrator
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9.5-6 Preventing increased flood heights and resulting damages
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§ 9.5-1 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the city by the Illinois Municipal Code (§ 1-2-1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1, § 11-12-12 of the Illinois Municipal Code, 65 ILCS 5/11-12-12, § 11-30-2 of the Illinois Municipal Code, 65 ILCS 5/11-30-2, § 11-30-8 of the Illinois Municipal Code, 65 ILCS 5/11-30-8 and § 11-31-2 of the Illinois Municipal Code, 65 ILCS 5/11-31-2) in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To promote and protect the public health, safety and general welfare of the citizens from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(F) To make federally subsidized flood insurance available; and

(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water 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. 2009-04, passed 4-21-2009)

§ 9.5-2 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASE FLOOD. The flood having a 1% probability of being equaled or exceeded in any given year. The ***BASE FLOOD*** is also known as the ***100-YEAR FLOOD***. The base flood elevation at any location is as defined in § 9.5-3 of this chapter.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT. The portion of a building having its floor sub-grade (below ground level) on all sides.

BUILDING. A walled and roofed structure that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

CRITICAL FACILITY. Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these ***CRITICAL FACILITIES*** can impact the delivery of vital services, can cause greater damage to other sectors of the community or can put special populations at risk. Examples of ***CRITICAL FACILITIES*** where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers) and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

DEVELOPMENT.

(1) Any human-made change to real estate including, but not necessarily limited to:

(a) Demolition, construction, reconstruction, repair, placement of a building or any structural alteration to a building;

(b) Substantial improvement of an existing building;

(c) Installation of a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days per year;

(d) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(e) Construction or erection of levees, dams walls or fences;

(f) Drilling, mining, filling, dredging, grading, excavating, paving or other alterations of the ground surface; and

(g) Storage of materials, including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height or velocity of flood or surface waters.

(2) ***DEVELOPMENT*** does not include routine maintenance of existing buildings and facilities, resurfacing roads or gardening, plowing and similar practices that do not involve filing, grading or construction of levees.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. 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 or buildings to be constructed (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 the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. 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. Federal Emergency Management Agency.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation or the runoff of surface waters from any source.

FLOOD FRINGE. The portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP. A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN and ***SPECIAL FLOOD HAZARD AREA (SFHA).*** These two terms are synonymous. Those lands within the jurisdiction of the city, the extraterritorial jurisdiction of the or that may be annexed into the city, that are subject to inundation by the base flood. The ***FLOODPLAINS*** of the city are generally identified as such on panel number(s) 138 and 139 of the county-wide Flood Insurance Rate Map of Menard County, prepared by the Federal Emergency Management Agency and dated 5-4-2009. ***FLOODPLAIN*** also includes those areas of known flooding as identified by the community. The ***FLOODPLAINS*** of those parts of unincorporated Menard County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the Flood Insurance Rate Map prepared for the county by the Federal Emergency Management Agency and dated 5-4-2009.

FLOOD-PROOFING. Any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOOD-PROOFING CERTIFICATE. A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood-proofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION (FPE). The elevation of the base flood, plus one foot of freeboard at any given location in the floodplain.

FLOODWAY. The portion of the floodplain required to store and convey the base flood. The ***FLOODWAY*** for the floodplains of the Sangamon River shall be as delineated on the county-wide Flood Insurance Rate Map of Menard County prepared by FEMA and dated 5-4-2009. The ***FLOODWAYS*** for each of the remaining floodplains of the city shall be according to the best data available from the federal, state or other sources.

FREEBOARD. An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

HISTORIC STRUCTURE. Any 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's Historic Preservation Agency; and

(4) Individually listed on a local inventory of historic places that has been certified by the state's Historic Preservation Agency.

IDNR/OWR. Illinois Department of Natural Resources/Office of Water Resources.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's ***LOWEST FLOOR***; provided that, such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 9.5-7 of this chapter.

MANUFACTURED HOME. A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

NEW CONSTRUCTION. Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. 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 or buildings to be constructed (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 the effective date of the floodplain management regulations adopted by a community.

NFIP. National Flood Insurance Program.

RECREATIONAL VEHICLE or ***TRAVEL TRAILER.*** A vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less in size; and

(3) Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SFHA. See definition of ***FLOODPLAIN***.

START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual ***START*** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual ***START OF CONSTRUCTION*** means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STRUCTURE. See ***BUILDING***.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this chapter equals or exceeds 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes ***REPETITIVE LOSS BUILDINGS***.

SUBSTANTIAL IMPROVEMENT.

(1) Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this chapter in which the cumulative percentage of improvements:

(a) Equals or exceeds 50% of the market value of the structure before the improvement or repair is started; or

(b) Increases the floor area by more than 20%.

(2) ***SUBSTANTIAL IMPROVEMENT*** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

(3) The term does not include:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or the state's Register of Historic Places.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state and/or local permits and elevation certification is presumed to be in ***VIOLATION*** until such time as the documentation is provided.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-3 BASE FLOOD ELEVATION.

(A) This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(B) The base flood elevation for the floodplains of the Sangamon River shall be as delineated on the 100-year flood profiles in the county-wide Flood Insurance Study of Menard County prepared by the Federal Emergency Management Agency and dated 5-4-2009.

(C) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the county-wide Flood Insurance Rate Map of Menard County.

(D) The base flood elevation for each of the remaining floodplains delineated as a "A Zone" on the county-wide Flood Insurance Rate Map of Menard County shall be according to the best data available from federal, state or local sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(E) The base flood elevation for the floodplains of those parts of unincorporated Menard County that are within the extraterritorial jurisdiction of the city, or that maybe annexed into the city, shall be

as delineated on the 100-year flood profiles in the Flood Insurance Study of Menard County prepared by the Federal Emergency Management Agency and dated 5-4-2009.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-4 DUTIES OF THE ZONING ADMINISTRATOR.

(A) The Zoning Administrator shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the city meet the requirements of this chapter.

(B) Specifically, the Zoning Administrator shall:

(1) Process development permits in accordance with § 9.5-5 of this chapter;

(2) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 9.5-6 of this chapter;

(3) Ensure that the building protection requirements for all buildings subject to § 9.5-7 of this chapter are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood-proof certificate;

(4) Assure that all subdivisions and annexations meet the requirements of § 9.5-8 of this chapter;

(5) Ensure that water supply and waste disposal systems meet the public health standards of § 9.5-9 of this chapter;

(6) If a variance is requested, ensure that the requirements of § 9.5-11 of this chapter are met and maintain documentation of any variances granted;

(7) Inspect all development projects and take any and all penalty actions outlined in § 9.5-13 of this chapter as a necessary to ensure compliance with this chapter;

(8) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;

(9) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(10) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(11) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;

(12) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits and documentation of compliance for development activities subject to this chapter;

(13) Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and

(14) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-5 DEVELOPMENT PERMIT.

(A) No person, firm, corporation or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(B) The application for development permit shall be accompanied by:

(1) Drawings of the site, drawn to scale showing property line dimensions;

(2) Existing grade elevations and all changes in grade resulting from excavation or filling;

(3) The location and dimensions of all buildings and additions to buildings;

(4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 9.5-7 of this chapter; and

(5) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(C) (1) Upon receipt of an application for a development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by the base flood elevation, any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and, therefore, not subject to the requirements of this chapter.

(2) Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this chapter.

(D) The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(E) (1) The Zoning Administrator shall be responsible for obtaining from the applicant copies of all other federal, state and local permits, approvals or permit-not-required letters that may be required for this type of activity.

(2) The Zoning Administrator shall not issue a permit unless all other federal, state and local permits have been obtained.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within any floodway identified on the county-wide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in subsection (B) below, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Bridge and culvert crossings of streams in rural areas meeting the following conditions of the state's Department of Natural Resources, Office of Water Resources, State-Wide Permit Number 2:

(a) The crossing will not result in an increase in water surface profile elevation in excess of one foot;

(b) The crossing will not result in an increase in water surface profile elevation in excess of one-half foot at a point 1,000 feet upstream of the proposed structure;

(c) There are no buildings in the area impacted by the increases in water surface profile;

(d) The proposed bridge or culvert crossing will not involve straightening, enlarging or relocating the existing channel;

(e) The design must be certified by a licensed professional engineer in the state and the designs must meet the conditions of an IDNR/OWR permit; and

(f) The design must be certified by a second licensed professional engineer.

(2) Barge fleeting facilities meeting the following conditions of IDNR/OWR State-Wide Permit Number 3: the permit is only applicable when deadmen, pier cells or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers;

(3) Aerial utility crossings meeting the following conditions of IDNR/OWR State-Wide Permit Number 4:

(a) The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge;

(b) A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge;

(c) No supporting towers or poles shall be located in a river, lake or stream;

(d) Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris;

(e) All disturbed areas shall be returned to pre-construction grades and re-vegetated; and

(f) All State Commerce Commission, National Electrical Safety Code and federal requirements must be met.

(4) Minor boat docks meeting the following conditions of IDNR/OWR State-Wide Permit Number 5:

(a) The boat dock must not extend more than 50 feet into a waterway and no more than one-quarter of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers;

(b) The width of the boat dock shall not be more than ten feet;

(c) For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed 50% of the landowner's shoreline frontage, nor 50 feet;

(d) Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten feet of the projected property line;

(e) Dock posts must be marked by reflective devices;

(f) The boat dock must be securely anchored to prevent detachment during times of high wind or water;

(g) Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides or any other toxic chemicals are not permissible;

(h) This permit does not authorize any other related construction activity such as shore protection or fill;

(i) Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow; and

(j) At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers.

(5) Minor, non-obstructive activities meeting the following conditions of IDNR/OWR State-Wide Permit Number 6: the following activities (not involving fill or positive change in grade) are covered by this permit:

(a) The construction of underground utility lines, wells or septic tanks not crossing a lake or stream;

(b) The construction of light poles, sign posts and similar structures;

(c) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar structures;

(d) The construction of properly-anchored, unwalled, open structures such as playground equipment, pavilions and carports;

(e) The placement of properly-anchored buildings not exceeding 70 square feet in size, nor ten square feet in any dimension. Only one such building on a property is authorized by this statewide permit; and

(f) The raising of existing buildings; provided, no changes are made to the outside dimensions of the building and the placement of fill is not involved.

(6) Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR State-Wide Permit Number 7:

(a) Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection;

(b) The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures;

(c) Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation; and

(d) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

(7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR State-Wide Permit Number 8:

(a) In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition;

(b) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction;

(c) Any utility crossing carrying material which may cause water pollution, as defined by §§ 1 et seq. of the Environmental Protection Act, 415 ILCS 5/1 et seq., shall be provided with shut-off valves on each side of the body of water to be crossed; and

(d) If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten days prior to the blasting date to allow monitoring of any related fish kills.

(8) Bank stabilization projects meeting the conditions of IDNR/OWR State-Wide Permit Number 9:

(a) Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. ***URBAN AREAS*** are defined as areas of the state where residential, commercial or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten years (The Department should be consulted if there is a question of whether or not an area is considered urban.);

(b) In addition to the materials listed in subsection (A)(8)(a) above, other materials (e.g., tire revetments) may be utilized in rural areas provided all other conditions of this permit are met;

(c) The following materials shall not be used in any case: auto bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by §§ 1 et seq. of the Environmental Protection Act, 415 ILCS 5/1 et seq.;

(d) The affected length of shoreline, stream bank or channel to be protected shall not exceed, either singularly or cumulatively, 1,000 feet;

(e) All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action;

(f) Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project;

(g) Materials shall not be placed higher than the existing top of the bank;

(h) Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site. For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than 10%, nor the volume of material placed exceed two cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required;

(i) If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area;

(j) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction;

(k) In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:

1. It is constructed in alignment with an existing seawall(s) or gabion structure(s); and

2. The volume of material placed, including the structure, would not exceed two cubic yards per lineal foot.

(l) Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state and federal laws and rules, shall not be placed in a floodway.

(9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR State-Wide Permit Number 10:

(a) The accessory structure or building addition must comply with the requirements of the local floodplain ordinance;

(b) The principle structure to which the project is being added must have been in existence on the effective date of this permit (7-25-1988);

(c) The accessory structure or addition must not exceed 500 square feet in size and must not deflect flood waters onto another property;

(d) Must not involve the placement of any fill material;

(e) No construction shall be undertaken in, or within 50 feet of the bank of the stream channel;

(f) The accessory structure or addition must be properly anchored to prevent its movement during flood conditions;

(g) Only one accessory structure or addition to an existing structure shall be authorized by this permit. Plans for any subsequent addition must be submitted to IDNR/OWR for review; and

(h) Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.

(10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR State-Wide Permit Number 11:

(a) The affected length of the stream shall not either singularly or cumulatively exceed 1,000 feet;

(b) The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel;

(c) The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and down stream of the site;

(d) Dredged or spoil material shall not be disposed of in a wetland and shall be either:

1. Removed from the floodway;

2. Used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank; and, provided, the cross-sectional area of the natural channel would not be reduced by more than 10%, nor the volume of material placed exceed two cubic yards per lineal foot of streambank;

3. Used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;

4. Used to stabilize an existing levee provided the height of the levee would not be increased, nor its alignment changed;

5. Placed in a disposal site previously approved by the Department in accordance with the conditions of the approval; or

6. Used for beach nourishment, provided the material meets all applicable water quality standards.

(e) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.

(11) Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR State-Wide Permit Number 12:

(a) A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:

1. No buildings or structures have been impacted by the backwater induced by the existing structure; and

2. There is no record of complaints of flood damages associated with the existing structure.

(b) A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects, the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge;

(c) The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR);

(d) The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream, except as permitted by the Department's State-Wide Permit Number 9 (minor shoreline, channel and streambank protection activities) or State-Wide Permit Number 11 (minor maintenance dredging activities); and

(e) The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.

(12) Temporary construction activities meeting the following conditions of IDNR/OWR State-Wide Permit Number 13:

(a) No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations;

(b) The term ***TEMPORARY*** shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR;

(c) The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks;

(d) This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee or dike across any channel or floodway;

(e) No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this state-wide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure;

(f) The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition;

(g) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction; and

(h) Materials used for the project shall not cause water pollution, as defined by §§ 1 et seq. of the Environmental Protection Act, 415 ILCS 51 et seq.

(13) Any development determined by IDNP/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.

(B) Other development activities not listed in subsection (A) above may be permitted only if:

(1) The permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or

(2) Sufficient data has been provided to FEMA, when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-7 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of § 9.5-6 of this chapter, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building or alteration or addition to an existing building valued at more than $1,000 or 70 square feet in area;

(2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20% or equal or exceed the market value by 50%. Alteration shall be figured cumulatively subsequent to the adoption of this chapter. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section;

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this chapter. If substantially damaged, the entire structure must meet the flood protection standards of this section;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.);

(5) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and

(6) Repetitive loss to an existing building, as defined in § 9.5-2 of this chapter.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods.

(1) The building may be constructed on permanent land fill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or other structural measure;

(d) The fill shall be composed of rock or soil and not incorporated debris or refuse material; and

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basins shall be incorporated.

(2) The building may be elevated on solid walls in accordance with the following.

(a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace or other foundation that is permanently open to flood waters.

(b) The lowest floor and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

(c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade with a minimum of two openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation.

(d) The foundation and supporting members shall be anchored, designed and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris.

1. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

2. Water and sewer pipes, electrical and telephone lines, submersible pumps and other service facilities may be located below the flood protection elevation provided they are waterproofed.

3. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

4. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

(3) The building may be constructed with a crawlspace located below the flood protection elevation; provided that, the following conditions are met.

(a) The building must be designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of flood waters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade.

(c) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade.

(d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four feet at any point.

(e) An adequate drainage system must be installed to remove flood waters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.

(g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) Non-residential buildings may be structurally dry flood-proofed (in lieu of elevation); provided, a licensed professional engineer or architect certifies that:

(1) Below the flood protection elevation the structure and attendant utility facilities are water-tight and capable of resisting the effects of the base flood;

(2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and the impact from debris and ice;

(3) Flood-proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity; and

(4) Levees, berms, floodwalls and similar works are not considered flood-proofing for the purpose of this subsection (C).

(D) Manufactured homes or travel trailers to be permanently installed on site shall be:

(1) Elevated to or above the flood protection elevation in accordance with subsection (B) above; and

(2) Anchored to resist flotation, collapse or lateral movement by being tied down in accordance with the rules and regulations of §§ 1 et seq. of the Illinois Mobile Home Tie-Down Act, 210 ILCS 1 et seq., and 77 Ill. Adm. Code § 870.220.

(E) Travel trailers and recreational vehicles on site for more than 180 days per year shall meet the elevation requirements of subsection (D) above unless the following conditions are met.

(1) The vehicle must be either self-propelled or towable by a light duty truck.

(2) The hitch must remain on the vehicle at all times.

(3) The vehicle must not be attached to external structures such as decks and porches.

(4) The vehicle must be designed solely for recreation, camping, travel or seasonal use rather than as a permanent dwelling.

(5) The vehicles largest horizontal projections must be no larger than 400 square feet.

(6) The vehicle's wheels must remain on axles and inflated.

(7) Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.

(8) Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.

(9) The vehicle must be licensed and titled as a recreational vehicle or park model and must either:

(a) Entirely be supported by jacks; or

(b) Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.

(F) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted; provided, the following conditions are met.

(1) The garage or shed must be non-habitable.

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

(3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.

(4) The garage or shed must be on a single-family lot and be accessory to an existing principle structure on the same lot.

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

(7) The garage or shed must have at least one permanent opening on each wall not more than one foot above grade with one square inch of opening for every one square foot of floor area.

(8) The garage or shed must be less than $10,000 in market value or replacement cost, whichever is greater or less than 500 square feet.

(9) The structure shall be anchored to resist floatation and overturning.

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers and the like) shall be stored above the flood protection elevation.

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-8 SUBDIVISION REQUIREMENTS.

The city shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of §§ 9.5-6 and 9.5-7 of this chapter. Any proposal for such development shall include the following data:

(1) The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

(2) The boundary of the floodway when applicable; and

(3) A signed statement by a registered professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with § 2 of the Plat Act, 765 ILCS 205/2.

(B) 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.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-9 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 9.5-6 and 9.5-7 of this chapter, the following standards apply.

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a flood-proofed and anchored storage tank and certified by a professional engineer or flood-proofed building constructed according to the requirements of § 9.5-7 of this chapter.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be water-tight.

(5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry flood-proofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation, whichever is greater. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-10 CARRYING CAPACITY AND NOTIFICATION.

(A) For all projects involving channel modification, fill or stream maintenance (including levees), the flood-carrying capacity of the watercourse shall be maintained.

(B) In addition, the city shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-11 VARIANCES.

(A) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the city's Zoning Administrator for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(B) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health, safety or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities or other public facilities;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

(7) All other state and federal permits have been obtained.

(C) The city's Zoning Administrator shall notify an applicant in writing that a variance from the requirements of the building protections standards of § 9.5-7 of this chapter that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage;

(2) Increase the risk to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(D) Variances to the building protection requirements of § 9.5-7 of this chapter which are requested in connection with reconstruction, repair or alteration of a historic site or historic structure as defined in "historic structures", may be granted using criteria more permissive than the requirements of §§ 9.5-6 and 9.5-7 of this chapter 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. 2009-04, passed 4-21-2009)

§ 9.5-12 DISCLAIMER OF LIABILITY.

The degree of 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 human-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-13 PENALTY.

(A) Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the city's Engineer and Zoning Administrator may determine that a violation of the minimum standards of this chapter exists.

(B) The Zoning Administrator shall notify the owner in writing of such violation.

(C) If such owner fails, after ten days' notice, to correct the violation:

(1) The city shall 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 the chapter;

(2) Any person who violates this chapter shall upon conviction thereof be fined not less than $50 or more than $750 for each offense;

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and

(4) The city shall record a notice of violation on the title of the property.

(D) (1) The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(2) The Zoning Administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

(3) No site development permit shall be permanently suspended or revoked until a hearing is held by the city's Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

(a) The grounds for the complaint, reasons for suspension or revocation; and

(b) The time and place of the hearing.

(4) At such hearing, the permittee shall be given an opportunity to present evidence on his or her behalf. At the conclusion of the hearing, the city's Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

(E) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
(Ord. 2009-04, passed 4-21-2009)

§ 9.5-14 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the city to fulfill the requirements of the National Flood Insurance Program including: 7-21-1992. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 2009-04, passed 4-21-2009)

CHAPTER 10: FOOD AND FOOD PRODUCTS

CHAPTER 10: FOOD AND FOOD PRODUCTS

[Reserved]

CHAPTER 11: GARBAGE AND TRASH

CHAPTER 11: GARBAGE AND TRASH

[Reserved]

CHAPTER 12: LIBRARY

CHAPTER 12: LIBRARY

Section

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12-12 Failure to return books

Statutory reference:

Criminal mutilation or vandalism of library materials, see § 16B-2.1 of the Illinois Criminal Code of 2012, 720 ILCS 5/16B-2.1

§ 12-1 ESTABLISHED.

There shall be established and maintained in the city a public library and reading room for the use and benefit of the inhabitants of the city.
(1993 Code, § 12-1)

Statutory reference:

Similar provisions, see § 2-1 of the Illinois Local Library Act, 75 ILCS 5/2-1

§ 12-2 APPOINTMENT OF BOARD OF TRUSTEES.

The Mayor shall appoint a board of nine Trustees for the public library and reading room, to be chosen from the citizens at large with reference to their fitness for such office. No more than one member of the City Council shall be, at any one time, a member of such board; provided, however, it

shall not be necessary for any member of the City Council to be at any time a member of the Library Board.
(1993 Code, § 12-2) (Ord. 88-1-1, passed 1-5-1988)
Statutory reference:
Board of Trustees in cities, see § 4-1 of the Illinois Local Library Act, 75 ILCS 5/4-1

§ 12-3 TERMS OF TRUSTEES.

Those persons appointed as Trustees shall hold office for three years, or until their successors are appointed.
(1993 Code, § 12-3)
Statutory reference:
Similar provisions, see § 4-1.1 of the Illinois Local Library Act, 75 ILCS 5/4-1.1

§ 12-4 REMOVAL OF TRUSTEES; FILLING VACANCIES.

The Mayor may remove any Trustee for misconduct or neglect of duty. Vacancies in the Board shall be filled as original appointments.
(1993 Code, § 12-4)
Statutory reference:
Filling vacancies, see § 4-4 of the Illinois Local Library Act, 75 ILCS 5/4-4
Removal, see; § 4-1.1 of the Illinois Local Library Act, 75 ILCS 5/4-1.1

§ 12-5 ORGANIZATION OF BOARD; ELECTION OF OFFICERS.

Within 60 days after their appointment, the Trustees shall take the oath of office and meet to organize the Board. They shall elect one of their number President, another Secretary and shall elect such other officers as they may deem necessary.
(1993 Code, § 12-5)
Statutory reference:
Similar provisions, see § 4-6 of the Illinois Local Library Act, 75 ILCS 5/4-6

§ 12-6 RULE-MAKING AUTHORITY OF BOARD.

The Board of Trustees shall make and adopt such by-laws, rules and regulations for its own guidance and for the government of the library and reading room as it may deem expedient.
(1993 Code, § 12-6)
Statutory reference:
Similar provisions, see § 4-7 of the Illinois Local Library Act, 75 ILCS 5/4-7

§ 12-7 COMPENSATION OF TRUSTEES.

Trustees shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from library funds.
(1993 Code, § 12-7)
Statutory reference:
Similar provisions, see § 4-5 of the Illinois Local Library Act, 75 ILCS 5/4-5

§ 12-8 TAXATION.

The City Council may in each year, to support the city library, levy a tax not to exceed the maximum rate allowed by statute on all taxable property of the city. Such tax shall be levied and collected in like manner with the general taxes. Such tax shall maintain the public library and reading room. The proceeds of such tax shall be deposited in the Library Fund.
(1993 Code, § 12-8)
Statutory reference:
Tax rate, see § 3-1 of the Illinois Local Library Act, 75 ILCS 5/3-1

§ 12-9 POWERS, DUTIES OF BOARD GENERALLY.

The Board of Trustees shall:

(A) Have exclusive control of all expenditures of money to the credit of the Library Fund, and of the construction of any library building, and the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose; provided that, all moneys received for such library shall be deposited in the treasury of the city to the credit of the Library Fund, and shall be kept separate and apart from other moneys of the city and drawn upon by the proper officers of the city upon the properly authenticated vouchers of the Library Board.

(B) Have power to:

(1) Purchase or lease grounds;

(2) Purchase, lease, erect and occupy appropriate buildings for the use of the library;

(3) Appoint and to fix the compensation of a qualified librarian, who shall have the authority to hire such other employees as may be necessary, to fix their compensation, and to remove such appointees. They may accept any donations of money, books or property made by any person and shall hold the same under the terms of the donations in trust for the purposes above set forth.
(1993 Code, § 12-9)
Statutory reference:
Powers and duties of board, see § 4-7 of the Illinois Local Library Act, 75 ILCS 5/4-7

§ 12-10 ANNUAL REPORT OF BOARD.

(A) Within 30 days after the expiration of each fiscal year of the city, the Board of Trustees shall make a report of the condition of its trust on the last day of the fiscal year to the City Council. This report shall be made in writing and shall be verified under oath by the Secretary, or some other responsible officer of the Board of Trustees. It shall contain:

(1) An itemized statement of the various sums of money received from the Library Fund and from other sources;

(2) An itemized statement of the objects and purposes for which those sums of money have been expended;

(3) A statement of the number of books and periodicals available for use, and the number and character thereof circulated;

(4) A statement of the real and personal property acquired by legacy, purchase, gift or otherwise;

(5) A statement of the character of any extensions of library service which have been undertaken;

(6) A statement of the financial requirements of the library for the ensuing fiscal year for inclusion in the appropriation of the corporate authority, and of the amount of money which, in the judgment of the Board of Library Trustees, it will be necessary to levy for library purposes in the next annual tax levy ordinance;

(7) A statement as to the amount of accumulations and the reasons therefor;

(8) A statement as to any outstanding liabilities including those for bonds still outstanding or amounts due for judgments, settlements, liability insurance or for amounts due under a certificate of the Board; and

(9) Any other statistics, information and suggestions that may be of interest.

(B) This report shall be made in writing and verified under oath by the Secretary, or some other responsible officer of the Board of Directors. A copy of the report shall also be filed, at the same time, with the State Library.
(1993 Code, § 12-10)
Statutory reference:
Similar provisions, see § 4-10 of the Illinois Local Library Act, 75 ILCS 5/4-10

§ 12-11 RESERVED.

(1993 Code, § 12-11)

§ 12-12 FAILURE TO RETURN BOOKS.

Any person who shall fail to return any book or other material belonging to the public library, according to the requirements of the by-laws, rules and regulations, made and adopted by the Board of Trustees of such library for the government thereof, shall be guilty of a misdemeanor.
(1993 Code, § 12-12)
Statutory reference:
Library theft, see § 16B of the Illinois Crime Code of 2012, 720 ILCS 5/16B

CHAPTER 13: LICENSES, BUSINESS REGULATIONS AND TAXATION

CHAPTER 13: LICENSES, BUSINESS REGULATIONS AND TAXATION

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ARTICLE I. IN GENERAL

§§ 13-1—13-10 RESERVED.

(1993 Code, §§ 13-1—13-10)

ARTICLE II. LICENSES

DIVISION 1. GENERALLY

§ 13-11 AUTHORITY TO REGULATE, SUPERVISE, CONTROL LICENSED BUSINESSES AND THE LIKE.

The city shall have the authority to supervise, control and regulate any business, occupation or amusement licensed pursuant to this code or other city ordinances.
(1993 Code, § 13-11)
Statutory reference:
Issuance and revocation of licenses, see § 11-60-1 of the Illinois Municipal Code, 65 ILCS 5/11-60-1

§ 13-12 REQUIRED.

It shall be unlawful for any person to engage in or carry on any business, occupation or pursuit for which a license is required by this code or the ordinances of the city, without first having obtained a license from the city to conduct such business.
(1993 Code, § 13-12)

§ 13-13 APPLICATION; ISSUANCE.

(A) All licenses required by this chapter or city ordinances shall be applied for in writing to the City Clerk, unless otherwise provided by ordinance.

(B) The City Clerk shall issue all such licenses.
(1993 Code, § 13-13)

§ 13-14 TERM.

All licenses issued pursuant to this chapter shall expire at the end of the fiscal year of the city.
(1993 Code, § 13-14)

§ 13-15 TO BE SIGNED, COUNTERSIGNED, SEALED.

Each license issued pursuant to this chapter shall be signed by the Mayor, shall be countersigned by the City Clerk and shall be sealed with the corporate seal of the city.
(1993 Code, § 13-15)

§ 13-16 DISPLAY.

Each license issued pursuant to this chapter shall be kept posted in a conspicuous place in the place of business of the licensee.
(1993 Code, § 13-16)

§ 13-17 TRANSFER, ASSIGNMENT OF LICENSE PROHIBITED.

No license issued pursuant to this chapter shall be transferable or assignable.
(1993 Code, § 13-17)

§ 13-18 REVOCATION; GROUNDS.

All licenses issued by the city pursuant to this chapter shall at all times be subject to revocation by the Mayor and City Council for the violation of any law or ordinance, or of any condition contained in the license, or for any reasonable and sufficient cause.
(1993 Code, § 13-18)

§ 13-19 NOTICE OF REVOCATION; WHEN NOTICE EFFECTIVE.

(A) If any license issued pursuant to this chapter is revoked, the City Clerk shall serve a written notice of revocation upon the licensee.

(B) Immediately upon service of such notice, the license shall be deemed to be revoked.
(1993 Code, § 13-19)

§ 13-20 RETURN OF FEE UPON REVOCATION.

No license fee shall be returned when any license issued by the city is revoked.
(1993 Code, § 13-20)

§ 13-21 FEES.

(A) All license fees required by this chapter, or this code, shall be paid in full before any license shall be issued.

(B) Payment shall be made to the City Clerk.

(C) The following fees shall be paid annually by the persons securing such licenses:

Billiard, pool tables for hire	
First table	$20
Each additional table	$10
Bowling alleys	
First alley	$20
Second alley	$10
Each additional alley	$5
Coin-operated video amusement machines and coin-operated pinball machines	$20
Theaters: motion picture, dramatic	$12
Video gaming terminals (per terminal)	$25

(1993 Code, § 13-21) (Ord. 90-7-2, passed 7-17-1990; Ord. 96-12, passed 6-4-1996; Ord. 97-02, passed 2-4-1997; Ord. 2012-11, passed 6-5-2012)

§ 13-22 PROVISIONS RELATED TO VIDEO GAMING TERMINALS AND TERMINAL OPERATORS.

(A) All words and phrases used in this chapter which are defined in §§ 1 et seq. of the Video Gaming Act, 230 ILCS 40/1 et seq., shall have the meanings accorded to such words and phrases in such Act.

(B) No license shall be issued for the operation of any video gaming terminal, except to the holder of a current terminal operator license issued under the Video Gaming Act of the state.

(C) No license shall be issued hereunder, except upon submission of a completed sworn application therefore in substantially the same form as required under the Act for issuance of a state license, together with such further information as may be requested by the city, executed by those individuals whose signatures may be required under the Act.
(Ord. 2012-11, passed 6-5-2012)

§§ 13-23—13-26 RESERVED.

(1993 Code, §§ 13-23—13-26)

DIVISION 2. BILLIARD HALLS, POOLROOMS, BOWLING ALLEYS

§ 13-27 LICENSE REQUIRED.

It shall be unlawful for any person to keep, use, permit or allow any billiard, pool tables or pin alleys and ball alleys, coin-operated video amusement machines and coin-operated pinball machines, video gaming terminals or any other tables or implements kept or used for a similar purpose, in any public place within the city without first having obtained a city license.
(1993 Code, § 13-27) (Ord. 90-7-2, passed 7-17-1990; Ord. 2012-11, passed 6-5-2012)

§ 13-28 MINORS NOT TO PLAY.

No proprietor, owner or keeper of any place where the games set forth in § 13-27 of this chapter are permitted or played shall knowingly allow or permit any minor under the age of 18 years to play at such game or games without the consent of such minor's parent or guardian; provided further that, no person under the age of 17 years shall be permitted to play at such game or games at any times and hours other than the hours specified by the curfew laws of the state.
(1993 Code, § 13-28) (Ord. 90-7-2, passed 7-17-1990)

§ 13-29 HOURS OF BUSINESS.

Any business licensed pursuant to § 13-27 of this chapter shall observe the following hours of operation unless another license issued by the city provides more extensive hours of operation: 6:00 a.m. to 12:00 a.m. (midnight), seven days a week; provided, however, that, the City Council may modify the hours of operation of any licensed business participating in a special community event.
(1993 Code, § 13-29) (Ord. 90-7-2, passed 7-17-1990; Ord. 93-7, passed 5-4-1993; Ord. 96-12, passed 6-4-1996; Ord. 97-02, passed 2-4-1997; Ord. 2000-2, passed 2-1-2000)

DIVISION 3. RAFFLES

§ 13-30 DEFINITIONS.

For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

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

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

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

LABOR. An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

NET PROCEEDS. The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

NON-PROFIT. An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

RAFFLE. A form of lottery, as defined in § 28-2(b) of the Criminal Code of 2012, 720 ILCS 5/28-2, conducted by an organization licensed under this Act, in which:

(1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and

(2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery; except that, the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

RELIGIOUS. Any church, congregation, society or organization founded for the purpose of religious worship.

VETERANS. An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.
(1993 Code, § 13-30) (Ord. 96-7, passed 4-2-1996)

§ 13-31 RAFFLES.

No person, firm, corporation or organization of any kind may conduct raffles or chance, within the city, without first having obtained a license therefor pursuant to this division.
(1993 Code, § 13-31) (Ord. 96-7, passed 4-2-1996)

§ 13-32 RAFFLE LICENSES.

(A) A license may be obtained to conduct a raffle within the borders of the city from the City Clerk upon the submission of an application, in form described in subsection (D) below, by a person, firm, corporation or organization eligible pursuant to § 13-33 of this chapter, in form and content acceptable to the City Clerk and the payment of $5 fee per raffle to the City Clerk.

(B) Licenses issued by the City Clerk pursuant to this division shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year. If the license issued hereunder does not indicate the duration of its effectiveness, the license shall be presumed to be valid for one raffle.

(C) Licenses issued by the City Clerk may be suspended or revoked by the City Council for any violation of this division or §§ 0.01 et seq. of the Raffles and Poker Runs Act, 230 ILCS 15/0.01 et seq.

(D) The application required to be submitted pursuant to subsection (A) above shall be in the form attached to Ord. 96-7 as Exhibit A and made a part of this division by reference.
(1993 Code, § 13-32) (Ord. 96-7, passed 4-2-1996)

§ 13-33 ELIGIBLE PERSONS, FIRMS, CORPORATIONS OR ORGANIZATIONS.

(A) Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five years immediately before making application for a license and which have had, during that entire five-year period, a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

(B) The following are ineligible for any license under this Act:

(1) Any person who has been convicted of a felony;

(2) Any person who is or has been a professional gambler or gambling promoter;

(3) Any person who is not of good moral character;

(4) Any firm or corporation in which a person defined in subsections (B)(1), (B)(2) or (B)(3) above has a proprietary, equitable or credit interest, or in which such a person is active or employed; and

(5) Any organization in which a person defined in subsections (B)(1), (B)(2) or (B)(3) above is an officer, director, or employee, whether compensated or not.
(1993 Code, § 13-33) (Ord. 96-7, passed 4-2-1996)

§ 13-34 CONDUCT OF RAFFLES.

The conducting of raffles within the city borders is subject to the following restrictions.

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

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

(C) No person may receive any remuneration or profit for participating in the management or operation of the raffle.

(D) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Act.

(E) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

(F) A person under the age of 18 years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his or her parent or guardian. (1993 Code, § 13-34) (Ord. 96-7, passed 4-2-1996)

§ 13-35 MANAGER; BOND.

All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in an amount determined by the City Council in favor of the organization conditioned upon his or her honesty in the performance of his or her duties. Terms of the bond shall provide that notice shall be given in writing to the City Council not less than 30 days prior to its cancellation. The City Council may waive this bond requirement by including a waiver provision in the license issued to an organization under this Act; provided that, a license containing such waiver provision shall be granted only by unanimous vote of the organization. (1993 Code, § 13-35) (Ord. 96-7, passed 4-2-1996)

§ 13-36 RECORDS.

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

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

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

(D) Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.
(1993 Code, § 13-36) (Ord. 96-7, passed 4-2-1996)

§ 13-37 PENALTY.

Violation of any provision of this division or §§ 0.01 et seq. of the Raffles and Poker Runs Act, 230 ILCS 15/0.01 et seq., is a Class C misdemeanor.
(1993 Code, § 13-37) (Ord. 96-7, passed 4-2-1996)

§ 13-38 DUTIES OF CITY CLERK.

It shall be the duty of the City Clerk to:

(A) Determine that all fees herein provided or otherwise provided by law to be paid are properly accounted for to the City Treasurer; and

(B) Issue the license provided for in § 13-31 of this chapter upon receipt by the City Clerk of the application described in § 13-32(D) of this chapter in form and substance acceptable to the City Clerk.
(1993 Code, § 13-38) (Ord. 96-7, passed 4-2-1996)

ARTICLE III. RETAILERS' OCCUPATION TAX

§ 13-39 IMPOSED.

A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of the state's government, at retail in the city at the rate of 1% of the gross receipts from such sales made in the course of such business, in accordance with the provisions of § 8-11-1 of the Home Rule Municipal Retailers' Occupation Tax Act 65 ILCS 5/8-11-1.
(1993 Code, § 13-39)

§ 13-40 REPORT REQUIRED.

Every such person engaged in such business in the city shall file, on or before the twentieth day of each calendar month, the report to the state's Department of Revenue required by § 3 of the Retailers' Occupation Tax Act, 35 ILCS 120/1.
(1993 Code, § 13-40)

§ 13-41 PAYMENT.

At the time the report required by § 13-40 of this chapter is filed, there shall be paid to the state's Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.
(1993 Code, § 13-41)

§ 13-42 EXCLUSION INAPPLICABLE.

Exclusion a-1 contained in § 2 of the Retailers' Occupation Tax Act, 35 ILCS 120/2, shall not apply to persons engaged in the business of selling tangible personal property at retail within the city.
(1993 Code, § 13-42) (Ord. 80-10-1, passed 10-21-1980)

§§ 13-43—13-51 RESERVED.

(1993 Code, §§ 13-43—13-51)

ARTICLE IV. SERVICE OCCUPATION TAX

§ 13-52 IMPOSED.

A tax is hereby imposed upon all persons engaged in the municipality in the business of making sales of service at the rate of 1% of the selling price of all tangible personal property transferred by such servicepersons either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of § 8-11-5 of the Home Rule Municipal Service Occupation Tax Act, 65 ILCS 5/8-11-5.
(1993 Code, § 13-52)

§ 13-53 REPORT REQUIRED.

Every supplier or serviceperson required to account for municipal service occupation tax for the benefit of the city shall file, on or before the twentieth day of each calendar month, the report to the state's Department of Revenue required by § 9 of the Service Occupation Tax Act, 35 ILCS 115/9.
(1993 Code, § 13-53)

§ 13-54 PAYMENT.

At the time the report required by § 13-53 of this chapter is filed, there shall be paid to the state's Department of Revenue the amount of tax hereby imposed.
(1993 Code, § 13-54)

§ 13-55 EXCLUSION INAPPLICABLE.

The farm machinery and equipment exclusion contained in § 3-5 of the Service Occupation Tax Act, 35 ILCS 115/3-5, shall not apply to all persons engaged in the business of making sale of service within the city.
(1993 Code, § 13-55) (Ord. 80-10-1, passed 10-21-1980)

§§ 13-56—13-64 RESERVED.

(1993 Code, §§ 13-56—13-64)

ARTICLE V. FOREIGN FIRE INSURANCE COMPANIES TAX

§ 13-65 COMPLIANCE WITH ARTICLE.

(A) It shall be unlawful for any foreign fire insurance company not incorporated under the laws of the state to engage in the city in effecting fire insurance, until all requirements of this article have been fully complied with, or to transact any business of fire insurance in the city while in default, by not fully complying with any of the requirements of this article.

(B) This section shall not relieve any company, corporation or association from the payment of any risk undertaken in violation of this article.
(1993 Code, § 13-65)

§ 13-66 TAX IMPOSED; AMOUNT OF TAX.

Any foreign fire insurance company not incorporated under the laws of the state, which is engaged in the city in effecting fire insurance shall pay to the city, for the maintenance, use and benefit of the Fire Department, a sum of money equal in amount to 2% per annum of the gross receipts received for premiums by any and all agents of such foreign fire insurance company during the year ending on every July 1, for any insurance effected or agreed to be effected in the city or by or with any such foreign fire insurance company in the city during such year.
(1993 Code, § 13-66)
Statutory reference:
Authority of city to impose tax on foreign fire insurance companies, see § 11-10-1 of the Illinois Municipal Code, 65 ILCS 5/11-10-1

§ 13-67 REPORT OF PREMIUMS; PAYMENT OF TAX.

Every person acting in the city as agent for or on behalf of any foreign fire insurance company upon which a tax is imposed by this article, shall, on or before July 15 of each year, render to the City Clerk a full, true and just account, verified by his or her oath, of all premiums which, during the year ending on July 1 preceding such report, shall have been received by him or her or any other person for him or her, in behalf of such foreign fire insurance company. Such agent shall also, at the time of rendering such report, pay to the city the sum of money for which such foreign fire insurance company represented by him or her is chargeable by virtue of the provisions of this article.
(1993 Code, § 13-67)
Statutory reference:
Similar provisions, see § 11-10-1 of the Illinois Municipal Code, 65 ILCS 5/11-10-1

§ 13-68 COLLECTION OF TAX BY LEGAL ACTION.

The sum of money for which a foreign fire insurance company is chargeable under this article may be recovered of it or its agents by an action in the name of and for the use of the city, as for money had and received. Nothing in this section shall beheld to exempt any person, foreign fire insurance company from indictment and conviction under the provisions of §§ 11-10-1 through 11-10-3 of the Illinois Municipal Code, 65 ILCS 5/11-10-1 to 11-10-3.
(1993 Code, § 13-68)

§ 13-69 BROKERS NOT TO PLACE INSURANCE WITH DELINQUENT COMPANIES.

No insurance broker in the city shall place any insurance with any company, association or corporation which is in default for not reporting or making payments as provided for in this article, until it complies with all the requirements of this article.
(1993 Code, § 13-69)

§ 13-70 DEFINITION.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FOREIGN FIRE INSURANCE COMPANY. Any corporation, company, and association which is not incorporated under the laws of Illinois and which is engaged in effecting fire insurance in the city.

§§ 13-71—13-75 RESERVED.

(1993 Code, §§ 13-70—13-75)

ARTICLE VI. LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITIES

§ 13-76 RESERVED.

(1993 Code, § 13-76)

§ 13-77 SCOPE.

The provisions of this article shall apply to the city's procedures in connection with all of the city's locally imposed and administered taxes.
(1993 Code, § 13-77) (Ord. 2000-29, passed 12-19-2000)

§ 13-78 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq.

LOCAL TAX ADMINISTRATOR. The City Treasurer is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The ***LOCAL TAX ADMINISTRATOR*** shall have the authority to implement the terms of this article to give full effect to this article. The exercise of such authority by the ***LOCAL TAX ADMINISTRATOR*** shall not be inconsistent with this article and the Act.

LOCALLY IMPOSED AND ADMINISTERED TAX or ***TAX.*** Each tax imposed by the city that is collected or administered by the city not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code of the state or fees collected by the city other than infrastructure maintenance fees.

NOTICE. Each audit notice, collection notice or other similar notice or communication in connection with each of the city's locally imposed and administered taxes.

TAX ORDINANCE. Each ordinance adopted by the city that imposes any locally imposed and administered tax.

TAXPAYER. Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the city.
(1993 Code, § 13-78) (Ord. 2000-29, passed 12-19-2000)

§ 13-79 NOTICES.

(A) Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator.

(B) The notice shall be sent by the local tax administrator as follows:

(1) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address; or

(2) Personal service or delivery.
(1993 Code, § 13-79) (Ord. 2000-29, passed 12-19-2000)

§ 13-80 LATE PAYMENT.

Any notice, payment, remittance or other filing required to be made to the city pursuant to any tax ordinance shall be considered late unless it is:

(A) Physically received by the city on or before the due date; or

(B) Received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the city, with adequate postage prepaid.
(1993 Code, § 13-80) (Ord. 2000-29, passed 12-19-2000)

§ 13-81 PAYMENT.

Any payment or remittance received for a tax period shall be applied in the following order:

(A) First, to the tax due for the applicable period;

(B) Second, to the interest due for the applicable period; and

(C) Third, to the penalty for the applicable period.
(1993 Code, § 13-81) (Ord. 2000-29, passed 12-19-2000)

§ 13-82 CERTAIN CREDITS AND REFUNDS.

(A) (1) The city shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction.

(2) However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

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

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

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

(a) The name of the locally imposed and administered tax subject to the claim;

(b) The tax period for the locally imposed and administered tax subject to the claim;

(c) The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;

(d) The taxpayer’s recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

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

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

(a) Grant the claim; or

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

(3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 6% per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.
(1993 Code, § 13-82) (Ord. 2000-29, passed 12-19-2000)

§ 13-83 AUDIT PROCEDURE.

(A) Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this article. Each notice of audit shall contain the following information:

(1) The tax;

(2) The time period of the audit; and

(3) A brief description of the books and records to be made available for the auditor.

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

(C) (1) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven days, nor more than 30 days, from the date the notice is given, unless the taxpayer and the local tax administrator agree to some other convenient time.

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

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

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

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

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.
(1993 Code, § 13-83) (Ord. 2000-29, passed 12-19-2000)

§ 13-84 APPEAL.

(A) (1) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial or a notice of claim reduction regarding any tax.

(2) The notice shall include the following information:

(a) The reason for the assessment;

(b) The amount of the tax liability proposed;

(c) The procedure for appealing the assessment; and

(d) The obligations of the city during the audit, appeal, refund and collection process.

(B) (1) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing.

(2) The written protest and petition for hearing must be filed with the local tax administrator within 45 days of receipt of the written notice of the tax determination and assessment.

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

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

(E) (1) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing.

(2) In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45-day period.
(1993 Code, § 13-84) (Ord. 2000-29, passed 12-19-2000)

§ 13-85 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under § 13-84 of this chapter, the local tax administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted, except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.

(C) At the hearing, the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.
(1993 Code, § 13-85) (Ord. 2000-29, passed 12-19-2000)

§ 13-86 INTEREST AND PENALTIES.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) *Interest.* The city hereby provides for the amount of interest to be assessed on a late payment, underpayment or non-payment of the tax, to be 9% per annum, based on a year of 365 days and the number of days elapsed.

(B) *Late filing and payment penalties.*

(1) If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of 5% of the amount of tax required to be shown as due on a return shall be imposed and a late payment penalty of 5% of the tax due shall be imposed.

(2) If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the city issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 25% of the total tax due for the applicable reporting period for which the return was required to be filed.

(3) A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.
(1993 Code, § 13-86) (Ord. 2000-29, passed 12-19-2000)

§ 13-87 ABATEMENT.

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.
(1993 Code, § 13-87) (Ord. 2000-29, passed 12-19-2000)

§ 13-88 INSTALLMENT CONTRACTS.

(A) The city may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing.

(B) (1) Upon written notice by the local tax administrator that the payment is 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency.

(2) If the taxpayer fails to cure the delinquency within the 14-day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.
(1993 Code, § 13-88) (Ord. 2000-29, passed 12-19-2000)

§ 13-89 STATUTE OF LIMITATIONS.

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

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

(C) If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the city, the tax paid was less than 75% of the tax due, the statute of limitations shall be six years from the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(D) No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.
(1993 Code, § 13-89) (Ord. 2000-29, passed 12-19-2000)

§ 13-90 VOLUNTARY DISCLOSURE.

(A) For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of 1% per month, for all periods prior to the filing of the application, but not more than four years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest or penalty for any period before the date the application was filed.

(B) However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator.

(C) However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.
(1993 Code, § 13-90) (Ord. 2000-29, passed 12-19-2000)

§ 13-91 PUBLICATION OF TAX ORDINANCES.

(A) Any locally administered tax ordinance shall be published according to law.

(B) The posting of a tax ordinance on the Internet shall satisfy the publication requirements.

(C) Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office.
(1993 Code, § 13-91) (Ord. 2000-29, passed 12-19-2000)

§ 13-92 INTERNAL REVIEW PROCEDURE.

(A) The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect.

(B) If the lien is determined to be improper, the local tax administrator shall:

(1) Timely remove the lien at the city's expense;

(2) Correct the taxpayer's credit record; and

(3) Correct any public disclosure of the improperly imposed lien.
(1993 Code, § 13-92) (Ord. 2000-29, passed 12-19-2000)

§ 13-93 APPLICATION.

This article shall be liberally construed and administered to supplement all of the city's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this article, this article shall be controlling.
(1993 Code, § 13-93) (Ord. 2000-29, passed 12-19-2000)

CHAPTER 14: MISCELLANEOUS OFFENSES AND PROVISIONS

CHAPTER 14: MISCELLANEOUS OFFENSES AND PROVISIONS

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ARTICLE I. IN GENERAL

§ 14-1 OBSTRUCTING CITY EMPLOYEES IN FULFILLING DUTIES.

It shall be unlawful to obstruct or hinder any city officer or employee in the performance of his or her official duties.
(1993 Code, § 14-1)

§§ 14-2—14-4 RESERVED.

(1993 Code, §§ 14-1—14-4)

§ 14-5 HUNTING WITHIN CITY LIMITS.

It shall be unlawful to hunt in the city.
(1993 Code, § 14-5) (Ord. 2000-5, passed 2-15-2000)

§ 14-6 DISTURBING THE PEACE.

It shall be unlawful to willfully or unnecessarily disturb the peace and quiet of any neighborhood or of any family by loud and unusual noises, by threatening, quarreling, fighting, challenging to fight or using language or conduct calculated to provoke a breach of the peace.
(1993 Code, § 14-6)

§ 14-7 RESERVED.

(1993 Code, § 14-7)

§ 14-8 ASSEMBLY; RIOT.

It shall be unlawful for two or more persons to assemble to do an unlawful act or to cause a rout or riot.
(1993 Code, § 14-8)

§ 14-9—14-11 RESERVED.

(1993 Code, §§ 14-9—14-11)

§ 14-12 CURFEW.

(A) *Established.* It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least 18 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of the state authorize a person less than 17 years of age to perform:

(1) Between 12:01 a.m. and 6:00 a.m. Saturday;

(2) Between 12:01 a.m. and 6:00 a.m. Sunday; and

(3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(B) *Parental responsibility.* It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his or her custody or control to violate subsection (A) above.

(C) *Penalty.* A person convicted of a violation of any provision of this section shall be guilty of a petty offense and shall be fined not less than $10, nor more than $100.

(D) *Detention by police.* Each member of the police force is hereby authorized to detain any person violating provisions of subsection (A) above until he or she is turned over to the custody of the parent, guardian or other person having the legal care and custody of such child.
(1993 Code, § 14-12)
Statutory reference:
Similar provisions, see § 12c-60 of the Illinois Criminal Code, 720 ILCS 5/12c-60

§ 14-13 THROWING MISSILES; INJURING PROPERTY.

It shall be unlawful to purposely or heedlessly cast any missile at any person or against or into any public or private property, or to injure or deface in any manner any building, tree, shrub or other property in the city without the consent of the owner.
(1993 Code, § 14-13)

§ 14-14 PEDESTRIAN OBSTRUCTING SIDEWALK.

It shall be unlawful for a pedestrian to stand upon any sidewalk, except as near as is reasonably possible to the building line or curb line, if such standing interferes with the use of the sidewalk by other pedestrians.
(1993 Code, § 14-14)

§§ 14-15—14-65 RESERVED.

(1993 Code, §§ 14-15—14-65)

ARTICLE II. NUISANCES

§ 14-66 CREATING, MAINTAINING PROHIBITED.

The maintenance or creation of any nuisance shall constitute a misdemeanor.
(1993 Code, § 14-66)

§ 14-67 NOTICE TO ABATE REQUIRED.

(A) It shall be the duty of the Police Chief to serve notice, in writing, upon the owner, occupant, agent or person in possession or control of any lot, building or premises in or upon which any nuisance may be found, or who may be the owner or the cause of any such nuisance, requiring him or her to abate the same in such manner as the Police Chief shall prescribe, within a reasonable time.

(B) It shall not be necessary in any case for the Police Chief to specify in the notice the manner in which any nuisance shall be abated, unless he or she shall deem it advisable so to do. Such notice may also be given or served by any other officer who is so directed.
(1993 Code, § 14-67)

§ 14-68 FAILURE TO COMPLY WITH NOTICE PROHIBITED.

If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a misdemeanor.
(1993 Code, § 14-68)

§ 14-69 ABATEMENT BY CITY.

It shall be the duty of the Police Chief to proceed at once upon the expiration of the time specified in the notice to cause such nuisance to be abated; provided, however, that, whenever the owner, occupant, agent or person in possession or control of any premises, in or upon which any nuisance may be found, is unknown or cannot be found, the Police Chief shall proceed to abate such nuisance without

notice. In either case, the expense of such abatement shall be collected from the person who may have created, continued or suffered such nuisance to exist, in addition to any penalty or fine.
(1993 Code, § 14-69)

§ 14-70 SUMMARY ABATEMENT.

Whenever any nuisance shall be found on any premises within the city, the Police Chief is hereby authorized in his or her discretion to cause the same to be summarily abated in such manner as he or she may direct.
(1993 Code, § 14-70)

§ 14-71 COMMON LAW AND STATUTORY NUISANCES.

In all cases where no provision is made defining what are nuisances 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 the common law of the land and state law as nuisances may be treated as such, and proceeded against as is provided in this code, or in accordance with any other provision of law.
(1993 Code, § 14-71)

§ 14-72 NUISANCES DETRIMENTAL TO HEALTH GENERALLY.

No building, vehicle, structure, receptacle, yard, lot, premises or part thereof shall be made, used, kept, maintained or operated in the city, if such use, keeping or maintaining of any nuisance shall be dangerous or detrimental to health.
(1993 Code, § 14-72)

§ 14-73 UNHEALTHFUL BUSINESSES.

No substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business, or be used therein, or be used in any work or labor performed in the city, and no nuisance shall be permitted to exist in connection with any business or in connection with any such work or labor.
(1993 Code, § 14-73)

§ 14-74 SPECIFIC NUISANCES ENUMERATED.

It is hereby declared to be a nuisance and to be against the health, peace and comfort of the city for any person within the limits of the city to permit the following, but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) *Creating offensive smells.* To so negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood;

(B) *Permitting offensive matter to remain.* To cause or suffer the carcass of any animal, or any animal or vegetable matter, slops, swill, suds, garbage, filth, stable droppings or offal or noisome substance of any kind, to be collected, deposited or to remain in any place in the city to the prejudice of others;

(C) *Depositing offensive matter.* To deposit, throw or place human or animal excrement, dead animals or any other filthy, offensive or noisome substance in or upon any street, lot, alley, highway, park, watercourse, lake, pond, spring or other place within the city, with the exception of commercial fertilizer normally used for home gardening;

(D) *Keeping place where areas or containers are kept in an offensive condition.* To keep, or suffer to be kept, in a foul, offensive, nauseous or filthy condition any chicken coop, cow stable, stable, pen, cellar, vault, drain, pool, privy, sewer or sink upon any premises belonging to or occupied by him or her, or any railroad car, building yards, grounds or premises belonging to or occupied by him or her;

(E) *Keeping animals other than domesticated pets.* To keep or suffer to be kept upon or about his or her premises or upon vacant property or public streets or public property within the city any goat, sheep, hog, cattle, fowl or other animal, reptile or serpent, other than domesticated house pets or saddle horses. The animals permitted in § 5-2 are excepted from this section. Each day any such goat, sheep, hog, cattle, fowl or other animal, reptile or serpent, other than domesticated house pets or saddle horses, is kept in violation of this section shall constitute a separate and distinct offense;

(F) *Slaughtering, slaughterhouses and the like.* To slaughter or kill any animals within the city, or to locate or maintain at any place within the city any slaughterhouse, packinghouse, rendering establishment or bone factory, or to suffer or permit any premises at any place within the city limits used for any of such purposes to become foul or offensive;

(G) *Accumulations of junk, trash.* To deposit or pile up any rags, old rope, paper, old iron, brass, copper, tin, ashes, garbage, refuse, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land or upon any public or private alley or street within the city, except as otherwise provided in this code;

(H) *Dense or offensive smoke*. To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the city so as to cause annoyance or discomfort to the residents thereof;

(I) *Bringing nuisances into city*. To bring into the city, or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance or thing which shall be a nuisance or which shall occasion a nuisance in the city, or which may or shall be dangerous or detrimental to health;

(J) *Weeds and grass*. To fail or refuse to cut or destroy all weeds, grass and excess growth upon any land owned, leased, rented or otherwise actually or constructively controlled. The growth of weeds and grass to a height in excess of ten inches is declared a public nuisance in that such conditions favor the harboring of mosquitoes and rodents, and may constitute a fire hazard; and

(K) *Dismantled, wrecked motor vehicles*. To conduct the business of wrecking, dismantling, breaking up or buying, storing, keeping or otherwise dealing in motor vehicles for the purpose of dismantling, wrecking or reselling of any part or parts thereof.
(1993 Code, § 14-74) (Ord. 2001-6, passed 2-20-2001; Ord. 2006-08, passed 6-20-2006)

§ 14-74A VIOLATION; NOTICE.

(A) (1) Nuisances, as defined in § 14-74 of this chapter, shall be punishable by a fine not less than $25, nor more than $300, for each day that said nuisance persists after notice that the nuisance must be abated.

(2) Such fine is in addition to all other remedies to the city available herein or by law.

(B) (1) Upon discovering a violation, the Police Chief shall give written notice to the owner of occupant of said parcel of land to abate said nuisance within three days.

(2) Said notice shall be in substantially the following form:

[Form follows on next page]

NOTICE

To the owner of occupant of the following described parcel of real estate:

You are hereby notified that there exists on the above described real estate a nuisance in violation of § 14-74 of the Petersburg Code of Ordinances.

You are further notified that if said nuisance is not removed or abated within three days after your receipt of this notice, then the City of Petersburg, acting through an agent or employee, will enter upon said premises and will have the same removed and abated at your cost and expense. If you desire a hearing regarding this matter, please contact Petersburg City Hall and a hearing will be arranged prior to action by the city. Failure to abate this nuisance may subject you to a fine not less than $25, nor more than $300, for each day that said growth is permitted by you to remain notwithstanding any request for a hearing.

In the event that the nuisance is removed or abated within said three days after receipt of this notice, then the city will not take any further action against you. Please avoid any action by the City of Petersburg by immediately addressing this nuisance. If you have any questions regarding the matter, please call Petersburg City Hall.

(C) If the owner or occupant of the premises is not known or cannot be found, service of the foregoing notice shall be effected by posting a copy thereof and the premises at least five days before the date affixed for removal or abatement of the nuisance, and mailing a copy by certified mail, return request requested, to the last known address of the person owning said land. Failure of such mail notice to be delivered or received shall not affect the right of the city to proceed to abate the nuisance.

(D) In addition to all other remedies and penalties provided by this section and other ordinances, the City Attorney may bring suit in a court of competent jurisdiction to seek an injunction or other appropriate relief, to halt any violation of this section. Such action may include seeking a temporary injunction and other appropriate temporary relief. Nothing in this section shall be deemed to restrict a suit for damages of the city or on behalf of any other person or entity.

(E) The provisions of this section are severable. If any provision of this section or the application to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application.
(Ord. 2006-08, passed 6-20-2006)

§ 14-75 LIEN FOR COST OF REMOVAL BY CITY.

(A) The reasonable cost of the abatement of any nuisance by the Police Chief, or person designated by him or her, shall become a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that, within 60 days after such cost and expense is incurred the city, or person performing the service by authority of the city, in his or her own name, files notice of lien in the office of the county's Recorder of Deeds. If the city has incurred cost or expense, the Police Chief shall notify the Mayor to file a notice of lien on behalf of the city.

(B) The notice shall consist of a sworn statement setting out:

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

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

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

(C) Upon payment of the cost and expense by the owner of or person interested in such property after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release may be filed of record as in the case of filing the notice of lien.
(1993 Code, § 14-75)

CHAPTER 15: PARKS AND MEMORIALS

CHAPTER 15: PARKS AND MEMORIALS

Section

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ARTICLE I. IN GENERAL

§ 15-1 PARKS ENUMERATED.

The following constitute the city parks:

(A) Hurie Park;

(B) Jaycee Park;

(C) Rotary Parks;

(D) Girls' Baseball Diamonds;

(E) VFW Park; and

(F) Reserved areas.
(Ord. passed 2011-16, passed 11-15-2011)

§ 15-2 HOURS OF PARK OPERATION.

(A) Except as otherwise provided herein, public parks of the city shall be open between the hours of 8:00 a.m. and 10:00 p.m.

(B) The City Council, upon application made in writing together with proof of public liability insurance, may extend by resolution the hours at Hurie Park and the Girls' Baseball Diamonds from 10:00 p.m. to midnight of the same day for organized athletic competitions conducted by non-profit entities.
(Ord. passed 2011-16, passed 11-15-2011)

§ 15-3 ENFORCEMENT.

(A) Any person violating the terms of this article may be ejected from the park, and any vehicle, article or device used in violation of the terms of this article may be seized and confiscated.

(B) Any violation of this article shall be punished by a fine of not less than $100 and not to exceed $750 per violation. When a violation persists for longer than 24 hours, each 24-hour period during which the violation persists shall be considered a separate violation.

(C) The City Council may, by resolution, ban any person found to be in violation of this article, or found guilty of any offense under the Criminal Code of the state occurring upon city park property from use of the city parks for a period of one year.

(D) Any person found entering upon city park property after receiving notice banning that individual from city park property shall be subject to arrest and prosecution for criminal trespass to land.
(Ord. passed 2011-16, passed 11-15-2011)

§§ 15-4—15-10 RESERVED.

(1993 Code, §§ 15-4—15-10)

ARTICLE II. EDGAR LEE MASTERS MEMORIAL

§ 15-11 ESTABLISHED; NAME.

(A) There is hereby set aside for a memorial to the American poet and author, Edgar Lee Masters, the following described city real estate: 50 feet off the south side of Lot 4 in Block 4 in the original town, now City of Petersburg, Menard County, Illinois.

(B) Such area shall be known and referred to as "Edgar Lee Masters Memorial".
(1993 Code, § 15-11)

§ 15-12 PURPOSE.

The intent and purpose of the dedication of the property described in § 15-11 of this chapter is to preserve for this community and for the people of the state this home, which saw the childhood of Edgar Lee Masters, and to memorialize America's great poet and author, who once lived in the home now on such described real estate.
(1993 Code, § 15-12)

§ 15-13 BOARD OF DIRECTORS—CREATED; APPOINTMENT.

The real estate, improvements, reconstruction, administration and the expenditures of moneys in the Edgar Lee Masters Memorial Fund, and the supervision of the grounds and facilities of the Edgar Lee Masters Memorial, is hereby vested in a Board of Directors. Such Board shall be appointed by the Mayor with the consent of the City Council.
(1993 Code, § 15-13)

§ 15-14 SAME—COMPOSITION.

The Board of Directors of the Edgar Lee Masters Memorial and Memorial Fund shall consist of seven in number, six of whom shall be from among citizens of this community or area, competent for the purpose. One member shall be an Alderman from the City Council or an official from the city.
(1993 Code, § 15-14)

§ 15-15 SAME—TERM; VACANCIES.

Directors of the Edgar Lee Masters Memorial and Memorial Fund shall serve for staggered terms of three years, and until their successors are appointed and qualified, with the member of the City

Council or the city official serving for and during the term of his or her official office. The Mayor shall fill vacancies in the same manner as original appointments.
(1993 Code, § 15-15)

§ 15-16 SAME—REMOVAL.

Directors of the Edgar Lee Masters Memorial may be removed from office by the City Council for misconduct or neglect of duty.
(1993 Code, § 15-16)

§ 15-17 SAME—DUTIES.

The Directors of the Edgar Lee Masters Memorial shall select from their number a President, Secretary, Clerk, Treasurer, who shall be bonded, and such other officers as may be necessary. The Directors shall make rules for their guidance and regulations for the Memorial. The Directors shall have exclusive control of the Memorial grounds, and full power and authority to accomplish its purposes as set forth in this article.
(1993 Code, § 15-17)

§ 15-18 CUSTODIAN.

The Board of Directors of the Edgar Lee Masters Memorial may appoint a custodian for such Memorial from among the citizens and electors of the city. The Board shall fix the compensation, duties and responsibilities of such custodian.
(1993 Code, § 15-18)

§ 15-19 FINANCES.

The Edgar Lee Masters Memorial shall be maintained by admissions, and by gifts, donations, grants and devises from interested parties.
(1993 Code, § 15-19)

§ 15-20 TRUST ESTABLISHED.

(A) The President of the Edgar Lee Masters Memorial Board of Directors, the Mayor of the city and an individual to be designated by the Mayor, such designee to be a president of a national bank having its principal banking house located within the city, shall be Trustees of the Edgar Lee Masters Memorial Trust. Contributors of gifts, legacies, grants and devises of the value of $1,000 or more may

restrict such gifts to be held in trust, but if no such restriction is specified by the donor, such gifts may, in the discretion of the Trustees, be designated for the ordinary, reasonable and necessary expenses of operating the Memorial. Restricted trust contributions shall be held in trust for the endowment and perpetuation of the Memorial and shall be held by the Trustees, invested and re-invested, and the net income therefrom paid over at least annually to the Board of Directors of the Memorial. Gifts in amounts less than $1,000 may be designated by the Trustees for the ordinary, reasonable and necessary expenses of operating the Memorial in the sole discretion of the Trustees. The Trustees may, from time to time, distribute funds designated for ordinary operating expenses to the Board of Directors therefor.

(B) All property and/or funds intended for this trust should be designated as payable to the "Petersburg Masters Memorial Trust".
(1993 Code, § 15-20) (Ord. 2002-8, passed 4-16-2002)

§ 15-21 DIRECTORS' ANNUAL REPORT.

(A) Within 15 days after the expiration of each fiscal year, the Directors of the Edgar Lee Masters Memorial shall make a report to the City Council concerning the condition of such Memorial and of their trust.

(B) Such report shall include:

(1) An itemized statement of the source of various sums of money received by it, and the specific objects and purposes, if any, for which those sums were received and have been expended;

(2) A statement of the property acquired by gift, bequeath, purchase or otherwise;

(3) A statement of any extension of such Memorial or of services undertaken;

(4) An inventory of the number and character of the personal property on hand;

(5) A budget of the financial requirements of the Memorial Directors for the ensuing fiscal year and of the means for acquiring such funds; and

(6) Such other and further information as may be of value to the City Council and the general public.
(1993 Code, § 15-21)

CHAPTER 16: PEDDLERS AND SOLICITORS

CHAPTER 16: PEDDLERS AND SOLICITORS

Section

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§ 16-1 FINDINGS AND INTENT.

This chapter is intended to regulate door-to-door sales by requiring persons engaging in door-to-door sales and solicitation to register and obtain a license from the city and by promulgating reasonable time and manner restrictions on door-to-door solicitation.
(Ord. 2014-01, passed 3-4-2014)

§ 16-2 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOOR-TO-DOOR SALES. The in-person solicitation by a person:

(1) By entry upon residential property, including multi-family or duplex residential property;

(2) From the public right-of-way near residential property; or

(3) By seeking to draw attention to the person's presence by using audio sounds from mobile units.

DOOR-TO-DOOR SALES APPLICATION FEE. A non-refundable fee as established and adjusted from time to time by the City Council, which shall be charged at the time an application is submitted for a door-to-door sales permit.

DOOR-TO-DOOR SALES PERMIT. A permit issued to a salesperson authorizing him or her to engage in door-to-door sales in accordance with this chapter and/or authorizing a sales supervisor to direct or supervise a salesperson.

SALES ORGANIZATION. Any individual, sole proprietorship, partnership, association, group, firm, corporation or other entity engaged in the supervision, recruitment, retention or employment of a salesperson or salespersons, including any person or representative thereof for door-to-door sales.

SALES SUPERVISOR. Any person who directs or supervises a salesperson.

SALESPERSON. Any person engaged in door-to-door sales.

SOLICITATION or ***SOLICITING.*** Any one or more of the following:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever;

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type or character;

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication;

(4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any association, organization, corporation or project that is not otherwise exempt under this chapter; or

(5) Seeking to obtain immediate sales of foodstuffs by drawing attention to their presence by using audio sounds from mobile units.
(Ord. 2014-01, passed 3-4-2014)

§ 16-3 ADMINISTRATION.

The city's door-to-door sales permit process shall be administered by the city's Police Department's Police Chief.
(Ord. 2014-01, passed 3-4-2014)

§ 16-4 DOOR-TO-DOOR SALES REGULATIONS.

(A) It shall be unlawful for any individual, sole proprietorship, partnership, association, group, firm, corporation or other entity to engage in door-to-door sales without having first obtained a door-to-door sales permit therefore as provided in this chapter.

(B) No sales organization shall allow any salesperson to engage in door-to-door sales who has not applied for and received a city door-to-door sales permit.

(C) No sales supervisor shall direct, supervise or allow any salesperson to engage in door-to-door sales who has not applied for and received a city door-to-door sales permit.

(D) Each salesperson shall wear affixed to his or her outer clothing the city door-to-door sales permit at all times while engaged in door-to-door sales.

(E) No salesperson or sales supervisor shall use any vehicle to transport persons or materials for door-to-door sales unless said vehicle is identified in the door-to-door sales permit application and the exterior of said vehicle is marked with the name of the sales organization and/or the words "door-to-door sales". All required information shall be in letters a minimum of four inches in height on both sides of the vehicle.

(F) All door-to-door sales permits shall be returned to the Police Chief on or prior to the permit's expiration date.

(G) Door-to-door sales shall be restricted to the hours of 10:00 a.m. to 5:00 p.m., Monday through Saturday. Door-to-door sales shall be prohibited on Sundays and national holidays.
(Ord. 2014-01, passed 3-4-2014)

§ 16-5 APPLICATION REQUIREMENTS.

(A) Each salesperson and sales supervisor must apply individually to the city's Police Department during posted administrative hours by submitting a completed application upon a form provided by the Police Chief and filing it with such Chief.

(B) The application shall be made in writing, under oath, and by responding in full the information requested on the application, to-wit:

(1) Name, including all previous and other names used;

(2) Present address and length of residence at such address, as well as mailing address if different;

(3) Date of birth;

(4) Driver's license number or state issued identification card number;

(5) Permanent residential addresses during the past three years if different than the present address;

(6) Current home and cellular phone number;

(7) Temporary local address (if any);

(8) Name and address of the individual, sole proprietorship, partnership, association, group, firm, corporation or other entity with whom the applicant is employed or represents, including a current copy of the IBT (Illinois Business Tax) form, if any, and length of time of employment or representation by the applicant;

(9) The identity of the applicant's supervisor and contact information;

(10) Name, address and telephone number of all employers during the past three years, if different than the present employer;

(11) Nature of the business for which solicitation will be performed, including description of any and all goods and/or services being offered, and a current copy of the applicant's food permit, if selling food;

(12) Make, model, color and registration number of any vehicle(s) used to transport the applicant, his or her supervisor and/or sales materials, together with a copy of the driver's license of the individual responsible for driving the applicant;

(13) The date or the approximate date of the latest previous city door-to-door sales permit application by the applicant;

(14) Whether the applicant has ever had a solicitation, solicitor's, peddler's, hawker's or other sales license or permit revoked by this or any other municipality;

(15) Whether the applicant has ever been convicted of a violation of any regulations of any other municipality regarding soliciting and, if so, an identification of the municipality and approximate date of the conviction;

(16) Whether the applicant has ever been convicted of the commission of a felony or misdemeanor under the laws of the state or any other state or federal law of the United States;

(17) The name and state of the last three municipalities where the applicant carried on business immediately preceding the date of application in the municipality and the address from which such business was conducted in those municipalities;

(18) Such other identifying information as maybe reasonably required, including, but not limited to:

(a) Government-issued photographic identification, such as a driver’s license;

(b) In the case of a minor who does not possess government-issued photographic identification, an original birth certificate or an affidavit signed under the penalties of perjury by the minor’s parent or guardian attesting to the minor’s date of birth; or

(c) If a government-issued photographic identification is not available, submission of two “passport” type photographs (i.e., a color photo printed on photo quality paper, two inches by two inches in size), sized such that the head is between one inch and one and three-eighths inches from the bottom of the chin to the top of the head, taken within the last six months to reflect the applicant’s current appearance, with a plain white or off-white background, taken directly facing the camera with a neutral expression and both eyes open, along with satisfactory identification that does not contain a photo.

(19) If applying as a sales supervisor, such sales supervisor shall additionally list all salesperson’s names and addresses and shall acknowledge that the individuals are individually known to the sales supervisor, that such persons will be supervised in their door-to-door sales by the sales supervisor, and that such sales supervisor will be responsible for their conduct.

(C) No application shall be received or reviewed without payment in full of the door-to-door sales application fee. The door-to-door sales application fee shall accompany each application.
(Ord. 2014-01, passed 3-4-2014)

§ 16-6 BACKGROUND CHECK.

The Police Chief shall conduct such investigation of the matters set forth in the application as the Chief determines reasonable and necessary, which investigation shall include a criminal records check of each applicant for a city door-to-door sales permit. A criminal records check shall not be necessary for individuals under the age of 18 (if a sales supervisor for the individuals) has filled out an “affidavit of supervision” listing all participants’ names and addresses, attesting that the individuals are individually known to the sales supervisor, and stating that such minors will be supervised in their door-to-door sales by the sales supervisor, who will be responsible for their conduct.
(Ord. 2014-01, passed 3-4-2014)

§ 16-7 ISSUANCE, DENIAL AND REVOCATION.

(A) The Police Chief may deny issuance or revoke any door-to-door sales permit after notice for any of the following causes:

(1) Fraud, misrepresentation or any false or incomplete statements made in completing the application required herein or otherwise furnished to the Police Chief upon request;

(2) Any violation of this chapter;

(3) Conviction of the permit holder of any felony within the past ten years of the date of application;

(4) Conviction of the permit holder of any misdemeanor within the past five years of the date of application;

(5) Conducting solicitation in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the city; and

(6) A determination that the applicant/salesperson has not yet attained his or her eighteenth birthday.

(B) Notice of denial or revocation of a permit shall be given in writing, stating the reasons. Such notice shall be hand-delivered to the permit seeker or holder or mailed to them at the address given in the application.

(C) The door-to-door sales permit shall expire 30 days after issuance.

(D) A $20 cash deposit shall be required after approval and prior to issuance of a door-to-door sales permit and shall be returned to the salesperson if the said permit is returned to the city's Police Department on or prior to the permit's expiration date.
(Ord. 2014-01, passed 3-4-2014)

§ 16-8 TRANSFER; USE BY OTHER PERSON.

A door-to-door sales permit issued pursuant to this chapter shall not be assigned or transferred. A door-to-door sales permit shall not be used by any person other than the person to whom the permit was issued.
(Ord. 2014-01, passed 3-4-2014)

§ 16-9 SIGNS PROHIBITING SOLICITATION; COMPLIANCE.

Every person desiring to secure the protection intended to be provided by this section shall comply with the following directions.

(A) Notice of the determination by the occupant refusing invitation to solicitors to any residence shall be given by exhibiting signage at least three inches by four inches in size upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, such as "no solicitors" or "no solicitors invited" or "no trespassing". The letters shall be at least one-third inch in height. For purposes of uniformity, the cards shall be provided by the Police Chief to persons requesting the same, at the cost thereof.

(B) Such card so exhibited shall constitute sufficient notice to any salesperson of the determination by the occupant of the residence of the information contained thereon.

(C) It is the duty of every salesperson upon going onto any premises in the city upon which a residence is located to first examine the notice provided for in this section, if any is exhibited, and be governed by the statement in the notice.

(D) It shall be unlawful for any salesperson, whether registered or not, to enter the premises or remain on property displaying the signage as described in this section, or to not immediately and peacefully depart from the premises.

(E) It shall be unlawful for any salesperson, whether registered or not, to ignore a no solicitation directive or to remain on private property and not immediately and peacefully depart upon request to do so by the occupant or after an occupant has otherwise indicated that the salesperson is not welcome.

(F) It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or to create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting, as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of this section.
(Ord. 2014-01, passed 3-4-2014)

§ 16-10 "DO NOT KNOCK" REGISTRY.

(A) (1) The Police Chief shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Police Chief that a salesperson is not permitted on the premises (hereinafter referred to as the "Do Not Knock" registry).

(2) Every person desiring to secure the protection intended to be provided by this section shall complete a form provided by the Police Chief and available at the Police Department.

(B) The Police Chief shall distribute the current “Do Not Knock” registry to every salesperson prior to or at the time that such salesperson is provided a door-to-door sales permit. It shall be unlawful for any salesperson, whether registered or not, to enter any premises identified on the then current “Do Not Knock” registry.
(Ord. 2014-01, passed 3-4-2014)

§ 16-11 SPECIAL ADDITIONAL REGULATIONS FOR DOOR-TO-DOOR SALES FROM MOBILE UNITS.

A salesperson or a sales organization engaging in solicitations by seeking to draw attention to the salesperson’s or sales organization’s presence by using audio sounds from mobile units shall observe the following additional regulations.

(A) Door-to-door sales may only occur in the vehicle identified on the application for the door-to-door sales permit.

(B) Door-to-door sales may occur only on public ways within residential districts.

(C) Any vehicle used for door-to-door sales may not be stopped at any time in an area where parking is prohibited or in any area posted as a no parking zone.

(D) Any vehicle used for door-to-door sales may not be stopped for more than 15 minutes in a single location.

(E) Any vehicle used for door-to-door sales shall pull as far as practicable to the side of the right-of-way when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. Any vehicle used for door-to-door sales may not be stopped in a manner that prevents passage of other motor vehicles on the right-of-way.

(F) Prior to leaving each stop, the salesperson shall remove any litter left at the stop by customers.

(G) No vehicle used for door-to-door sales may use music or other sounds or be stopped, except between the hours of 10:00 a.m. and 5:00 p.m. in the months of May, June, July, August and September.
(Ord. 2014-01, passed 3-4-2014)

§ 16-12 EXCEPTIONS.

No permit shall be required under this chapter for the following:

(A) Persons going door-to-door for the purpose of advocating any religious, political, social or other position or belief protected by the federal or state constitution; provided, however, that, this exemption

does not apply and such person is required to obtain a permit if the exercise of the person's constitutional rights are merely incidental to a commercial activity;

(B) Persons dealing only with merchants, businesses or professional consumers and not residential consumers;

(C) Officers, members, agents or representatives acting on behalf of non-profit, charitable or religious organizations recognized as such by the Internal Revenue Service, who are able to produce written confirmation of such exempt status by the Internal Revenue Service and who are not paid for their services;

(D) Candidates for elected government positions and their campaign workers or volunteers; and

(E) Route delivery persons who only incidentally solicit additional business or make special sales (i.e., Schwan's).
(Ord. 2014-01, passed 3-4-2014)

§ 16-13 VIOLATIONS AND PENALTIES.

Each violation of any provision of this chapter shall be punished by a fine of not less than $200 and not more than $750. Each day upon which a violation occurs or continues shall be considered a separate offense.
(Ord. 2014-01, passed 3-4-2014)

CHAPTER 17: PLANNING

CHAPTER 17: PLANNING

Section

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Article II. Planning Commission

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ARTICLE I. IN GENERAL

§§ 17-1—17-10 RESERVED.

(1993 Code, §§ 17-1—17-10)

ARTICLE II. PLANNING COMMISSION

§ 17-11 CREATED.

A Planning Commission for the city is hereby created.
(1993 Code, § 17-11)
Statutory reference:
Creation of Planning Commission, see § 11-12-4 of the Illinois Municipal Code, 65 ILCS 5/11-12-4

§ 17-12 COMPOSITION.

The Planning Commission shall have a membership as provided in App. A of this code of ordinances. The members of the Planning Commission shall reside within the city or within territory contiguous to the city and not more than one and one-half miles beyond the corporate limits and not included within any other municipality.
(1993 Code, § 17-12)
Statutory reference:
Composition and appointment of Planning Commission, see § 11-12-4 of the Illinois Municipal Code, 65 ILCS 5/11-12-4

§ 17-13 TERM OF MEMBERSHIP; VACANCY.

The terms of members of the Planning Commission and filling of vacancies thereon shall be governed by App. A of this code of ordinances.
(1993 Code, § 17-13)
Statutory reference:
Term of office of Planning Commission, see § 11-12-4 of the Illinois Municipal Code, 65 ILCS 5/11-12-4

§ 17-14 MEMBERS, EXCEPT SECRETARY, TO SERVE WITHOUT COMPENSATION.

(A) All the members and officers of the Planning Commission shall serve without compensation.

(B) However, if the City Council deems it advisable, the Secretary of the Planning Commission may receive such compensation as may be fixed from time to time by the City Council, and provided for in the appropriation ordinance.
(1993 Code, § 17-14)
Statutory reference:
Compensation of Planning Commission, see § 11-12-4 of the Illinois Municipal Code, 65 ILCS 5/11-12-4

§ 17-15 ORGANIZATION.

As soon as possible after their appointment, the Chairperson and the other members of the Planning Commission shall organize by selecting the officers designated in App. A of this code of ordinances and such other officers as may, in their judgment, be necessary.
(1993 Code, § 17-15)

§ 17-16 FINANCES.

If the Planning Commission shall deem it advisable to secure technical advice or service of any nature, or incur expenses in connection with the carrying on of its work, it may do so upon receiving authority to so act from the City Council and upon an appropriation by the City Council of moneys therefor.
(1993 Code, § 17-16)
Statutory reference:
Authority to appropriate funds for Planning Commission, see § 11-12-4 of the Illinois Municipal Code, 65 ILCS 5/11-12-4

§ 17-17 GENERAL POWERS.

The Planning Commission has the following powers:

(A) To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the city. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of the city. This plan may include reasonable requirements with reference to streets, alleys, public grounds and other improvements hereinafter specified. The plan, as recommended by the Planning Commission and as thereafter adopted in the city, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances:

(1) Establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements, as defined in this section;

(2) Establishing reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment; and

(3) May designate land suitable for annexation to the city and the recommended zoning classification for such land upon annexation.

(B) To recommend changes, from time to time, in the official comprehensive plan;

(C) To prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official comprehensive plan;

(D) To give aid to the city officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects and, generally, to promote the realization of the official comprehensive plan;

(E) To prepare and recommend to the City Council schemes for regulating or forbidding structures or activities which may hinder access to solar energy necessary for the proper functioning of solar energy systems, as defined in § 1.2 of the Comprehensive Solar Energy Act of 1977, 30 ILCS 725/1.2, or to recommend changes in such schemes; and

(F) To exercise such other powers germane to the powers granted by this article as may be conferred by the City Council.
(1993 Code, § 17-17)
Statutory reference:
General powers of Planning Commission, see § 11-12-5 of the Illinois Municipal Code, 65 ILCS 5/11-12-5

§ 17-18 COMMITTEES GENERALLY.

The Chairperson of the Planning Commission shall appoint a Code Review Committee, a Relocation Committee, a Citizens Advisory Committee and such other committees as he or she shall deem appropriate. Such Committees shall serve for the period of their respective official offices and for a period not to exceed the term of the appointing Chairperson.
(1993 Code, § 17-18)

§ 17-19 CODE REVIEW COMMITTEE; MEMBERSHIP; APPOINTMENT; FUNCTION.

(A) The Code Review Committee of the Planning Commission shall consist of three members, who shall be appointed by the Chairperson of the Planning Commission.

(B) One member shall be appointed from the membership of the Planning Commission, and such member shall serve as Subchairperson of the Code Review Committee. The second member shall be the Chairperson of the Judicial Committee of the City Council. The third member shall be appointed from the citizens of the city, with the approval of the Mayor and the City Council. Such Committee's primary function shall be to review and propose for revision by the City Council existing codes, primarily those for building, plumbing, housing, electrical installation and zoning.

(1993 Code, § 17-19)

§ 17-20 RELOCATION COMMITTEE; MEMBERSHIP; APPOINTMENT; FUNCTION.

The Relocation Committee of the Planning Commission shall consist of three members, who shall be appointed by the Chairperson of the Planning Commission. One member shall be appointed from the membership of the Planning Commission, and such member shall serve as Subchairperson of the Relocation Committee. One member shall be the City Council Chairperson of the Health Committee. The third member shall be appointed from the citizens of the city, by and with the approval of the Mayor and City Council. Such Committee's primary function shall be the relocation of citizens necessitated by purchase, condemnation or otherwise, by the city, the state or the United States, or any subdivision or instrumentality of either or any of them, of any real estate which is necessary or appropriate for the rehabilitation or redevelopment of any blighted or slum area, or by the removal or demolition of substandard or other buildings or structures, or for property necessary for public use.
(1993 Code, § 17-20)

§ 17-21 CITIZENS ADVISORY COMMITTEE; MEMBERSHIP; APPOINTMENT; FUNCTION.

The Citizens Advisory Committee shall consist of a minimum of three members, who shall be appointed by the Chairperson of the Planning Commission by and with the consent of the City Council. The Chairperson of the Planning Commission shall give consideration for such appointments to the President of the city's Chamber of Commerce and other organizational heads. Such Committee's primary function shall be to make suggestions to and advise the Planning Commission and the City Council in all matters of public interest coming to their attention, particularly those looking to the future developments and improvements of the city.
(1993 Code, § 17-21)

§ 17-22 RECORDS TO BE KEPT.

The Planning Commission shall keep written records of its proceedings, which shall be open to inspection by the City Council at all times.
(1993 Code, § 17-22)

CHAPTER 18: PLUMBING CODE

CHAPTER 18: PLUMBING CODE

[Reserved]

CHAPTER 19: POLICE

CHAPTER 19: POLICE

Section

19-1 Department established
19-2 Office of Police Chief Established; appointment; term
19-2.1 Office of Assistant Police Chief; duties
19-3 Appointment; term
19-4 Oath; bond
19-5 Compensation
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19-13 Service of warrants
19-14 Arrests, disposition records; report
19-15 Reserved
19-16 Paying over moneys
19-17 Part-time police officers

§ 19-1 DEPARTMENT ESTABLISHED.

The Police Department is hereby created in and for the city.
(1993 Code, § 19-1)

§ 19-2 OFFICE OF POLICE CHIEF ESTABLISHED; APPOINTMENT; TERM.

The Office of Police Chief is hereby established. The Police Chief shall be appointed by the Mayor with the advice and consent of the City Council. He or she shall serve at the will of the Mayor and City Council.
(1993 Code, § 19-2)

Statutory reference:

Appointment of officers, see § 3.1-30-5 et seq. of the Illinois Municipal Code, 65 ILCS 5/3.1-30-5 et seq.

§ 19-2.1 OFFICE OF ASSISTANT POLICE CHIEF; DUTIES.

(A) The Police Chief may appoint no more than two Assistant Police Chiefs with approval of the City Council.

(B) Said Assistant Police Chiefs shall have the duties and responsibilities provided in the city's Police Department Job Description for Assistant Police Chiefs.
(Ord. 2015-06, passed 3-3-2015)

§ 19-3 APPOINTMENT; TERM.

(A) As many city police officers as the City Council may deem expedient may be appointed by the Mayor with the consent of the Council.

(B) The terms of such appointees shall be fixed by the Council.
(1993 Code, § 19-3)

§ 19-4 OATH; BOND.

Each city police officer shall take the oath of office or affirmation of office in the same or substantially the same form provided for in Article XIII, § 3 of the Illinois Constitution of 1970 as follows:

> "I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of ______________________ to the best of my ability."

(1993 Code, § 19-4)
Statutory reference:
Similar provisions, see § 3.1-10-25 of the Illinois Municipal Code, 65 ILCS 5/3.1-10-25

§ 19-5 COMPENSATION.

The compensation of the Police Chief, his or her assistants and all police officers shall be fixed by the City Council by ordinance.
(1993 Code, § 19-5)
Statutory reference:
Compensation of police, see § 10-3-1 of the Illinois Municipal Code, 65 ILCS 5/10-3-1
Fixing of salaries by council, see § 3.1-50-10 of the Illinois Municipal Code, 65 ILCS 5/3.1-50-10

§ 19-6 MAYOR TO SUPERINTEND POLICE FORCE.

The Mayor shall superintend the police generally, and shall see that the members of the Department are prompt and faithful in the performance of their duties.
(1993 Code, § 19-6)

§ 19-7 COMMITTEE TO SUPERVISE POLICE FORCE.

In addition to the supervision provided by the Mayor, the Committee on Police and Community Safety of the City Council shall supervise the Police Department, and shall have the right to direct and order the police where and when the Mayor is absent.
(1993 Code, § 19-7) (Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 19-8 GENERAL DUTIES.

(A) It shall be the duty of the Police Chief, his or her assistants and all police officers to see that the city ordinances and the laws of the state are enforced, and to preserve order, peace and quiet throughout the city.

(B) The Police Chief and all police officers shall perform such other duties as the Mayor or City Council may from time to time prescribe.
(1993 Code, § 19-8)

§ 19-9 DECLARED CONSERVATORS OF PEACE.

The police officers shall be conservators of the peace.
(1993 Code, § 19-9)
Statutory reference:
Similar provisions, see § *3-9-4 of the Illinois Municipal Code, 65 ILCS 5/3-9-4*

§ 19-10 POWERS GENERALLY.

All city police officers shall have power:

(A) To arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the state;

(B) To commit arrested persons for examination;

(C) If necessary, to detain arrested persons in custody overnight or Sunday in any safe place, or until they can be brought before the proper court;

(D) To exercise all other powers as conservators of the peace that the corporate authorities may prescribe; and

(E) To have all power and authority granted by the § 100-1 of the Code of Criminal Procedure of 1963, 725 ILCS 5/100-1.
(1993 Code, § 19-10)
Statutory reference:
Similar provisions, see § 3-9-4 of the Illinois Municipal Code, 65 ILCS 5/3-9-4

§ 19-11 RESERVED.

(1993 Code, § 19-11)

§ 19-12 REQUIRING ASSISTANCE OF CITIZENS.

Any member of the city's Police Department or the Police Chief shall be authorized to call on any inhabitant of the city above the age of 18 years and require his or her assistance in quelling riotous or disorderly conduct, in making an arrest or in securing any person charged with violating any law or ordinance.
(1993 Code, § 19-12)

§ 19-13 SERVICE OF WARRANTS.

All warrants for the violation of municipal ordinances, or the state criminal law, to whomsoever directed, may be served and executed within the limits of the city by any police officer thereof. For this purpose, police officers have all the common law and statutory power of sheriffs.
(1993 Code, § 19-13)
Statutory reference:
Similar provisions, see 65 ILCS 5/3-9-4

§ 19-14 ARRESTS, DISPOSITION RECORDS; REPORT.

The Police Chief shall keep a Police Department record book showing all persons arrested or committed by the police, the time, place and cause of each arrest, the court before whom the accused was taken and the disposition of the case. He or she shall report such information to the City Council on the first regular meeting of each month.
(1993 Code, § 19-14)

§ 19-15 RESERVED.

(1993 Code, § 19-15)

§ 19-16 PAYING OVER MONEYS.

The Police Chief shall pay over to the city all moneys of the city coming into his or her possession from any source.
(1993 Code, § 19-16)

§ 19-17 PART-TIME POLICE OFFICERS.

(A) *Employment.* The city may employ part-time police officers from time to time as may be deemed necessary.

(B) *Duties.* A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the *General Orders* of the city's Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with §§ 1 et seq. of the Illinois Police Training Act, 50 ILCS 705/1 et seq., and the rules and requirements of the Illinois Law Enforcement Training Standards Board.

(C) *Hiring standards.* Any person employed as a part-time police officer must meet the following standards:

(1) Be of good moral character, of temperate habits, of sound health and physically and mentally able to perform assigned duties;

(2) Be at least 21 years of age;

(3) Pass a medical examination;

(4) Possess a high school diploma or GED certificate;

(5) Possess a valid State of Illinois driver's license;

(6) Possess no prior felony convictions; and

(7) Anyone who has served in the United States military must have been given a discharge from the military under other than dishonorable conditions.

(D) *Discipline*. Part-time officers shall be under the disciplinary jurisdiction of the Police Chief. Part-time police officers serve at the discretion of the city authorities, shall not have any property rights in said employment and may be removed by the city authorities at any time. Part-time police officers shall comply with all applicable rules and *General Orders* issued by the Police Department.
(Ord. 2011-05, passed 4-5-2011; Ord. 2014-27, passed 12-16-2014)

CHAPTER 20: PUBLIC HEALTH

CHAPTER 20: PUBLIC HEALTH

[Reserved]

CHAPTER 21: RAILROADS

CHAPTER 21: RAILROADS

Section

21-1 Track level to conform to established grade
21-2 Ditches, mains, sewers, culverts to be constructed, repaired
21-3 Crossings
21-4 Notice of violation of §§ 21-1 through 21-3
21-5 Right of city upon failure to repair; liability of railroad company

§ 21-1 TRACK LEVEL TO CONFORM TO ESTABLISHED GRADE.

It shall be the duty of all railroad companies whose tracks run through the city to raise or lower their tracks to conform to any grade which, at any time, is established by the city.
(1993 Code, § 21-1)
Statutory reference:
Authority to establish regulations for crossings, see § 11-30-1 of the Illinois Municipal Code, 65 ILCS 5/11-30-1

§ 21-2 DITCHES, MAINS, SEWERS, CULVERTS TO BE CONSTRUCTED, REPAIRED.

It shall be the duty of all railroad companies whose tracks run through the city to make, open and repair ditches, drains, sewers and culverts along and under their tracks so that water cannot stand on their property and so that the natural drainage of adjacent property is not impeded.
(1993 Code, § 21-2)
Statutory reference:
Construction of ditches, culverts and the like, see § 11-30-1 of the Illinois Municipal Code, 65 ILCS 5/11-30-1

§ 21-3 CROSSINGS.

It shall be the duty of all railroad corporations whose tracks pass through or run into the city to construct and keep in repair suitable and convenient crossings at the intersections of such tracks with any street, alley or avenue. All such crossings and tracks shall interfere with ordinary vehicular travel over the highways as little as possible.
(1993 Code, § 21-3)

§ 21-4 NOTICE OF VIOLATION OF §§ 21-1 THROUGH 21-3.

Whenever any railroad corporation shall neglect to comply with §§ 21-1 through 21-3 of this chapter, it shall be the duty of the City Council, having the charge of such highways or streets, to notify, in writing, the nearest agent of such railroad corporation of the conditions complained of, and to direct the same to be constructed, altered or repaired in such manner as it shall deem necessary for the safety of persons and property.
(1993 Code, § 21-4)

§ 21-5 RIGHT OF CITY UPON FAILURE TO REPAIR; LIABILITY OF RAILROAD COMPANY.

If any railroad corporation of the state, after having been notified pursuant to § 21-4, shall neglect or refuse to construct, alter or repair the condition complained of within 30 days after such notice, the City Council shall forthwith cause such construction, alteration or repairs to be made. Such railroad corporation shall be responsible for all necessary expenses incurred in making such construction, alteration and repairs and, in addition thereto, shall be liable to a fine as fixed by law for violation of this code.
(1993 Code, § 21-5)

CHAPTER 22: STREETS AND SIDEWALKS

CHAPTER 22: STREETS AND SIDEWALKS

Section

Article I. Street Superintendent

22-1 Office created; appointment
22-2 Removal of obstructions and the like; reporting encroachments to Council
22-3 Cleaning streets, gutters
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ARTICLE I. STREET SUPERINTENDENT

§ 22-1 OFFICE CREATED; APPOINTMENT.

The Street Superintendent shall be appointed by the Mayor, by and with the advice and consent of the City Council and shall hold office at will and pleasure of the City Council.
(1993 Code, § 22-1) (Ord. 2003-22, passed 11-4-2003; Ord. 2003-22, passed 11-4-2003)
Statutory reference:
Appointment of Street Superintendent, see § *3.1-30-5 et seq. of the Illinois Municipal Code, 65 ILCS 5/3.1-30-5 et seq.*

§ 22-2 REMOVAL OF OBSTRUCTIONS AND THE LIKE; REPORTING ENCROACHMENTS TO COUNCIL.

The Street Superintendent shall remove and abate all obstructions, encumbrances and encroachments in or upon the streets, sidewalks and public places, and shall report to the City Council all encroachments of any structure on the street line.
(1993 Code, § 22-2)

§ 22-3 CLEANING STREETS, GUTTERS.

The Street Superintendent shall keep all ditches, gutters and streets clean.
(1993 Code, § 22-3)

§ 22-4 MUD, SNOW REMOVAL.

The Street Superintendent shall keep the streets, and particularly the sidewalk crossings, free from mud and snow.
(1993 Code, § 22-4)

§ 22-5 SUPERVISION OF STREET IMPROVEMENTS.

The Street Superintendent shall supervise all improvements upon public grounds and streets ordered by the City Council.
(1993 Code, § 22-5)

§ 22-6 BRIDGE, CULVERT MAINTENANCE.

The Street Superintendent shall keep all bridges and culverts in good condition.
(1993 Code, § 22-6)

§ 22-7 AUTHORIZED TO HIRE MACHINES AND LABOR.

The Street Superintendent may, by authority of the City Council, employ such laborers, trucks or tractors as may be deemed necessary by the City Council to repair the highways and public grounds, at such prices as may be fixed by the Council, not exceeding the usual rates paid by others for similar labor and service, all under the supervision and direction of the Committee on Streets.
(1993 Code, § 22-7) (Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 22-8 TO OVERSEE LABORERS.

The Street Superintendent shall oversee and direct all employees who are under his or her jurisdiction. He or she shall require such employees to perform their duties in a satisfactory manner.
(1993 Code, § 22-8)

§ 22-9 RESERVED.

(1993 Code, § 22-9)

§ 22-10 INVENTORY TO BE KEPT.

(A) The Street Superintendent shall keep a full and complete inventory of all implements, materials and other property of the city in his or her charge, and for which he or she shall be held accountable.

(B) He or she shall file with the City Clerk such inventory at the termination of his or her service.
(1993 Code, § 22-10)

§ 22-11 ENFORCEMENT OF ORDINANCES.

The Street Superintendent shall cause all ordinances relating to the streets, alleys, public grounds, sidewalks and crossings to be enforced.
(1993 Code, § 22-11)

§ 22-12 DECLARED CONSERVATOR OF PEACE.

The Street Superintendent shall be a conservator of the peace with full powers of such office as prescribed by law.
(1993 Code, § 22-12)

§ 22-13 OBEYING COUNCIL, COMMITTEE; REMOVAL FROM OFFICE.

The Superintendent of Streets shall obey all orders of the City Council and of the Committee on Streets. For refusal or neglect to perform any duty required of him or her by law or ordinance, he or she shall be subject to removal from office.
(1993 Code, § 22-13) (Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§§ 22-14—22-23 RESERVED.

(1993 Code, §§ 22-14—22-23)

ARTICLE II. IN GENERAL

§ 22-24 CONTROL OF STREETS, SIDEWALKS.

The Street Superintendent and the Committee on Streets shall have control and supervision over all streets, sidewalks and other public places in the city, unless otherwise provided by ordinance.
(1993 Code, § 22-24) (Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 22-25 OBSTRUCTIONS AND THE LIKE DECLARED UNLAWFUL, NUISANCE.

(A) It shall be unlawful to obstruct, encumber, or encroach upon any street, sidewalk, or public place in the city, except as may otherwise be provided in § 22-78 or as otherwise provided in this code.

(B) Each such obstruction, encumbrance, or encroachment is declared a nuisance, which shall be immediately removed by the person causing the same or, upon failing to do so after reasonable notice and opportunity, by a police officer or by other authorized officers or employees of the city
(1993 Code, § 22-25) (Ord. 2016-06, passed 10-4-2016)

§ 22-26 "NUISANCES" DEFINED.

The term ***NUISANCE***, as used in § 22-25 of this chapter, shall be held to include, but shall not be limited to, the erection or suspension of any sign, awning, goods, cornice or any other structure or thing over or across any street, sidewalk or public place, or immediately contiguous thereto so as to obstruct the same, except as may otherwise be provided in this chapter.
(1993 Code, § 22-26)

§ 22-27 PERMIT FOR PROJECTING STRUCTURES—REQUIRED.

No person shall construct or place, or cause to be constructed or placed, any portico, porch, door, window, awning, steps, stairs or any other structure which shall project over any street, sidewalk or public place without first obtaining a permit from the City Council.
(1993 Code, § 22-27)

§ 22-28 SAME—APPLICATION.

(A) To obtain a permit from the City Council to erect, construct or place any structure which shall project over any street or sidewalk, a written application shall be filed with the City Council.

(B) Such application shall contain a detailed description and drawing of such proposed projecting structure.
(1993 Code, § 22-28)

§ 22-29 SAME—ISSUANCE.

If and when the application required by § 22-28 of this chapter shall be approved, the permit required by § 22-27 of this chapter shall issue.
(1993 Code, § 22-29)

§§ 22-30—22-39 RESERVED.

(1993 Code, §§ 22-30—22-39)

ARTICLE III. EXCAVATIONS

§ 22-40 PERSONS NOT REQUIRED TO SECURE PERMIT.

The provisions of this article relative to securing permits shall not apply to officers or employees of the city engaged in doing work for the city, nor to persons doing work for the city under contract, nor to persons who are operating under a franchise or grant from the city, if such franchise provides for the making of excavations and tunnels without securing a permit therefor.
(1993 Code, § 22-40)

§ 22-41 PERMIT—REQUIRED; COMPLIANCE WITH PERMIT, ARTICLE.

It shall be unlawful for any person to tunnel under, or to make any excavation in or under any street, alley, sidewalk or other public place in the city, without having obtained the permit required by this article, or without complying with the provisions of this article, or in violation of or variance from the terms of any such permit.
(1993 Code, § 22-41)

§ 22-42 SAME—APPLICATION.

Applications for the permit required by this article shall be made to the City Clerk, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, the name of the person doing the actual excavating work and the name of the person for whom or which the work is being done. Such application shall contain an agreement that the applicant will comply with all provisions of this code and laws relating to the work to be done.
(1993 Code, § 22-42)

§ 22-43 SAME—APPLICATION TO STATE ESTIMATED CONSTRUCTION TIME.

Each application for a permit required by this article shall state the length of time the applicant estimates shall elapse from the commencement of such work, until the restoration of the surface of the ground, or until the refill is made ready for the pavement to be put on by the city, if the city is to restore such surface pavement.
(1993 Code, § 22-43)

§ 22-44 PERMIT FEE.

The fee for permits required by this article shall be such as may be prescribed from time to time by the City Council.
(1993 Code, § 22-44)

§ 22-45 DEPOSIT REQUIRED; PURPOSE.

No permit required by this article shall be issued until the applicant therefor has deposited with the Zoning Administrator a cash deposit in an amount as shall be prescribed from time to time by the City Council. Such deposit shall insure the proper restoration of the ground and the proper laying of any necessary pavement after such excavation has been refilled. The cash deposit for excavating in or under any street, alley, sidewalk or other public place in the city shall be $300.
(1993 Code, § 22-45) (Ord. 2003-21, passed 11-4-2003)

§ 22-46 UTILIZATION OF DEPOSIT.

From the deposit required by this article shall be deducted the expense to the city of relaying the surface of the ground or pavement disturbed by such excavation and the expense of making any refill, if such is done by the city, or at its expense. The balance of such deposit shall be returned to the applicant without interest after the tunnel or excavation is completely refilled, and after the surface or pavement is restored.
(1993 Code, § 22-46)

§ 22-47 ISSUANCE OF PERMIT.

Permits required by this article shall issue only upon the order of the City Council.
(1993 Code, § 22-47)

§ 22-48 NOTICE OF COMMENCEMENT.

After the permit required by this article has issued and before any excavation or tunneling is begun, notice of the commencement of such work shall be given to the Street Superintendent at least ten hours before the actual commencement of work.
(1993 Code, § 22-48)

§ 22-49 INJURY TO PIPES, CABLES, CONDUITS PROHIBITED; NOTICE OF EXCAVATION TO BE GIVEN.

No injury shall be done to any pipes, cables or conduits in making any excavation or tunnel. Notice shall be given to the persons maintaining any such pipes, cables or conduits, or to the city department or officer charged with the care thereof, which are or which may be endangered or affected by the making of any excavation or tunnel, before such pipes, cables or conduits shall be disturbed.
(1993 Code, § 22-49)

§ 22-50 INSPECTIONS.

The Street Superintendent shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, sidewalk or other public place in the city to see to the enforcement of the provisions of this article.
(1993 Code, § 22-50)

§ 22-51 BARRICADES AND LIGHTS.

Any person making or maintaining any excavation in any street or alley shall keep such excavation adequately guarded by barricades and lights to protect persons and property from injury.
(1993 Code, § 22-51)

§ 22-52 LATERAL SUPPORT OF SURROUNDING GROUND.

When any excavation or tunneling is done, the walls and/or roof of such tunnel or excavation shall be braced to prevent the collapse of adjoining ground. No portion of any excavation shall extend beyond the circumference of the opening of such excavation at the surface.
(1993 Code, § 22-52)

§ 22-53 INJURY TO TREES, SHRUBS, ROOTS.

No unnecessary damage or injury shall be done to any tree or shrub, or to the roots thereof, in making a tunnel or an excavation.
(1993 Code, § 22-53)

§ 22-54 WHEN TEMPORARY SIDEWALK TO BE ERECTED.

If any sidewalk is blocked by any excavating or tunneling work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users.
(1993 Code, § 22-54)

§ 22-55 FAILURE TO COMPLY WITH ESTIMATED CONSTRUCTION TIME.

It shall be unlawful to fail to comply with the time limitation required to be stated by § 22-43 of this chapter, unless permission for an extension of time is granted by the City Council.
(1993 Code, § 22-55)

§ 22-56 REMOVAL OF EXCAVATED MATERIALS.

Any person making any excavation or tunnel in or under any public street, sidewalk or public place in the city shall remove from the site of such excavation all excavated material, dirt and debris.
(1993 Code, § 22-56)

§ 22-57 NOTICE OF REFILLING.

Before any refilling is done on any tunneling or excavation for which a permit has been secured pursuant to this article, the Street Superintendent shall be given notice of such refilling ten hours prior to the commencement of refilling work.
(1993 Code, § 22-57)

§ 22-58 REFILLING; REMOVAL OF BRACES; ONLY SAND TO BE USED.

After work is completed, all bracing in any tunnel or excavation shall be removed before any refilling is done. Only sand shall be used in refilling excavations and tunnels.
(1993 Code, § 22-58)

§ 22-59 RESTORING SURFACE TO ORIGINAL CONDITION.

Any person making any excavation or tunnel in the city shall, after such excavation, restore the surface thereof to its original condition, if there is no pavement thereon.
(1993 Code, § 22-59)

§ 22-60 REPAIR OF PAVEMENT.

Any opening made in a paved or improved portion of a street, sidewalk or public place due to excavation or tunneling shall be repaired and the surface shall be relaid by the person who was granted a permit under this article, in compliance with this article. Such repair shall be subject to the supervision of the Superintendent of Streets. If such work is not done within ten days after such repair and restoration is possible, the city may restore the surface and charge the cost thereof to the person doing such excavation or tunneling.
(1993 Code, § 22-60)

§§ 22-61—22-70 RESERVED.

(1993 Code, §§ 22-61—22-70)

ARTICLE IV. SIDEWALKS

§ 22-71 THROWING REFUSE, TRASH ON SIDEWALK.

It shall be unlawful to throw or deposit the peeling of a banana, orange, lemon or other fruit or vegetable or any refuse, rubbish or substance likely to cause injury of any kind on the sidewalks of the city.
(1993 Code, § 22-71)

§ 22-72 DUTY OF CITY OFFICERS TO REPORT ACCIDENTS ARISING FROM DEFECTIVE SIDEWALKS.

It shall be the duty of all city officers to report promptly to the City Council all defects in sidewalks, and all accidents occurring therefrom, together with the names of the known witnesses to such accidents.
(1993 Code, § 22-72)

§ 22-73 STORM DRAINS.

No storm water drain from any building shall be allowed to direct and run water from such building over any sidewalk.
(1993 Code, § 22-73)

§ 22-74 SNOW REMOVAL.

(A) It shall be unlawful to permit snow to remain on sidewalks in front of or adjacent to any business building or public building in the city. It shall be the obligation of the occupant of such property or, if the property is vacant, it shall be the obligation of the owner thereof, to cause the removal of snow.

(B) Such snow removal shall be accomplished as early as possible after each fall, and not later than 18 hours thereafter.
(1993 Code, § 22-74)

§ 22-75 PRIVATE CONSTRUCTION OR EXTENSION OF SIDEWALKS.

No person shall extend or build any sidewalk beyond the width established by the Street Superintendent without the permission of the City Council.
(1993 Code, § 22-75)

§ 22-76 USE OF SIDEWALK FOR PRIVATE PURPOSES; LOWERING, RAILING OFF.

No part of any sidewalk shall be taken for private use by lowering such sidewalk next to the building fronting thereon, or by railing off any part of the sidewalk, or otherwise depriving the public of its use.
(1993 Code, § 22-76)

§ 22-77 OPENINGS IN SIDEWALKS TO BE COVERED.

(A) Every opening in any vault or coal hole, or any aperture in any sidewalk over any hole, shall be covered with a substantial iron plate to the satisfaction of the Committee on Streets of the City Council.

(B) No person shall remove or insecurely fix any grate or covering over any coal hole, vault or chute under any street or sidewalk, except when using such opening for its intended purpose; then such person shall carefully guard against accidents.
(1993 Code, § 22-77) (Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 22-78 SIDEWALK CAFES.

(A) *Permit required.* No person or entity shall place tables, chairs, equipment, or other portable appurtenances upon any sidewalk within the city for the purpose of selling food and beverages to customers for on-site consumption without having first obtained a sidewalk café permit therefor.

(B) *Application.* Any person or entity desiring a sidewalk café permit from the city shall file with the City Clerk an application in such form as the city may prescribe. Such application shall be accompanied by such documentation that the city may require to appropriately consider and investigate the application, including, but not limited to, the following:

(1) *Copies.* Five copies of a plat, plan, or drawing indicating, to scale, the sidewalk area that the applicant is seeking permission to occupy and the location of furniture, equipment, and any other articles intended to occupy the sidewalk or other public space.

(2) *Proof of insurance.* The certificate of insurance shall meet the following requirements:

(a) The certificate of insurance shall evidence commercial general liability insurance with limits of not less than $1,000,000 per occurrence and/or in the aggregate combined single limit, for personal injury, bodily injury, and property damage liability.

(b) The city shall be named as an "additional insured" on a primary non-contributory basis for any liability arising directly or indirectly from the operations of a sidewalk café.

(c) The "description" section of the certificate of insurance shall clearly indicate that the city, its agents, officers, and employees are listed as additional insured in regard to the sidewalk café.

(d) The policy endorsement page shall show that the city has been added to the applicant's insurance policy as an additional insured.

(e) The "certificate holder" section shall include the following:

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(3) *Fee.* The requisite sidewalk café permit fee, which shall be refunded or returned if the application is denied.

(4) *Proof of ownership*. Proof of ownership or a copy of the lease or other satisfactory evidence of proprietorship of the existing restaurant establishment.

(5) *Indemnification agreement.* An executed agreement to indemnify and hold harmless the city and its officers, agents, and employees from any and all claims, actions, injuries, or damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the operation of a sidewalk café.

(C) *Issuance.* A sidewalk café permit may be approved and conditioned on changes to the application that are deemed by the Mayor to be necessary to avoid endangering the public's health, safety, and welfare. If and when the application shall be approved, a sidewalk café permit shall issue,

which shall authorize use of the sidewalk and the sale of food and beverages in a sidewalk café that is contiguous to the premises of the permittee. An applicant who knowingly furnishes false or misleading information or falsely answers the statements required in the application for a sidewalk café permit, or one who knowingly furnishes false or misleading information to any city official during the application process, may have its application for a sidewalk café permit denied.

(D) *Permit requirements*. Upon issuance, a sidewalk café permit shall be subject to each of the following requirements:

(1) All sidewalk cafes shall be located only in the exact location described in the approved application. Approved furnishings may not be modified or substituted without additional approval.

(2) Between the street side perimeter of the permittee's service area and the curb of said street, there shall be a pedestrian passageway measuring no less than six feet in width, provided, however, that whenever permanent obstructions are located between the perimeter of the service area and the curb (e.g., a light pole), the required passageway may be reduced to five feet in width as measured from such perimeter to such obstruction.

(3) The sidewalk café service area shall not extend more than five feet from the permanent structure of the permittee's premises; however, the service area may extend to no more than ten feet if the requirements of paragraph (d)(2) of this section are still met by doing so.

(4) All sidewalk café area shall be cordoned off by the use of a temporary picket fencing or by use of stanchion poles with acceptable ropes or plastic chain. No permanently affixed fencing or stanchions shall be allowed.

(5) No portion of any umbrella in a sidewalk café or anything attached thereto, other than the support member, shall be less than six and one-half feet above ground level. All umbrellas must have a mobile base.

(6) Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a licensee to temporarily move from a location or suspend sidewalk café operations, such licensee shall comply with the notice. For purposes of this paragraph, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, the existence of any obstructions in the public space at or near such locations, a parade, a demonstration, or any other such event or occurrence at or near such location.

(7) All holders of a sidewalk café permit may begin food and beverage sales/service in the sidewalk café area at 8:00 a.m. on Monday through Sunday.

(8) All holders of a sidewalk café permit must conclude all food and beverage sales/service in the sidewalk cafe area and clear the sidewalk café area no later than 10:00 p.m.

(9) Such permitted sidewalk café area shall be used for business purposes only during the hours specified herein, and neither before nor after such hours.

(10) All food and beverages may be served only in/on a container/dish made of a product that does not easily shatter or break. Glass containers/dishes are prohibited.

(11) Tables shall be cleared of all moveable items such as dishes, condiments, and other service items when not occupied.

(12) No smoking shall be allowed within the sidewalk café area, as per state law.

(13) At closing each day/evening all items used for seating to include umbrellas, chairs, tables, stations, etc. within the sidewalk café area shall be removed or positioned as close as possible to the building until the next day's use. The permittee assumes all responsibility for any personal property left upon the sidewalk. The city is not responsible for any items left outside of the business premises.

(14) Any refuse or trash containers placed upon the sidewalk by the permittee must be emptied daily. Unemptied refuse or trash containers shall not be allowed to remain on the sidewalk after the time listed above for clearing the sidewalk café area. The permittee's refuse or trash shall not be placed into a city sidewalk refuse or trash container.

(15) The permittee shall promptly remove any litter deposited on, in, or adjoining the vicinity of the surface space used by the permittee resulting from the activity or activities conducted by the permittee. All such litter shall be removed at the time listed above for clearing the sidewalk café area.

(16) The permittee shall at all times conduct such activity or activities in the sidewalk café area in an orderly fashion and in such a manner as to protect the public health and safety.

(17) The permittee shall comply with all health and sanitation regulations.

(18) The permittee shall indemnify, defend, and hold the city, its officers, agents, and employees harmless from any loss that results directly or indirectly from the issuance of a sidewalk café permit.

(19) The insured listed on the permittee's certificate of insurance must be the same as the person or entity that applied for the sidewalk café permit.

(20) The permittee shall take all reasonable and necessary actions to ensure that the permittee's insurer shall provide for ten-days' prior written notice to the city if coverage is substantially changed, cancelled, or not renewed.

(21) The sidewalk café permit shall be displayed and kept posted in a conspicuous place in the place of business of the permittee.

(E) *Revocation.* A permittee's failure to comply with any of the above requirements may result in revocation of the sidewalk café permit. A permittee who knowingly furnishes false or misleading information or falsely answers the statements required in the application for a sidewalk café permit, or one who knowingly furnishes false or misleading information to any city official during or following the application process relative to the sidewalk café permit, may have its sidewalk café permit revoked.

(F) *Annual renewal.* The sidewalk café permit shall only be valid from April 1 through November 30 annually. All holders of a sidewalk café permit shall be subject to an annual renewal and application.

(G) *Transferability.* The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated, voluntarily or involuntarily.

(H) *Sidewalk café permit fee.* The annual fee for a sidewalk café permit shall be $150. This shall be a set fee and shall not be prorated.
(Ord. 2016-06, passed 10-4-2016)

§§ 22-79—22-87 RESERVED.

(1993 Code, §§ 22-78—22-87)

ARTICLE V. STREETS

§ 22-88 CONSTRUCTION WORK GENERALLY.

All construction work done in a street or alley of the city shall be done under the control and supervision of the city authorities.
(1993 Code, § 22-88)

§ 22-89 REPAIRS; PERMIT REQUIRED; STANDARDS OF PERFORMANCE.

(A) No repair shall be made in any pavement in the city, other than by the city authorities, without a permit from the city.

(B) All such work shall be done in accordance with the directions and specifications of the City Council, its authorized agent or the Street Superintendent.
(1993 Code, § 22-89)

§ 22-90 TREES ALONG STREETS TO BE TRIMMED.

The owners of all trees, shrubs and plants planted or growing on private property along the public streets in the city shall keep such trees, shrubs or plants trimmed so as not to interfere with or inconvenience persons passing on foot or in vehicles.
(1993 Code, § 22-90)

§ 22-91 POLES, WIRES, CONDUITS—PERMIT REQUIRED FOR ERECTION.

No person shall erect or maintain any telegraph, telephone, electric light or power posts, poles, wires or conduits, across, along or under any street, alley or public place in the city without first having obtained a franchise or permit from the city.
(1993 Code, § 22-91)

§ 22-92 SAME—ERECTION, MAINTENANCE NOT TO CAUSE HARM TO OTHERS.

No person obtaining a permit or franchise pursuant to § 22-91 of this chapter shall set, erect or maintain any posts, poles, wires or conduits so as to impede or interfere with public traffic, or so as to injure or damage any public or private property in the city.
(1993 Code, § 22-92)

§ 22-93 CITY TO DIRECT LOCATION OF POLES AND THE LIKE; RIGHT OF CITY TO USE SAME FREE OF CHARGE.

(A) The city shall have the sole right to direct the location of all poles, wires, conduits and lines upon the public property, streets and alleys of the city.

(B) In granting permits or franchises for such construction, the city reserves the right, if public interest so demands, to use the same free of charge for any corporate purpose of the city not prohibitive of the use for which the permit or franchise was granted.
(1993 Code, § 22-93)

§§ 22-94—22-103 RESERVED.

(1993 Code, §§ 22-94—22-103)

ARTICLE VI. DRIVEWAYS

§ 22-104 PERMIT—REQUIRED.

No driveway shall be constructed across a sidewalk in the city without a permit from the Zoning Administrator.
(1993 Code, § 22-104)

§ 22-105 SAME—APPLICATION.

To obtain a permit from the Zoning Administrator to construct any driveway, a written application shall be filed with the Zoning Administrator. Such application shall contain a detailed description and drawing of such proposed projecting structure.
(1993 Code, § 22-105)

§ 22-106 SAME—ISSUANCE.

If and when the application required by § 22-105 of this chapter shall be approved, the permit required by § 22-104 of this chapter shall issue.
(1993 Code, § 22-106)

§ 22-107 MATERIALS, SPECIFICATIONS.

Driveways shall be constructed of cement, and shall be constructed to the specifications established by the City Council.
(1993 Code, § 22-107)

§ 22-108 ACROSS SIDEWALKS.

No driveway shall be constructed so as to leave a step, sharp depression or other obstruction in the sidewalk. The grade of all driveways shall conform as nearly as possible to that of the adjacent sidewalk.
(1993 Code, § 22-108)

§ 22-109 MAINTENANCE.

It shall be the duty of every person or owner maintaining a driveway across a sidewalk to keep such driveway in good repair where it crosses such walk, or occupies any portion of a street or alley.
(1993 Code, § 22-109)

CHAPTER 23.5: VEGETATION

CHAPTER 23.5: VEGETATION

Section

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ARTICLE I. IN GENERAL

§ 23.5-1—23.5-14 RESERVED.

(1993 Code, §§ 23-1/2-1—23-1/2-14)

ARTICLE II. TREES

§ 23.5-15 TITLE.

This article shall be known and may be cited as the “Petersburg Tree Ordinance”.
(1993 Code, § 23-1/2-15) (Ord. 93-26, passed 11-2-1993)

§ 23.5-16 PURPOSE AND INTENT.

(A) *Purpose.* It is the purpose of this article to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the city.

(B) *Intent.* It is the intent of the City Council that the terms of this article shall be construed so as to promote:

(1) The planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the city; and

(2) The protection of community residents from personal injury and property damage, and the protection of the city from property damage, caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants located within the community.
(1993 Code, § 23-1/2-16) (Ord. 93-26, passed 11-2-1993)

§ 23.5-17 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE FOR PETERSBURG or ***ARBORICULTURAL SPECIFICATIONS MANUAL.*** A manual prepared by the Arborist pursuant to the ordinance containing regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon city-owned property.

ARBORIST. The City Arborist of Petersburg, Illinois.

CITY-OWNED PROPERTY. Property within the city limits:

(1) Owned by the city in fee simple absolute; or

(2) Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements.

PROPERTY OWNER. The record owner or contract purchaser of any parcel of land.

TREES, SHRUBS AND OTHER PLANTS. All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.
(1993 Code, § 23-1/2-17) (Ord. 93-26, passed 11-2-1993)

§ 23.5-18 TREE COMMITTEE.

(A) *Establishment.* The city's Tree Committee (hereinafter, "Tree Committee") is hereby established. Its functions and duties are limited to those set forth in this article.

(B) *Composition.* The Tree Committee shall be composed of eight members. Six members shall be appointed by the Mayor, with the approval of the Council. Members of the Committee shall serve without pay and shall reside within the city, or within ten miles thereof as measured from the County Courthouse located in the city. The City Arborist shall be a member of the Committee. The Director of the city's Street Department shall be a member of the Committee, serving in an ex-officio capacity and without a vote. Each member of the Tree Committee shall serve for a term of three years and until his or her successor is appointed.

(C) *Appointment of members.* One of the three Committee members initially appointed to the Tree Committee shall serve for a term of one year; one shall serve for a term of two years; and, one Committee member shall serve for a term of three years. Determination of the length of terms of the members initially appointed shall be by lot. The Mayor shall designate the Chairperson of the Tree Committee.

(D) *Expiration or vacation of terms.* Within 30 days following the expiration of the term of any appointed Committee member, a successor shall be appointed by the Mayor with the approval of the Council, and the successor shall serve for a term of three years.

(E) *Duties.* The Tree Committee shall perform the following duties.

(1) Within a reasonable time after the appointment of the Tree Committee, upon call of the Chairperson of the Tree Committee, the Tree Committee shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this article.

(2) The Tree Committee shall advise and consult the Arborist on any matter pertaining to the city tree ordinance and its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:

(a) Policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the city;

(b) Establishment of educational and informational programs;

(c) Development of policies and procedures regarding the Arborist's duties; and

(d) Issuance of permits required by this article.
(1993 Code, § 23-1/2-18) (Ord. 93-26, passed 11-2-1993; Ord. 2003-13, passed 8-19-2003)

§ 23.5-19 CITY ARBORIST.

(A) *Establishment*. The position of the Arborist is hereby established. The Arborist shall be appointed by the Mayor, with the approval of the Council.

(B) *Duties*. The Arborist shall perform the following duties.

(1) The Arborist, with the assistance of the Tree Committee, shall develop and, each subsequent year, update an Urban Forestry Plan. The Plan shall outline Urban Forestry Program activities for a minimum of the next five years. This Plan shall describe the urban forestry activities to be undertaken by the city, the reasons for those activities and possible funding source(s), the means of accomplishing the activities, the alternatives available to the city to fund or accomplish the activity, the projected date of completion and the consequences if the activity is not completed. Activities may include, but are not limited to, street tree inventory, planting, tree removal, beautification projects and educational projects.

(2) The Arborist, with the assistance of the Tree Committee shall develop and periodically review and revise, as necessary, an *Arboricultural Specifications Manual*. This Manual shall contain regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon city-owned property.

(3) The Arborist shall cause the Urban Forestry Plan and the *Arboricultural Specifications Manual*, and all revisions and amendments to it, to be published and promulgated and shall cause three copies of the Manual, and all revisions and amendments to it, to be available for public inspection at the office of the City Clerk. Notice that such information is available for public inspection shall be published in the *Petersburg Observer* at least once immediately following the initial availability of the Manual, or revisions or amendments thereto. The Manual, and any revisions or additions thereto shall become effective on the tenth day following the publication required under this subsection (B)(3).

(4) The Arborist shall make available to any interested person copies of the tree ordinance, information about the activities of the Tree Committee, copies of the *Arboricultural Specifications Manual* and copies of the Urban Forestry Plan.

(5) The Arborist shall administer the Urban Forestry Plan, the tree ordinance and the provisions of the *Arboricultural Specifications Manual*.

(6) The Arborist shall cause to occur whatever acts are necessary, including the planting and maintenance of trees, the removal of undesirable trees, shrubs and other plants located on city-owned property, to ensure that all trees, shrubs and other plants located on city-owned property conform with the Urban Forestry Plan, the *Arboricultural Specifications Manual* and this article.

(7) The Arborist shall issue such permits as are required by this article and shall obtain, as a condition precedent to the issuance of such permits, the written agreement of each person who applies

for such permits that he or she will comply with the requirements of this article, the Urban Forestry Plan, and with the regulation and standards of the *Arboricultural Specifications Manual*. The Arborist shall have the right to inspect all work performed pursuant to such permits. If the Arborist finds that the work performed is not in compliance with the requirements of this article, the Arborist shall provide written notice of his or her finding to the permit applicant. The notice shall contain a copy of this article and the permit shall be nullified and be void.
(1993 Code, § 23-1/2-19) (Ord. 93-26, passed 11-2-1993)

§ 23.5-20 PERMITS.

No person, except the employees of the city, may perform any of the following acts without first obtaining from the Arborist a permit for which no fee shall be charged, and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law:

(A) Plant on city-owned property, or treat (i.e., fertilize or control pest), prune, remove or otherwise disturb any tree, shrub or other plant located on city-owned property; except that, this provision shall not be construed to prohibit owners of property adjacent to city-owned property from watering or fertilizing without a permit any tree, shrub or other plant located on such city-owned property;

(B) Damage, cut, tap, carve or transplant any tree, shrub or other plant located on city-owned property;

(C) Attach any rope, wire, nail, sign, poster or any other human-made object to any tree, shrub or other plant located on city-owned property; and

(D) Dig a tunnel or trench on city-owned property.
(1993 Code, § 23-1/2-20) (Ord. 93-26, passed 11-2-1993)

§ 23.5-21 PUBLIC NUISANCES.

(A) *Definition.* The following are hereby declared ***PUBLIC NUISANCES*** under this article:

(1) Any tree, shrub, other plant or portion thereof, whether located on city-owned property or on private property, which, by reason of location or condition, constitutes an imminent danger to the health, safety or welfare of the general public; and

(2) Any tree, shrub or other plant or portion thereof, whether located on city-owned property or on private property, which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on city property.

(B) *Abatement*. The following are the prescribed means of abating public nuisances under this article.

(1) Any public nuisance under this article which is located on city-owned property shall be pruned, removed or otherwise treated by the city in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

(2) Any public nuisance under this article which is located on private-owned property shall be pruned, removed or otherwise treated by the property owner or his or her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied.

(a) The city shall cause a written notice to be personally served or sent by certified mail to the person to whom was sent the tax bill for the general taxes for the last preceding year.

(b) Such notice shall describe the kind of tree, shrub or other plant or plant part which has been declared to be a public nuisance; its location on the property; the reason for declaring it a nuisance.

(c) Such notice shall describe, by legal description or by common description, the premises.

(d) Such notice shall state the actions that the property owner may undertake to abate the nuisance.

(e) Such notice will require the elimination of the nuisance no less than 30 days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.

(f) In the event that the nuisance is not abated by the date specified in the notice, the city is authorized to cause the abatement of said nuisance.
(1993 Code, § 23-1/2-21) (Ord. 93-26, passed 11-2-1993)

§ 23.5-22 VIOLATION AND PENALTY.

Any person who violates any provision of this article or who fails to comply with any notice issued pursuant to the provisions of this article, upon being found guilty of violation, shall be subject to a fine not to exceed $200 for each separate offense, each day during which any violation of the provisions of this article shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this article, the injury, mutilation or death of a tree, shrub or other plant located on city-owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in

accordance with the latest revision of *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens*, as published by the International Society of Arboriculture.
(1993 Code, § 23-1/2-22) (Ord. 93-26, passed 11-2-1993)

CHAPTER 23: TRAFFIC

CHAPTER 23: TRAFFIC

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Statutory reference:

Vehicles on streets, see § 11-201 of the Illinois Vehicle Code, 625 ILCS 5/11-201

ARTICLE I. IN GENERAL

§ 23-1 SHORT TITLE.

This chapter shall be known and may be cited as the "Petersburg Traffic Code".
(1993 Code, § 23-1)

§ 23-2 DEFINITIONS.

The definitions of words and phrases set forth in§§ 1-101.05 to 1-200 of the Illinois Vehicle Code, 625 ILCS 5/1-101.05 to 1-220, are hereby adopted the same as if set out at length herein, and made a part hereof for purposes of this chapter.
(1993 Code, § 23-2)

§ 23-3 EMERGENCY AND EXPERIMENTAL REGULATIONS.

(A) The Police Chief is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions.

(B) No such temporary or experimental regulation shall remain in effect for more than 90 days.

(C) The Police Chief may test traffic-control devices under actual conditions of traffic.
(1993 Code, § 23-3)

§ 23-4 APPLICABILITY TO VEHICLES ON STREETS.

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets, except where a different place is specifically referred to in a given section.
(1993 Code, § 23-4)

§ 23-5 OBEDIENCE REQUIRED.

It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.
(1993 Code, § 23-5)

§ 23-6 OBEDIENCE TO POLICE OFFICERS REQUIRED.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.
(1993 Code, § 23-6)

§ 23-7 FIREFIGHTERS AUTHORIZED TO DIRECT TRAFFIC.

In the event of fire or other emergency and for the duration thereof, officers and members of the Fire Department may direct traffic if conditions so require and in a manner prescribed by the Police Department.
(1993 Code, § 23-7)

§ 23-8 FLEEING, ATTEMPTING TO ELUDE PEACE OFFICER.

(A) Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his or her vehicle to a stop, willfully fails or refuses to obey such direction, increases his or her speed, extinguishes his or her lights or otherwise flees or attempts to elude the officer, is guilty of a misdemeanor.

(B) (1) The signal given by the peace officer may be by hand, voice, siren or red light.

(2) Provided, the officer giving such signal shall be in police uniform and, if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.
(1993 Code, § 23-8)

§ 23-9 OBEDIENCE BY PUBLIC OFFICERS AND EMPLOYEES; EXCEPTIONS.

(A) The provisions of this chapter applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles owned or operated by the United States, the state or any county, city, town, district or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

(B) 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 herein stated.

(C) 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 operation;

(3) Exceed the maximum speed limits so long as he or she does not endanger life or property; and

(4) Disregard regulations governing direction of movement or turning in specified directions.

(D) The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, apply only when the vehicle is making use of audible, if in motion, and visual signals meeting the requirements of this chapter.

(E) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his or her reckless disregard for the safety of others.

(F) The provisions of this chapter, with the exception of Art. II of this chapter and§ 23-51 of this chapter, do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of the highway, but apply to such persons and vehicles when traveling to or from such work.
(1993 Code, § 23-9)

§ 23-10 APPLICABILITY TO BICYCLES, ANIMALS, ANIMAL-DRAWN VEHICLES.

Every person riding a bicycle or an animal or driving any animal-drawn vehicle upon a roadway shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which, by their nature, can have no application.
(1993 Code, § 23-10)

§ 23-11 EFFECT ON RIGHTS OF PROPERTY OWNERS.

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.
(1993 Code, § 23-11)

§ 23-12 MANUAL, SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES.

All traffic-control signs, signals and devices shall conform to the manual adopted by the Illinois Department of Transportation pursuant to § 11-301 of the Illinois Vehicle Code, 625 ILCS 5/11-301. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.
(1993 Code, § 23-12)

§ 23-13 OBEDIENCE TO TRAFFIC-CONTROL DEVICES REQUIRED.

No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter unless at the time otherwise directed by a police officer.
(1993 Code, § 23-13)

§ 23-14 AVOIDING TRAFFIC-CONTROL DEVICES PROHIBITED.

It shall be unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device.
(1993 Code, § 23-14)

§ 23-15 WHEN SIGNS REQUIRED.

(A) No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(B) Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.
(1993 Code, § 23-15)

§ 23-16 UNAUTHORIZED SIGNS, SIGNALS, MARKINGS AND THE LIKE.

(A) No person shall display upon or in view of any street anything which (1) resembles an official traffic-control device or a railroad sign or signal, (2) hides from view or interferes with any official traffic-control device or railroad sign or signal, or (3) attempts to direct the movement of traffic.

(B) No person shall display on any highway any commercial advertising. The city may remove advertising from highways.
(1993 Code, § 23-16)

§ 23-17 INTERFERENCE WITH TRAFFIC-CONTROL DEVICES, RAILROAD SIGNS OR SIGNALS.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.
(1993 Code, § 23-17)

§ 23-18 OPENING DOORS INTO TRAFFIC.

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.
(1993 Code, § 23-18)

§ 23-19 RIDING IN HOUSE TRAILERS.

No person or persons shall occupy a house trailer while it is being moved upon a public street.
(1993 Code, § 23-19)

§ 23-20 FOLLOWING, PARKING NEAR FIRE APPARATUS.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.
(1993 Code, § 23-20)

§ 23-21 OBSTRUCTING STREETS.

Any person who shall willfully and unnecessarily hinder, obstruct or delay, or who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon any street or highway or who shall offer for barter or sale merchandise on said street or highway so as to interfere with the effective movement of traffic shall be guilty of a misdemeanor.
(1993 Code, § 23-21)

§ 23-22 PARADES AND PROCESSIONS—POLICE CHIEF MAY REGULATE.

The Police Chief is empowered to authorize, prohibit or prescribe the conditions governing any parade, procession, march or exhibition held or proposed to be held on any public street and should the public interest so require, he or she may for limited periods of time prohibit or restrict parking on any street where unrestricted or restricted parking is permitted under the provisions of this chapter; provided, however, that, signs shall be placed, police officers stationed or other steps taken to inform the public of such special regulations.
(1993 Code, § 23-22)

§ 23-23 SAME—PERMIT REQUIRED.

No procession or parade, excepting the military forces of the United States, the military forces of the state, and the forces of the police and fire departments, shall occupy, march or proceed along any street, except in accordance with a permit issued by the Police Chief and such other regulations as are set forth in this chapter which may apply.
(1993 Code, § 23-23)

§ 23-24 SAME—DRIVING IN.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as close as is practical and safe.
(1993 Code, § 23-24)

§ 23-25 SAME—DRIVING THROUGH.

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. This provision shall not apply at intersections where traffic is controlled by traffic-control devices or police officers or other authorized officials.
(1993 Code, § 23-25)

§ 23-26 SAME—IDENTIFICATION OF FUNERAL PROCESSIONS.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant of a type designated by the Traffic Division of the Police Department, or in lieu thereof, the headlights of each vehicle shall be lighted.
(1993 Code, § 23-26)

§ 23-27 LOUDSPEAKERS, AMPLIFIERS AND THE LIKE.

The Police Chief is empowered to authorize or prohibit, and to prescribe the conditions governing, the use of any loudspeaker or other broadcasting or amplifying equipment upon any vehicle driving upon the streets, or the use of any such equipment installed upon public or private premises abutting any sidewalk or street for broadcasting sound over or upon any sidewalk or street.
(1993 Code, § 23-27)

§ 23-28 CLINGING TO MOVING VEHICLES.

(A) It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle, to cling to or attach himself or herself or his or her vehicle to any moving vehicle upon any roadway.

(B) It shall be unlawful for the driver of any such motor vehicle to knowingly permit the rider upon any such bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle, to cling to or attach himself or herself to such moving vehicle.
(1993 Code, § 23-28)

§ 23-29 BOARDING, ALIGHTING FROM MOVING VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.
(1993 Code, § 23-29)

§ 23-30 RIDING ON PART OF VEHICLE NOT INTENDED FOR PASSENGER.

(A) No driver shall allow any person to ride and no person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers.

(B) This provision shall not apply to persons riding within truck bodies in space intended for merchandise.
(1993 Code, § 23-30)

§ 23-31 USE OF COASTERS, ROLLER SKATES AND THE LIKE.

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street on a crosswalk, and except upon streets set aside as play streets when authorized by the traffic authority.
(1993 Code, § 23-31)

§§ 23-32—23-45 RESERVED.

(1993 Code, §§ 23-32—23-45)

ARTICLE II. OPERATION

§ 23-46 DRIVERS TO BE QUALIFIED, LICENSED.

It shall be unlawful for any person to operate a motor vehicle on the streets of the city who is not qualified and licensed to operate said vehicle on state highways.
(1993 Code, § 23-46)

§ 23-47 RESERVED.

(1993 Code, § 23-47)

§ 23-48 RESERVED.

(1993 Code, § 23-48)

§ 23-49 RECKLESS DRIVING.

Any person who drives any vehicle with a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.
(1993 Code, § 23-49)

§ 23-50 NEGLIGENT DRIVING.

No person shall operate any vehicle upon a public way negligently, heedlessly and without due caution or in a manner so as to endanger or be likely to endanger any person or property.
(1993 Code, § 23-50)

§ 23-51 DRAG RACING.

For the purpose of this section, ***DRAG RACING*** means the act of two or more individuals competing or racing on any street or highway in the city in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver, and the one driver attempts to prevent the competing driver from passing or overtaking him or her, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street in the city. Drag racing shall be unlawful.
(1993 Code, § 23-51)

§ 23-52 SPEED LIMITS GENERALLY.

(A) (1) No vehicle may be driven upon any public city street at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the streets, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(2) Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(B) Unless some other speed restriction is established, the maximum speed limit in the city for all vehicles is:

(1) Thirty mph; and

(2) Fifteen mph in an alley.
(1993 Code, § 23-52)

§ 23-53 SPEED LIMITS AT SPECIFIC LOCATIONS.

(A) The City Council may establish absolute maximum speed limits on all streets which are within its corporate limits and which are not under the jurisdiction of the Illinois Department of Transportation, or of the state's Toll Highway Commission, and for which the county or a Highway Commissioner therein does not have maintenance responsibility.

(B) A limit so determined and declared by the City Council becomes effective, and suspends the application of the limit prescribed in § 23-52 of this chapter when appropriate signs giving notice of the limit are erected at the proper place or along the proper part or zone of the highway or street. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation hereof, evidence obtained thereby shall be inadmissible in any prosecution for speeding.

(C) (1) The speed limit on Sheridan Street from Sixth Street to Blue Jay Road shall be 25 mph.

(2) The speed limit on any street adjacent to a designated city park shall be 25 mph in any direction of travel on the road or street commencing 100 feet before the boundary of the park adjacent to the roadway and extending 100 feet beyond the opposite boundary of the park adjacent to the roadway.

(3) No vehicle may be driven upon Washington Street within the corporate limits of the city at a speed greater than 25 mph.
(1993 Code, § 23-53) (Ord. 2009-02, passed 4-7-2009; Ord. 2012-09, passed 6-5-2012)

§ 23-54 SPEED LIMIT IN SCHOOL ZONES.

(A) No person shall drive a motor vehicle at a speed in excess of 20 mph while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

(B) This section shall not be applicable unless appropriate signs are posted upon streets and highways and maintained by the city. Such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.
(1993 Code, § 23-54)

§ 23-55 MINIMUM SPEED REGULATIONS.

(A) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of his or her vehicle or in compliance with law.

(B) Whenever the city determines, upon the basis of an engineering and traffic investigation concerning a highway or street under its jurisdiction, that slow vehicle speeds along any part or zone of such highway or street consistently impede the normal and reasonable movement of traffic, the city may determine and declare by proper regulation or ordinance a minimum speed limit below which no person shall drive, except when necessary for safe operation of his or her vehicle or in compliance with law. A limit so determined and declared becomes effective when appropriate signs giving notice of the limit are erected along such part or zone of the highway or street.
(1993 Code, § 23-55)

§ 23-56 SPEED LIMIT EXEMPTION FOR EMERGENCY VEHICLES.

The speed limits established by this chapter or by regulation or other ordinance made pursuant to the provisions of this chapter do not apply, except as otherwise provided in§ 11-205 of the Vehicle Code, 625 ILCS 5/11-205, to an authorized emergency vehicle in motion when responding to an emergency call and when the driver thereof sounds an audible signal by bell, siren or exhaust whistle, as may be reasonably necessary; provided that, the vehicle is equipped and has in operation at least one lighted lamp displaying an oscillating, rotating or flashing red beam, visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. An authorized emergency Fire Department vehicle may be equipped and have in operation a triple eight moving white beam light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, in lieu of, or in addition to, a rotating or flashing red beam, in order to be exempt from the speed limits established by this chapter or by regulation or ordinance made pursuant to the provisions of this chapter. No other authorized emergency vehicle shall use any oscillating triple eight moving white beam light other than a Fire Department vehicle. However, this provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor does it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.
(1993 Code, § 23-56)

§ 23-57 CHARGING VIOLATIONS OF SPEED LIMITS.

In every charge of violation of a section of this chapter by failure to observe an applicable speed limit, the complaint and also the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven, and the speed limit which is applicable at the place of the alleged violation.
(1993 Code, § 23-57)

§ 23-58 EFFECT OF SPEED LIMITS ON CIVIL ACTIONS.

The provisions of this chapter concerning maximum speed limits do not relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as a proximate cause of an accident.
(1993 Code, § 23-58)

§ 23-59 DUTY TO DRIVE ON RIGHT OF ROADWAY; EXCEPTIONS.

(A) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

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

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

(B) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when over-taking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
(1993 Code, § 23-59)

§ 23-60 MEETING VEHICLES.

Drivers of vehicles proceeding in opposite directions, except as provided in § 23-59 of this chapter shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.
(1993 Code, § 23-60)

§ 23-61 OVERTAKING, PASSING ON THE LEFT.

The following rules shall govern overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated.

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

(B) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.
(1993 Code, § 23-61)

§ 23-62 WHEN OVERTAKING ON THE RIGHT PERMITTED.

(A) The driver of a vehicle with three or more wheels may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; and

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(B) The driver of a two-wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than eight feet.

(C) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.
(1993 Code, § 23-62)

§ 23-63 LIMITATIONS ON OVERTAKING ON THE LEFT.

(A) (1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance

ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(2) In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.

(B) No vehicle may, in overtaking and passing another vehicle, be driven to the left side of the roadway under the following conditions:

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

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

(C) The limitations in subsections (B)(1) and (B)(2) above do not apply upon a one-way roadway or upon a roadway with unobstructed pavement of sufficient width for two or more lanes of moving traffic in each direction when such movement can be made with safety.
(1993 Code, § 23-63)

§ 23-64 DESIGNATION OF ONE-WAY ROADWAYS.

The city may designate any street or any separate roadway under its jurisdiction for one-way traffic and must erect appropriate signs giving notice thereof.
(1993 Code, § 23-64)

§ 23-64.1 ONE-WAY STREETS ENUMERATED.

(A) The following streets and parts of streets hereby are declared to be one-way streets.

(B) Vehicular traffic thereon shall be restricted to travel in only one direction as follows:

(1) Westwardly on Douglas Street from Sixth Street to Seventh Street;

(2) Southwardly on Seventh Street from Douglas Street to Jackson Street; and

(3) Eastwardly on Jackson Street from Seventh Street to Sixth Street.
(1993 Code, § 23-64.1)

§ 23-65 DRIVING ON ONE-WAY ROADWAYS.

Upon a roadway designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.
(1993 Code, § 23-65)

§ 23-66 MARKING OF LANES.

The Police Chief or City Council is hereby authorized to mark traffic lanes upon the roadway where, in his, her or its opinion, a regular alignment of traffic is necessary.
(1993 Code, § 23-66)

§ 23-67 DRIVING ON LANED ROADWAYS.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
(1993 Code, § 23-67)

§ 23-68 FOLLOWING TOO CLOSELY.

(A) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the conditions of the highway.

(B) The driver of any motor vehicle of the Second Division or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow within 300 feet of another motor vehicle of the Second Division or motor vehicle drawing another vehicle. The provisions of this subsection (B) shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor vehicles of the Second Division.

(C) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.
(1993 Code, § 23-68)

§ 23-69 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION.

The driver of a vehicle intending to turn at an intersection shall do so as follows.

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

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

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

(D) The city may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection and, when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.
(1993 Code, § 23-69)

§ 23-70 TURNING ON CURVE OR CREST OF GRADE.

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 500 feet.
(1993 Code, § 23-70)

§ 23-71 STARTING STOPPED VEHICLE.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.
(1993 Code, § 23-71)

§ 23-72 TURN SIGNALS REQUIRED.

(A) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(B) A signal of intention to turn right or left when required must be given continuously during not less than the last 100 feet traveled by the vehicle before turning within a business or residence district, and such signal must be given continuously during not less than the last 200 feet traveled by the vehicle before turning outside a business or residence district.

(C) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this chapter to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.

(D) The electric turn signal device required in this chapter must be used to indicate an intention to turn, change lanes or start from a parallel parked position, but must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear.
(1993 Code, § 23-72)

§ 23-73 MANNER OF GIVING TURN SIGNALS.

Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by an electric turn signal device.
(1993 Code, § 23-73)

§ 23-74 HOW HAND AND ARM SIGNALS GIVEN.

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

(A) Left turn: hand and arm extended horizontally;

(B) Right turn: hand and arm extended upward; and

(C) Stop or decrease of speed: hand and arm extended downward.
(1993 Code, § 23-74)

§ 23-75 RIGHT-OF-WAY AT UNMARKED INTERSECTIONS.

(A) The driver of a vehicle approaching an intersection must yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(B) When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.

(C) The right-of-way rules declared in subsections (A) and (B) above are modified at through highways and otherwise as hereinafter stated in this chapter.
(1993 Code, § 23-75)

§ 23-76 VEHICLES TURNING LEFT TO YIELD RIGHT-OF-WAY.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but said driver, having so yielded may proceed at such time as a safe interval occurs.
(1993 Code, § 23-76)

§ 23-77 DESIGNATION, RIGHT-OF-WAY AT THROUGH INTERSECTIONS AND STOP STREETS.

(A) The city may, in its direction and when traffic conditions warrant such action, give preference to traffic upon any of the streets under its jurisdiction, over traffic crossing or entering such street by erecting appropriate stop signs or stop lights.

(B) The driver of a vehicle shall stop as required herein at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard, but said driver having so yielded may proceed at such time as a safe interval occurs.

(C) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but then may proceed.

(D) Where stop signs or flashing red signals are placed at an intersection or at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering

or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.
(1993 Code, § 23-77)

§ 23-77.2 STOP INTERSECTIONS.

It shall be unlawful to drive any vehicle into the intersection of the following named streets without first bringing such vehicle to a full stop.

(A) In the westbound traffic lane at the intersection of the entrance to the easternmost entry to the parking lot of Porta Central School, which parking lot is located on the north side of Owen Avenue; and

(B) In the eastbound traffic lane at the intersection of the entrance to the easternmost entry to the parking lot of Porta Central School, which parking lot is located on the north side of Owen Avenue.
(1993 Code, § 23-77.2) (Ord. 01-10, passed 6-5-2001)

§ 23-77.3 INTERSECTION AT CLARY STREET AND VINEYARD HILLS ROAD.

(A) For the purpose of this section, the ***NORTHEASTERN ACCESS ROAD LEADING INTO THE PROPERTY COMMONLY KNOWN AS THE EATON PLANT*** is defined as the access drive off Clary Street which is located on the south side of Clary Street and directly opposite the place of intersection of Vineyard Hills Road and Clary Street in the city.

(B) It shall be unlawful to drive any vehicle from Clary Street or Vineyard Hills Road in the city into the northeastern access road leading into the property commonly known as the Eaton Plant.

(C) It shall be unlawful to drive any vehicle from the northeastern access of the property commonly known as the Eaton Plant, across Clary Street onto northbound Vineyard Hills Road or onto Clary Street, either eastbound or westbound, without bringing such vehicle to a full stop prior to entry onto the public roadway.
(Ord. 2005-02, passed 3-1-2005)

§ 23-77.4 STOP AT INTERSECTION OF NORTH NINTH STREET AND WEST TAYLOR STREET.

It shall be unlawful to drive any vehicle in the east bound traffic lane on West Taylor Street across North Ninth Street, without bringing such vehicle to a full stop.
(Ord. 2005-17, passed 9-6-2005)

§ 23-77.5 INTERSECTION AT BERE HAVEN LANE AND CENTRE DRIVE.

(A) It shall be unlawful to drive any vehicle on Centre Drive, through the intersection of Centre Drive and Bere Haven Lane, traveling northbound or southbound, without bringing such vehicle to a full stop prior to entry onto Bere Haven Lane.

(B) It shall be unlawful to drive any vehicle from Centre Drive, onto westbound Bere Haven Lane, without bringing such vehicle to a full stop prior to entry onto Bere Haven Lane.

(C) It shall be unlawful to drive any vehicle from eastbound Bere Haven Lane onto Centre Drive, either northbound or southbound, without bringing such vehicle to a full stop prior to entry onto Centre Drive.
(Ord. 2006-13, passed 11-7-2006)

§ 23-77.6 INTERSECTION AT EAST BLUFF DRIVE AND VISTA RIDGE.

(A) It shall be unlawful to drive any vehicle on East Bluff Drive, through the intersection of East Bluff Drive and Vista Ridge, traveling northbound or southbound, without bringing such vehicle to a full stop prior to entry onto Vista Ridge.

(B) It shall be unlawful to drive any vehicle from East Bluff Drive, onto westbound Vista Ridge, without bringing such vehicle to a full stop prior to entry onto Vista Ridge.

(C) It shall be unlawful to drive any vehicle from eastbound Vista Ridge onto East Bluff Drive, either northbound or southbound, without bringing such vehicle to a full stop prior to entry onto Centre Drive.
(Ord. 2006-13, passed 11-7-2006)

§ 23-77.7 INTERSECTION AT JEFFERSON STREET AND ELEVENTH STREET.

It shall be unlawful to enter the intersection at Jefferson Street and Eleventh Street from any direction by vehicle without having brought such vehicle to a complete stop adjacent to the posted sign as set forth in § 23-77 of this chapter.
(Ord. 2012-09, passed 6-5-2012)

§ 23-77.8 INTERSECTION AT JACKSON STREET AND ELEVENTH STREET.

It shall be unlawful to enter the intersection at Jackson Street and Eleventh Street from any direction by vehicle without having brought such vehicle to a complete stop adjacent to the posted sign as set forth in § 23-77 of this chapter.
(Ord. 2012-09, passed 6-5-2012)

§ 23-77.9 INTERSECTION AT DOUGLAS STREET AND ELEVENTH STREET.

It shall be unlawful to enter the intersection at Douglass Street and Eleventh Street from any direction by vehicle without having brought such vehicle to a complete stop adjacent to the posted sign as set forth in § 23-77 of this chapter.
(Ord. 2012-09, passed 6-5-2012)

§ 23-77.10 INTERSECTION AT TAYLOR STREET AND SEVENTH STREET.

It shall be unlawful to enter the intersection at Taylor Street and Seventh Street from any direction by vehicle without having brought such vehicle to a complete stop adjacent to the posted sign as set forth in § 23-77 of this chapter.
(Ord. 2012-17, passed 8-21-2012)

§ 23-77.11 INTERSECTION AT SHERIDAN ROAD AND SECOND STREET.

It shall be unlawful to enter the intersection at Sheridan Road and Second Street from any direction by vehicle without having brought such vehicle to a complete stop adjacent to the posted sign as set forth in § 23-77 of this chapter.
(Ord. 2012-17, passed 8-21-2012)

§ 23-77.12 INTERSECTION AT DOUGLAS STREET AND SEVENTH STREET.

It shall be unlawful to enter the intersection at Douglas Street and Seventh Street from any direction by vehicle without having brought such vehicle to a complete stop adjacent to the posted sign as set forth in § 23-77 of this chapter; provided, however, that, traffic westbound on Douglas approaching the intersection may turn left without such complete stop; provided, it yields the right-of-way to any vehicle crossing or entering the intersection onto Seventh Street heading south on Seventh Street.
(Ord. 2012-17, passed 8-21-2012)

§ 23-77.13 INTERSECTION AT JACKSON STREET AND SEVENTH STREET.

It shall be unlawful to enter the intersection at Jackson Street and Seventh Street from any direction by vehicle without having brought such vehicle to a complete stop adjacent to the posted sign as set forth in § 23-77 of this chapter; provided, however, that, traffic southbound on Seventh Street approaching the intersection may turn left onto Jackson Street eastbound without such complete stop; provided, it yields the right-of-way to any vehicle crossing or entering the intersection onto Jackson Street heading east on Jackson.
(Ord. 2012-17, passed 8-21-2012)

§ 23-78 RIGHT-OF-WAY WHEN ENTERING STREET FROM PRIVATE ROAD OR DRIVEWAY.

The driver of a vehicle about to enter or cross a street from a private road or driveway shall yield the right-of-way to all vehicles approaching on said street.
(1993 Code, § 23-78)

§ 23-79 STOP REQUIRED WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.
(1993 Code, § 23-79)

§ 23-80 DUTIES ON APPROACH OF EMERGENCY VEHICLES.

(A) Upon the immediate approach of an authorized emergency vehicle or a police vehicle using audible and/or visual signals when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the street clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(B) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
(1993 Code, § 23-80)

§ 23-81 STOP REQUIRED AT RAILROAD GRADE CROSSINGS.

(A) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train, the driver of such vehicle shall stop within 50 feet, but not less than ten feet, from the nearest track of such railroad and shall not proceed until he or she can do so safely.

(B) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a flagger gives or continues to give a signal of the approach or passage of a train.

(C) The driver of a vehicle shall stop within 50 feet, but not less than ten feet, from the nearest track when a train is approaching so closely that an immediate hazard is created, and shall not proceed until he or she can do so safely.
(1993 Code, § 23-81)

§ 23-82 CERTAIN VEHICLES TO STOP AT ALL GRADE CROSSINGS.

(A) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying liquid petroleum and liquid petroleum products, explosives, flammable or oxidizing liquids and solids, flammable or poisonous compressed gases, volatile liquids and solids which emit poisonous fumes, corrosive liquids and radioactive materials as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet, but not less than ten feet, from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he or she can do so safely.

(B) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(C) This section shall not apply at street railway grade crossings within a business or residential district.
(1993 Code, § 23-82)

§ 23-83 MOVING HEAVY EQUIPMENT AT GRADE CROSSINGS.

(A) No person shall operate or move any crawler-type tractor, power shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour, or, for such equipment with 18 feet or less distance between two adjacent axles, having a vertical body or load clearance of less than nine inches above a level surface, or, for such equipment with more than 18 feet between two adjacent axles, having a vertical body or load clearance of less than one-half inch per foot of distance between such adjacent axles above a level surface upon or across any tracks at a railroad grade crossing without first complying with this section.

(B) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(C) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train or railroad track equipment and for signals indicating the approach of a train or railroad track equipment, and shall not proceed until the crossing can be made safely.

(D) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train, railroad track equipment, or car.
(1993 Code, § 23-83)

§ 23-84 DESIGNATION, OBEDIENCE TO THROUGH HIGHWAYS AND STOP INTERSECTIONS.

(A) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this chapter.

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if there is none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(C) The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at a clearly marked stop line, but if there is none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
(1993 Code, § 23-84)

§ 23-85 DUTY TO STOP BEFORE EMERGING FROM ALLEY, PRIVATE DRIVEWAY, BUILDING.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.
(1993 Code, § 23-85)

§ 23-86 LIMITATIONS ON BACKING.

(A) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(B) The driver of a vehicle shall not back the same upon any controlled-access highway.
(1993 Code, § 23-86)

§ 23-87 RIDING MOTORCYCLES.

(A) The operator of a motorcycle shall ride only astride the permanent and regular seat or saddle attached thereto, and the operator shall not permit more than one other person to ride thereon, nor shall such other person ride on the motorcycle unless it is designed to carry two people, in which event the passenger shall also ride astride the permanent and regular seat or saddle if it is designed for two persons, or astride another seat or saddle firmly attached to the rear of the operator; however, any seat or saddle designed for a passenger must be equipped with permanent handgrips and, in addition, the motorcycle must be equipped with footrests adjusted to fit such passenger.

(B) A sidecar may be attached to a motorcycle in which additional persons may ride.
(1993 Code, § 23-87)

§ 23-88 COASTING PROHIBITED.

(A) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(B) The driver of a motor vehicle of the Second Division when traveling upon a down grade shall not coast with the clutch disengaged.
(1993 Code, § 23-88)

§ 23-89 INJURIOUS SUBSTANCES ON STREETS.

(A) No person shall throw or deposit upon any highway any glass bottle, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(B) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive, dangerous, hazardous or injurious material shall immediately remove the same or cause it to be removed. This subsection (B) shall not apply to implements of husbandry designed and adapted exclusively for agricultural, horticultural or livestock raising operations that may inadvertently deposit dirt or other substances upon the highway.

(C) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.
(1993 Code, § 23-89)

§ 23-90 DRIVING ON RECENTLY DRAGGED STREETS.

It shall be unlawful for any person to drive or cause to be driven a vehicle of any description in or upon any portion of the street immediately after the same has been dragged and before such portion of the street shall have partially dried out or frozen; provided that, nothing in this section shall apply in those instances where it is impossible to drive with safety at one side of said dragged portion of the road, or where a vehicle does not make a rut on such dragged portion of the road, injurious to the work accomplished by use of the road drag or where a vehicle does not make a rut nearer than nine feet from the center of the dragged portion of the road.
(1993 Code, § 23-90)

§ 23-91 OPERATION OF FARM TRACTORS ON STREETS.

(A) No person shall operate a farm tractor on a street unless such tractor is being used as an implement of husbandry in connection with farming operations.

(B) For the purpose of this section, use of a farm tractor as an implement of husbandry in connection with farming operations shall be deemed to include use of such tractor in connection with the transportation of agricultural products and of farm machinery, equipment and supplies as well as transportation of such tractors in connection with the obtaining of repairs thereto.
(1993 Code, § 23-91)

§ 23-92 OPERATING, PARKING FOR PURPOSES OF SALE, WASHING, REPAIRING.

No person shall:

(A) Operate or park a vehicle upon any roadway or parkway for the principal purpose of displaying it or any other object or merchandise for sale, or for washing, greasing or repairing such vehicle, except repairs necessitated by an emergency; or

(B) Operate or park on any street any vehicle for the primary purpose of displaying advertising.
(1993 Code, § 23-92)

§ 23-93 DRIVING ON SIDEWALKS.

The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.
(1993 Code, § 23-93)

§ 23-94 DRIVING ON CLOSED, BARRICADED STREETS.

No person shall drive any vehicle over or across any newly made pavement in any public street, across or around which pavement there is a barrier, or at, over or near which there is a person or sign warning persons that the street is closed.
(1993 Code, § 23-94)

§ 23-95 CROSSING FIRE HOSE.

No vehicle shall be driven over an unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
(1993 Code, § 23-95)

§ 23-96 TRUCK ROUTES GENERALLY.

(A) In this section, ***TRUCK*** means every motor vehicle designed, used or maintained primarily for the transportation of property.

(B) All trucks entering the city destined to any point outside the city and not taking on or discharging any property within the city shall travel exclusively upon the truck routes established hereafter by ordinance.

(C) Trucks taking on or loading property in the city for transportation outside the city shall, in every instance, proceed by the most direct route from the place of loading to the truck route of egress from the city and leave the city by the truck routes.

(D) It shall be unlawful to operate a truck upon any street within the city not designated as a truck route, except when it is impractical to do so because of street repairs or other emergency or when necessary to travel to other streets to a destination within the city for the purpose of loading or unloading property and when necessary, only by such deviation from such truck routes as is reasonably necessary.
(Ord. 2006-14, passed 12-5-2006)

§ 23-96.1 FIFTH STREET TRUCK ROUTE.

The portion of Fifth Street within the corporate limits of the city, beginning at the intersection of Fifth Street and Illinois Highway 123 and terminating at the intersection of Fifth Street and Light Street is hereby designated as a truck route.
(Ord. 2006-14, passed 12-5-2006)

§ 23-96.2 LIGHT STREET TRUCK ROUTE.

The portion of Light Street within the corporate limits of the city, beginning at the intersection of Light Street and Fifth Street, and terminating at the intersection of Light Street and Fourth Street is hereby designated as a truck route.
(Ord. 2006-14, passed 12-5-2006)

§ 23-96.3 ILLINOIS HIGHWAY 97.

The portion of Illinois Highway 97 located within the corporate limits of the city is hereby designated as a truck route.
(Ord. 2006-14, passed 12-5-2006)

§ 23-96.4 ILLINOIS HIGHWAY 123.

The portion of Illinois Highway 123 located within the corporate limits of the city is hereby designated as a truck route.
(Ord. 2006-14, passed 12-5-2006)

§§ 23-97—23-109 RESERVED.

(1993 Code, §§ 23-97—23-109)

ARTICLE III. STOPPING, STANDING AND PARKING

§ 23-110 OUTSIDE BUSINESS OR RESIDENCE DISTRICT.

(A) Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street when it is practical to stop, park or so leave such vehicle off such part of said street, but in every event a clear and unobstructed width of the street opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such street.

(B) The city shall have authority to prohibit the stopping, standing or parking of vehicles or to prescribe time limits for parking on any street or highway under the control and jurisdiction of the city, in such manner as it shall deem necessary to promote public convenience and safety, and so as to

facilitate traffic. Any such regulations adopted by the city regarding the stopping, standing or parking of vehicles upon any specific street, streets or highways shall become effective on and after the date of erection of appropriate signs indicating such regulations.

(C) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position; provided, however, that, at least one door of any motor vehicle permitted to stand unattended on the paved or main-traveled part of any highway shall be left unlocked.
(1993 Code, § 23-110)

§ 23-111 PARKING PROHIBITED IN SPECIFIED PLACES.

(A) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(1) On a sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within 20 feet of a fire hydrant or within 20 feet of a point on the curb directly perpendicular to a fire hydrant;

(5) On a crosswalk;

(6) Within 20 feet of a crosswalk at an intersection;

(7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;

(8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the city indicates a different length by signs or markings;

(9) Within 50 feet of the nearest rail of a railroad grade crossing;

(10) Within 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 75 feet of said entrance when properly signposted;

(11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;

(12) On the roadway side of any vehicle parked at the edge or curb of a street;

(13) At any place where official signs prohibit parking;

(14) On the north side of Lincoln Avenue between its intersection with Oakland Avenue; and

(15) On that portion of Douglas Street between Ninth and Eleventh Streets where the travel surface of the road is less than 26 feet in width.

(B) No person shall park any of the following on a public street or right-of-way for a period exceeding 72 consecutive hours:

(1) Truck, except those with a State of Illinois Class B license;

(2) Bus;

(3) Farm equipment;

(4) Boat;

(5) Trailer; and

(6) Motor home.
(1993 Code, § 23-111) (Ord. 2012-6, passed 5-15-2006)

§ 23-112 REGULATIONS AT SPECIFIC LOCATIONS.

The city may from time to time regulate, restrict or prohibit the standing or parking of vehicles on specified streets or portions of streets or in specified areas. When signs or markings are in place giving notice of such regulations, restrictions and prohibitions, it shall be unlawful to violate or fail to comply with such signs or markings.
(1993 Code, § 23-112)

§ 23-113 PARKING AT NIGHT.

(A) It shall be unlawful to park or permit any vehicle to stand between the hours of 3:00 a.m. Sunday and 7:00 a.m. Sunday on the Petersburg Public Square or any street one block therefrom in each direction.

(B) Parking during such hours is prohibited at the following places:

(1) On Sixth Street between Sheridan and Monroe;

(2) On Seventh Street between Sheridan and Monroe;

(3) On Douglas Street between Fifth and Eighth Streets; and

(4) On Jackson Street between Fifth and Eighth Streets.
(1993 Code, § 23-113)

§ 23-114 PARKING DURING SNOW REMOVAL.

(A) It is unlawful to park any vehicle on any street in the Historic Downtown Square between 11:00 p.m. and 6:00 a.m. after a snowfall accumulation of two or more inches, until such street has been cleared of accumulated snowfall.

(B) It is unlawful to park any vehicle on any street within the city, other than the Historic Downtown Square, for a period of 24 hours after a snowfall accumulation of two or more inches, until such street has been cleared of accumulated snowfall.

(C) Whenever a vehicle becomes stalled, for any reason, on any part of any street on which there is a parking prohibition in effect pursuant to this section, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such street. No person shall abandon or leave a vehicle in the roadway in violation of this section.

(D) Whenever any motor vehicle, trailer, or obstruction shall be found parked, abandoned, or stalled on a street in violation of this section, such vehicle may be removed and conveyed by means of towing and impounding in accordance with § 23-125.

(E) As used in this section, the ***HISTORIC DOWNTOWN SQUARE*** is defined as the following streets:

(1) Douglas Street, from Eighth Street to Fifth Street;

(2) Jackson Street, from Eighth Street to Fifth Street;

(3) Seventh Street, from Monroe Street to Sheridan Street; and

(4) Sixth Street, from Monroe Street to Sheridan Street.
(1993 Code, § 23-114) (Ord. 2016-07, passed 12-20-2016)

§ 23-115 PARKING IN ALLEYS.

It shall be unlawful for any driver to park a vehicle within an alley in such a manner or under such conditions as to leave available less than eight feet of the width of the roadway for the free movement of vehicular traffic, and there shall be no parking in any alley for a time longer than is necessary to load or unload passengers or materials.
(1993 Code, § 23-115)

§ 23-115.5 PERMITS FOR SPECIAL NO PARKING AREAS.

(A) Special "no parking" spaces in front of shipping entrances and the entrances to churches, hotels, theaters, office buildings or other buildings where a large number of people are accustomed to gather, may be provided and established by compliance with this section.

(B) Any owner or occupant of such building adjacent to a street or alley desiring a certain "no parking" space immediately in front of the entrance to such building, shall make application to the City Council, setting forth all relevant information and stating the number of feet and the time desired for such purposes. The City Council shall have authority to grant or refuse such application in its discretion, or to grant the same with such restrictions or limitations as it may deem necessary.
(1993 Code, § 23-115.5)

§ 23-116 HANDICAP PARKING—DESIGNATED SPACES.

The city shall make provisions for handicapped parking spaces within the municipality:

(A) One space for handicapped parking:

(1) North side of Jackson Street immediately east of its intersection with Sixth Street (next to the Menard Electric building);

(2) South side of Sangamon Street 106 feet west of Sixth Street;

(3) West of the handicap accessible location immediately south of the First Baptist Church on Sangamon Street;

(4) For St. Paul's United Church of Christ on Douglas Street between Eighth and Ninth Streets;

(5) South Side of Douglas Street, immediately east of its intersection with Sixth Street (starting point is 20 feet east of the Sixth street intersection) is designated for handicap parking only; and

(6) West Side of Seventh Street half way between the intersection streets of Jackson and Douglas (148 feet (N) from the Jackson Street curb as the space starting point) is designated for handicap parking only.

(B) Two spaces for handicapped parking:

(1) South side of Douglas Street immediately east of the alley between Eighth and Ninth Streets (west of the entrance to the Central Presbyterian Church). The use of such handicap parking spaces in limited to Sunday between 9:00 a.m. and 12:00 p.m. Such parking spaces shall be designated by portable signage; and

(2) South side of Monroe Street immediately west of the alley between Seventh and Eighth Streets (north side of Bethlehem Lutheran Church).
(1993 Code, § 23-116) (Ord. 92-8, passed 4-21-1992; Ord. 92-14, passed 5-19-1992; Ord. 93-3, passed 2-16-1993; Ord. 93-4, passed 4-6-1993; Ord. 96-22, passed 12-3-1996; Ord. 2001-23, passed 11-20-2001; Ord. 2011-12, passed 4-2-2011)

§ 23-117 RIGHT-OF-WAY ON MOVING PARKED VEHICLE.

The driver of a parked vehicle about to move such vehicle shall give right-of-way to moving vehicles.
(1993 Code, § 23-117)

§ 23-118 TAMPERING WITH PARKED VEHICLE.

No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.
(1993 Code, § 23-118)

§ 23-119 MANNER OF PARKING.

(A) (1) Angle parking may be permitted by ordinance on that portion of a street not under the jurisdiction and control of the state.

(2) Where angle parking is not so permitted, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within 12 inches of the right-hand curb.

(B) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.

(C) In areas where parking spaces have been marked off or designated, vehicles shall be so parked as to be entirely within a single space.
(1993 Code, § 23-119)

§ 23-120 BACKING TO CURB TO LOAD OR UNLOAD.

Vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads in such manner as may be directed by any police officer or other authorized official of the city.
(1993 Code, § 23-120)

§ 23-121 DUTIES WHEN LEAVING VEHICLE UNATTENDED.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the street.
(1993 Code, § 23-121)

§ 23-122 DESIGNATION, MARKING OF PUBLIC CARRIER STANDS, LOADING ZONES AND THE LIKE.

The City Council is hereby authorized to establish bus stops, curb truck-loading zones and taxicab stands, and stands for other passenger common-carrier motor vehicles on the public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public, and every such approved bus stop, curb truck-loading zone, taxicab stand or other stand shall be designated by appropriate signs.
(1993 Code, § 23-122)

§ 23-123 STOPPING, STANDING, PARKING OF BUSES AND TAXICABS.

The driver of a bus or taxicab shall not stand or park upon any street at any place other than at a bus stop or taxicab stand, respectively; except that, this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place

for the purpose of and while actually engaged in loading or unloading passengers.
(1993 Code, § 23-123)

§ 23-124 OTHER VEHICLES PARKING IN BUS STOPS, TAXICAB STANDS.

It shall be unlawful for the driver of any vehicle other than a bus to stand or park in an officially designated bus stop; or for any vehicle other than a taxicab to stand or park in an officially designated taxicab stand; except that, the driver of any passenger vehicle may temporarily stop in such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.
(1993 Code, § 23-124)

§ 23-125 AUTHORITY TO IMPOUND ILLEGALLY PARKED VEHICLES.

When any vehicle is parked in any prohibited place or at any prohibited time under this code, any police officer or other authorized official is authorized to remove and tow away any vehicle, trailer, or other obstruction found to be parked improperly or illegally. All towing and storage costs associated with the tow, as well as any fine or penalty established for the violation, shall be paid by the owner, operator, or lessee of the towed vehicle, trailer, or obstruction.
(1993 Code, § 23-125) (Ord. 2016-07, passed 12-20-2016)

§ 23-126 STOPPING, STANDING, PARKING ORDINANCES.

No provision of this code or of the ordinance adopting this code shall be construed to supersede, repeal or amend any ordinance of the city relating to stopping, standing or parking on any street or on the parts of any street.
(1993 Code, § 23-126)

§ 23-127 PARKING ON PRIVATE PROPERTY WITHOUT PERMISSION.

It shall be unlawful to park a motor vehicle on private property without the consent of the owner, lessee or person in possession of the private property. Any person found guilty of violating the provisions of this section shall be fined not less than $10, nor more than $100.
(1993 Code, § 23-127)

§ 23-128 RESERVED.

(1993 Code, § 23-128)

§ 23-129 NO PARKING ZONES DESIGNATED.

The following areas hereby are declared to be no parking zones:

(A) The west side of Madison Street within 30 feet of the intersection of Seventh Street and Madison Street;

(B) The east side of Madison Street within 30 feet of the intersection of Eighth Street and Madison Street;

(C) The east side of Monroe Street within 30 feet of the intersection of Monroe Street and the alley in the middle of the block between Seventh Street and Eighth Street;

(D) The west side of Monroe Street within 30 feet of the intersection of Monroe and the alley in the middle of the block between Seventh Street and Eighth Street; and

(E) Twelfth Street, between Harris Street and Lincoln-Berry Road.
(1993 Code, § 23-129) (Ord. 00-24, passed 10-17-2000; Ord. 2002-7, passed 4-16-2002)

§ 23-130 DESIGNATED PARKING OF RESTRICTED VEHICLES.

(A) *Establishment of restricted vehicle parking zone.*

(1) Property located at the southeast corner of of the block bounded by east Sheridan Road to the north, North Third Street to the East, East Douglas Street to the south and [rail road] to the west, specifically Lots 1 through 12 of Block 68 in the Taylor's addition to Petersburg, is hereby designated as a parking area reserved for use of vehicles the use and operation and parking of which within the city is restricted by § 23-96 of this chapter.

(2) For purposes of this section only, such vehicles shall be described as "restricted vehicles" and the property described as the "restricted vehicle parking zone".

(B) *Permit and fees.*

(1) Owners of restricted vehicles who reside within the city may apply with the City Clerk for a permit to use space within the restricted vehicle parking zone, on an as-available basis, in accordance with the requirements established by this section.

(2) (a) Each restricted vehicle parking zone permit shall remain valid for a period of one year from the date of issue of such permit.

(b) A restricted vehicle parking zone permit may be renewed by an applicant upon completion of a renewal application and submission of the applicable fee prior to the expiration of such permit.

(3) The annual fee for the restricted vehicle parking permit shall be $10.

(C) *Insurance and liability requirements.*

(1) No applicant shall receive a restricted vehicle parking zone permit or be entitled to renew such permit without first submitting proof of insurance demonstrating that the applicant and the restricted vehicle in question have obtained insurance coverage for the duration of the permit period of not less than $200,000 and covering any and all liability for damages for personal injury, death or property damage arising out of or relating to the parking of such restricted vehicle in the restricted vehicle parking zone.

(2) In addition, no applicant shall receive a restricted vehicle parking zone permit without first executing an agreement to hold harmless the city for any liability arising out of or relating in any way to the applicant's parking of such restricted vehicle within the restricted vehicle parking zone.

(D) *Restrictions on use.*

(1) The restricted vehicle parking zone shall be used solely for the purpose of short-term parking and storage of unoccupied restricted vehicles and all permit holders must comply with all applicable requirements of this section.

(2) Failure to comply with the requirements of this section shall constitute a violation of this section punishable by a fine of $50 for the first offense and $100 for each subsequent offense as well as the revocation or non-renewal of any permit issued in accordance with this section.

(a) No camping, loitering, gathering, occupation or other activity is permitted within the restricted vehicle parking zone.

(b) No vehicle shall remain parked in the restricted vehicle parking area in excess of seven consecutive days without prior written permission of the Police Chief.

(c) No vehicle shall be left unattended with its engine running or with any lights on.

(d) No vehicle shall be occupied within the restricted vehicle parking zone, except during transport of such vehicle into or out of the restricted vehicle parking zone.

(e) No hazardous materials shall be permitted at any time within the restricted vehicle parking zone.

(E) *Electrical service.* A permit holder may, at the permit holder's sole cost and expense, subscribe for and obtain from an electric service provider such electric service as may be desired for the sole and exclusive purpose of heating the engine block of the permitted vehicle.
(Ord. 2007-09, passed 12-4-2007)

§ 23-131 PARKING ON PRIVATE PROPERTY AFTER HOURS WITHOUT PERMISSION.

(A) No person shall park, stop or stand any motor vehicle upon private property without the consent of the owner or authorized occupant of the property.

(B) For purposes of this section, a sign in substantially the form provided in subsection (F) below prominently posted by the owner or authorized occupant of the property prohibiting parking at all or during specified times shall constitute notice to the public that the owner does not consent to parking, stopping or standing.

(C) The owner or driver of a vehicle which is disabled upon the private property of another must remove the vehicle or arrange for removal of the vehicle within 30 minutes after entering upon the private property or secure the consent of the owner to allow the vehicle to remain.

(D) In the absence of consent obtained in advance from the owner or authorized occupant of land to the stopping, standing or parking and, in the absence of a sign or actual notice as described in subsection (B) above, persons parked on private property not owned by that person shall be deemed to be in violation of this section after a warning from a police officer and failure to immediately remove the vehicle from the property or to remain off the property.

(E) Failure to comply will result in the following penalties:

(1) First offense: warning;

(2) Second offense: $25 ordinance fine; and

(3) Third offense: $50 ordinance fine.

(F) A sign in substantially the following form, when placed at each driveway access or curb within five feet of the property line, shall be deemed sufficient public notice for the purposes of this section:

NO TRESPASSING

Persons found upon or parking upon this property after posted business hours [or other specified times] without written permission will be subject to arrest and prosecution according to law.

(Ord. 2006-09, passed 2-5-2006)

§§ 23-132—23-166 RESERVED.

(1993 Code, §§ 23-132—23-166)

ARTICLE IV. PEDESTRIANS

§ 23-167 RIGHT-OF-WAY AT CROSSWALKS.

(A) Where traffic-control signals are not in place or in operation the driver of 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 any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article.

(B) 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 rear shall not overtake and pass such stopped vehicle.

(C) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, pedestrians shall have the right-of-way over drivers of vehicles as set forth in § 23-77(D) of this chapter.
(1993 Code, § 23-167)

§ 23-168 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) Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.
(1993 Code, § 23-168)

§ 23-169 OBEDIENCE TO RAILROAD CROSSING SIGNALS.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed or fail to observe and obey any signal, mechanical or otherwise, at a railroad grade crossing.
(1993 Code, § 23-169)

§ 23-170 RIGHT-OF-WAY OF BLIND PERSONS.

(A) Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, or who is being guided by a dog, shall have the right-of-way in crossing any street or highway, whether or not traffic on such street or highway is controlled by traffic signals, anything in this chapter to the contrary notwithstanding. The driver of every vehicle approaching the place where a blind person, so carrying such a cane or walking stick or being so guided, is crossing a street or highway shall bring his or her vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of this section shall not apply to a blind person who is not so carrying such a cane or walking stick or who is not guided by a dog, but the other provisions of this chapter relating to pedestrians shall then be applicable to such person.

(B) However, the failure of a blind person to so use or carry such cane or walking stick or to be guided by a guide dog when walking on streets, highways or sidewalks shall not be considered evidence of contributory negligence.
(1993 Code, § 23-170)

§ 23-171 DUTY TO USE RIGHT HALF OF CROSSWALKS.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
(1993 Code, § 23-171)

§ 23-172 SOLICITING RIDES.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.
(1993 Code, § 23-172)

§ 23-173 WALKING ON STREETS.

(A) Any person walking along and upon any street shall keep on the left of the paved portion, or on the left shoulder thereof and, upon meeting a vehicle when walking on such paved portion, shall step off to the left.

(B) Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway, except at a crosswalk.
(1993 Code, § 23-173)

§§ 23-174—23-185 RESERVED.

(1993 Code, §§ 23-174—23-185)

ARTICLE V. ACCIDENTS

§ 23-186 IMMEDIATE NOTICE REQUIRED.

The driver of a vehicle which is in any manner involved in an accident shall immediately and by the fastest means of communication submit notice of the accident to the city's Police Department.
(1993 Code, § 23-186)

§ 23-187 FALSE REPORTS.

Any person who provides information in an oral or written report required by this article with knowledge or reason to believe that such information is false shall be guilty of a misdemeanor.
(1993 Code, § 23-187)

§ 23-188 FAILURE OF DRIVER TO REPORT.

Whenever the driver of a vehicle is physically incapable of making a required accident report and if there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report. If such driver fails for any reason to make such report, the owner of the vehicle involved in such accident, shall, as soon as he or she learns of the accident, make said report.
(1993 Code, § 23-188)

§ 23-189 REPORTS NOT PREJUDICIAL; OBTAINING COPIES.

All required accident reports shall be without prejudice to the individual so reporting and shall be for the primary use of the city.
(1993 Code, § 23-189)

§§ 23-190—23-199 RESERVED.

(1993 Code, §§ 23-190—23-199)

ARTICLE VI. EQUIPMENT

§ 23-200 APPLICABILITY OF REQUIREMENTS.

(A) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of this article, or for any person to do any act forbidden or fail to perform any act required under this article.

(B) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors or to farm-wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 10,000 pounds and used only for the transportation of bulk fertilizer or to farm-wagon type tank trailers of not to exceed 1,200 gallons capacity, used during the liquid fertilizer season as field-storage “nurse tanks” supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farm or field or from one farm or field to another.
(1993 Code, § 23-200)

§ 23-201 WHEN LIGHTED LAMPS REQUIRED; MOUNTING; ILLUMINATION OF LICENSE PLATE.

(A) When upon any street in the city, during the period from sunset to sunrise, or at any other time when visibility is so limited as to require the use of lights for safety, every motorcycle shall carry and exhibit one lighted lamp commonly known as a driving light and every other motor vehicle two such lighted driving lamps showing white lights, or lights of a yellow or amber tint, visible at least 500 feet in the direction toward which each motorcycle or motor vehicle is proceeding. Parking lamps may be used in addition to, but not in lieu of, any such driving lamps. Each motor vehicle, trailer or semi-trailer

shall also exhibit at least two lighted lamps which shall be mounted on the left rear and right rear of the vehicle so as to throw a red light visible for at least 500 feet in the reverse direction; except that, a motorcycle need be equipped with only one such lamp.

(B) (1) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of 50 feet to the rear.

(2) Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating a rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.
(1993 Code, § 23-201)

§ 23-202 SIGNAL LAMPS AND DEVICES.

(A) Every vehicle operated in the city shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than 500 feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may, but need not, be incorporated with other rear lamps.

(B) Every motor vehicle shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red light.

(C) Every trailer and semi-trailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.

(D) Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

(E) Motorcycles and motor-driven cycles need not be equipped with electric turn signals.
(1993 Code, § 23-202)

§ 23-203 DUTY TO DIM HEAD LAMPS.

(A) Whenever the driver of any vehicle equipped with an electric driving head lamp or head lamps is within 500 feet of another vehicle approaching from the opposite direction, the driver shall dim or drop such head lamp or head lamps.

(B) The driver of any vehicle equipped with an electric driving head lamp or head lamps shall dim or drop such head lamp or head lamps when there is another vehicle traveling in the same direction less than 300 feet to the front of him or her.
(1993 Code, § 23-203)

§ 23-204 NUMBER OF DRIVING LAMPS.

(A) At all times specified in § 23-201 of this chapter, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(B) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candle-power, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a street.
(1993 Code, § 23-204)

§ 23-205 CERTAIN LAMPS PROHIBITED.

Except as provided by state law:

(A) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front thereof; and

(B) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.
(1993 Code, § 23-205)

§ 23-206 MUFFLERS; PREVENTION OF NOISE AND SMOKE.

(A) As used in this section, ***MUFFLER*** means a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

(B) (1) 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 and annoying smoke.

(2) No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device.

(3) 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.
(1993 Code, § 23-206)

§ 23-207 RATTLING, GRINDING, NOISY VEHICLES.

It shall be unlawful to use any automobile or other motor vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.
(1993 Code, § 23-207)

§ 23-208 MIRRORS.

Every motor vehicle, operated singly or when towing another vehicle, shall be equipped with a mirror having at least three square inches of reflecting surface and so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle.
(1993 Code, § 23-208)

§ 23-209 WINDSHIELDS, WINDOWS TO BE UNOBSTRUCTED; WIPERS REQUIRED.

(A) No person shall drive any motor vehicle with any sign, poster or other non-transparent material upon the front windshield, sidewings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway.

(B) No person shall drive any motor vehicle with any objects placed or suspended between the driver and the front windshield or between the driver and the rear window which obstructs the driver's clear view of the highway.

(C) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(D) No object, stationary or mobile, shall be placed on or suspended from the rearview mirror, front windshield, rear window or any other part of the inside of a motor vehicle, except religious or lodge statues or statuettes not exceeding six inches in height, and wearing apparel which is suspended behind the driver and in a manner so as not to obstruct the driver's clear view of the highway.
(1993 Code, § 23-209)

§§ 23-210—23-242 RESERVED.

(1993 Code, §§ 23-210—23-242)

ARTICLE VII. SIZES, WEIGHT AND LOAD

§ 23-243 DUTY TO PLANK EDGE OF PAVEMENT.

No tractor, traction engine or other vehicle weighting more than three tons, including the weight of the vehicle and its load, shall drive up onto, off or over the edge of any paved public street in this city, without protecting such edge by putting down solid planks or other suitable device to prevent such vehicle from breaking off the edges or corners of such pavement.
(1993 Code, § 23-243)

§ 23-244 SPILLING LOADS.

(A) No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom; except that, sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(B) No person shall operate on any street any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the street.
(1993 Code, § 23-244)

§ 23-245 LIABILITY FOR DAMAGE TO STREET OR STRUCTURE.

(A) Any person driving any vehicle, object or contrivance upon any street or street structure is liable for all damage which the street or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object, or contrivance exceeding the maximum dimensions or weighing in excess of the maximum weight

specified in this article, but authorized by a special permit issued as provided in this article. The measure of liability is the cost of repairing a facility partially damaged or the depreciated replacement cost of a facility damaged beyond repair together with all other expenses incurred by the city in providing a temporary detour, including a temporary structure, to serve the needs of traffic during the period of repair or replacement of the damaged street or street structure.

(B) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of said owner, then the owner and driver are jointly and severally liable to the extent provided in subsection (A) above.
(1993 Code, § 23-245)

§ 23-246 AUTHORITY TO RESTRICT USE OF STREETS.

(A) The City Council, with respect to streets under its jurisdiction, may by ordinance or resolution prohibit the operation of vehicles upon any such street or impose restrictions as to the weight of vehicles to be operated upon any such street, for a total period of not to exceed 90 days in any one calendar year, whenever any said street by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(B) The city shall erect or cause to be erected and maintained signs designating the provision of the ordinance or resolution at each end of that portion of any street affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

(C) The city with respect to streets under its jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated streets, which prohibitions and limitations shall be designated by appropriate signs placed on such streets.

(D) Recovery may be had in a civil action brought by the city.
(1993 Code, § 23-246)

§§ 23-247—23-259 RESERVED.

(1993 Code, §§ 23-247—23-259)

ARTICLE VIII. BICYCLES

§ 23-260 WHERE REGULATIONS APPLICABLE.

The regulations applicable to bicycles shall apply whenever any bicycle is operated upon any street or public way or upon any path officially set aside for the exclusive use of bicycles, subject to those exceptions stated herein.
(1993 Code, § 23-260)

§ 23-261 APPLICABILITY OF TRAFFIC REGULATIONS.

Every person riding a bicycle upon a roadway shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except as otherwise provided herein and except those provisions of this chapter which, by their very nature, can have no application.
(1993 Code, § 23-261)

§ 23-262 LIABILITY FOR VIOLATIONS.

(A) It shall be a violation for any person to do any act forbidden or fail to perform any act required by this article.

(B) The parent of any child, and the guardian of any ward, shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.
(1993 Code, § 23-262)

§ 23-263 BRAKES.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
(1993 Code, § 23-263)

§ 23-264 LAMPS ON BICYCLES.

(A) Every bicycle, when upon a street, during the period from sunset to sunrise, shall be equipped with at least one lighted lamp exhibiting a white light, or light of a yellow or amber tint, visible from a distance of 500 feet to the front of the bicycle and with at least one lighted lamp exhibiting a red light visible from a distance of 500 feet to the rear.

(B) Any person who violates this provision is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than $1, nor more than $50.
(1993 Code, § 23-264)

§ 23-265 BELL OR WARNING DEVICE.

Every bicycle when operated upon any street shall be equipped with a bell or other device capable of giving a signal clearly audible for a distance of not less than 100 feet; provided, however, that, no bicycle shall be equipped with, nor shall any person use on a bicycle, any siren or whistle.
(1993 Code, § 23-265)

§ 23-266 MANNER OF RIDING.

No person shall ride upon any bicycle otherwise than as follows.

(A) The rider controlling and propelling a bicycle shall ride only upon a regular and permanent seat provided for such rider.

(B) Any rider other than the operator shall ride only upon a suitable seat provided for the purpose and attached to the bicycle in such a place and manner that the rider thereon will not interfere with the safe and proper operation of the bicycle by its operator.

(C) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(1993 Code, § 23-266)

§ 23-267 RIDING ON SIDEWALKS.

(A) No person shall ride any bicycle on any sidewalk in any business district. Outside of such business districts riding on the sidewalks is permitted.

(B) Any person riding a bicycle on a sidewalk shall yield the right-of-way to every pedestrian and when approaching a pedestrian from the rear shall give a clearly audible warning signal when at least 25 feet distant from such pedestrian.
(1993 Code, § 23-267)

§ 23-268 SPEED.

No bicycle shall be operated at a speed faster than is reasonable and proper with regard to the safety of both the rider and other persons.
(1993 Code, § 23-268)

§ 23-269 RIDING ABREAST.

Persons operating bicycles upon a roadway shall not ride abreast, but shall ride in single file.
(1993 Code, § 23-269)

§ 23-270 TURNING.

(A) No bicycle rider shall turn suddenly in front of any pedestrian, bicycle or vehicle.

(B) Every bicycle rider, when upon any roadway with other traffic near, shall signal his or her intention to turn by extending an arm in the direction of the intended turn or by other distinct and unmistakable signal, in ample time for other traffic to recognize the intention to turn and act accordingly.
(1993 Code, § 23-270)

§ 23-271 TRICK RIDING AND RACING.

(A) No bicycle rider shall practice or perform any stunt, trick, fancy or acrobatic riding on any street, except under permit from, and under supervision of, the city's Police Chief.

(B) No bicycle rider shall participate in any race for speed, or in any endurance contest with any bicycle or vehicle upon any street, except under permit from, and under supervision of the city's Police Chief.
(1993 Code, § 23-271)

§ 23-272 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) Any person operating a bicycle shall obey the instructions of official traffic signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer or other authorized official.

(B) Whenever authorized signs are erected indicating that no right or left or "U" turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make such turn, in which event such person shall then obey the regulations applicable to pedestrians.
(1993 Code, § 23-272)

§ 23-273 DUTY TO KEEP TO RIGHT.

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
(1993 Code, § 23-273)

§ 23-274 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.

The operator of a bicycle emerging from an alley, driveway or building, shall, upon approaching a sidewalk or the sidewalk area extending across an alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.
(1993 Code, § 23-274)

§ 23-275 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handle bars.
(1993 Code, § 23-275)

§ 23-276 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon a sidewalk in a rack to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.
(1993 Code, § 23-276)

§§ 23-277—23-286 RESERVED.

(1993 Code, §§ 23-277—23-286)

ARTICLE IX. VIOLATIONS AND PENALTIES

§ 23-287 VIOLATION DECLARED MISDEMEANOR.

It is a misdemeanor for any person to violate any of the provisions of this chapter.
(1993 Code, § 23-287)

§ 23-288 GENERAL PENALTY.

Every person convicted of a misdemeanor for a violation of any provision of this chapter for which another penalty is not provided shall:

(A) For a first conviction thereof be punished by a fine of not less than $5, nor more than $100, or by imprisonment for not more than ten days;

(B) For a second such conviction within one year thereafter, such person shall be punished by a fine of not less than $25, nor more than $200, or by imprisonment for not more than 20 days, or both; and

(C) For a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not less than $100, nor more than $500, or by imprisonment for not more than six months, or both.
(1993 Code, § 23-288)

§ 23-289 PARTIES.

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be a crime, whether individually or in connection with one or more other persons or as principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this chapter is likewise guilty of such offense.
(1993 Code, § 23-289)

§ 23-290 OFFENSES BY PERSONS OWNING OR CONTROLLING VEHICLES.

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a street in any manner contrary to this chapter.
(1993 Code, § 23-290)

ARTICLE X. ABANDONED, INOPERABLE AND DERELICT VEHICLES

§ 23-291 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. As defined in § 1-101.05 of the Illinois Vehicle Code, 625 ILCS 5/1-101.05, any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any motor vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.

EXPEDITIOUS REPAIR.

(1) The necessary parts for repair have been ordered, but are not available for installation in an inoperable vehicle for reasons not within the control of the owner of such vehicle;

(2) The inoperable vehicle is scheduled to be repaired by a person whose regular course of business includes the repair of vehicles and the scheduled repair date is within 30 days; or

(3) The inoperable vehicle is in such condition of being inoperable as a result of a vehicular accident, and the owner of such inoperable vehicle or any third party to whom or from whom a claim for damages sustained in such accident is anticipated is investigating or preparing a claim for such damages, but in no event shall such period exceed 30 days.

INOPERABLE VEHICLE.

(1) As defined in 65 ILCS 5/11-40-3 of the Illinois Municipal Code, any motor vehicle from which, for a period of at least seven days, the engine, wheels, tires or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

(2) ***INOPERABLE MOTOR VEHICLE*** shall not include a motor vehicle which has been temporarily incapable of being driven under its own motor power in order to perform ordinary service or expeditious repair operations nor to any motor vehicle that is kept within a building when not in use, nor to any operable antique vehicle over 25 years of age, nor to a motor vehicle on a premises lawfully engaged in the wrecking and junking of motor vehicles.

MOTOR VEHICLE. As defined in § 1-146 of the Illinois Vehicle Code, 625 ILCS 5/1-146, every vehicle which is self-propelled, except for vehicles moved solely by human power motorized wheelchairs, low speed electric bicycles and low speed gas bicycles.

PERSON. Any individual, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY. Any real property owned by a private person(s) within the corporate limits of the city.

PUBLIC PROPERTY. Any real property owned by the local, state or federal government, within the corporate limits of the city that is not a street or highway or alley or right-of-way.

STREET, HIGHWAY, ALLEY or ***RIGHT-OF-WAY.*** The entire width between the boundary lines of every way publicly owned when any part thereof is open to the use of the public for purposes of vehicular travel or parking or other public usage.
(Ord. 2007-01, passed 5-1-2007; Ord. 2012-07, passed 5-15-2012)

§ 23-292 ABANDONED AND INOPERABLE VEHICLES PROHIBITED ON STREETS, HIGHWAYS, ALLEYS AND RIGHTS-OF-WAY.

It shall be unlawful and a violation of this article for the registered owner or operator of a motor vehicle to allow an abandoned or inoperable vehicle to remain on any street, highway, alley or right-of-way in the city for more than 24 consecutive hours, it being declared and determined that any such abandoned or inoperable vehicle is a nuisance and hazardous to the public safety because of such condition.
(Ord. 2007-01, passed 5-1-2007; Ord. 2012-07, passed 5-15-2012)

§ 23-293 ABANDONED VEHICLES PROHIBITED ON PRIVATE AND PUBLIC PROPERTY.

It shall be unlawful and a violation of this article for any person to knowingly or intentionally abandon any motor vehicle, or to otherwise allow, permit or cause such motor vehicle to be or remain an abandoned vehicle under this chapter, on any private or public property in the city, it being declared and determined that any such abandoned vehicle is a nuisance and hazardous to the public safety because of such condition.
(Ord. 2007-01, passed 5-1-2007; Ord. 2012-07, passed 5-15-2012)

§ 23-294 INOPERABLE VEHICLES PROHIBITED ON PRIVATE PROPERTY.

(A) (1) It shall be unlawful and a violation of this article for any person in control of private property, whether as owner, lessee, occupant or otherwise, to allow, permit or cause to remain on such property any inoperable vehicle, for more than seven consecutive days.

(2) It shall also be unlawful and a violation of this chapter for the registered owner of an inoperable vehicle to allow it to remain on private property for more than seven consecutive days.

(3) If the violator fails to remove such inoperable vehicle within seven days of receipt of such notice, or such extended period of time as may be permitted by the city or Police Chief, the vehicle may be may be removed by a towing service upon the authorization of any officer of the Police Department of the city and in accordance with the provision set forth in this article, and the violator shall be subject to the fines and penalties established in § 23-296 of this chapter.

(B) An inoperable vehicle may be kept on private or public property for more than seven days if:

(1) The vehicle is stored in an enclosed building approved by the city;

(2) The vehicle is located upon the property of any person lawfully engaged in the business of selling or repairing from such property any such new or used motor vehicle which is otherwise an inoperable vehicle solely by reason of not displaying valid registration plates or proper evidence of registration therefore; or

(3) The vehicle is stored in an appropriate storage place or depository maintained by the city or any other police agency or entity.

(C) (1) Any such person in control of real property who receives a notice of violation of this section from the city may apply for an extension of time by making a written request for such extension to the Police Chief or City Council.

(2) Upon receipt of any such written request for an extension of time, the Police Chief or City Council shall, upon good cause being shown, grant an extension of not more than 30 days if such person in control of the property upon which such vehicle is stored submits to the Police Chief or City Council an affidavit that the owner of the inoperable vehicle is a bona fide resident of the property upon which such vehicle is located and that such vehicle is being held for sale or expeditious repair.

(D) (1) If the inoperable vehicle displays current license or registration plates or decals from which the last known owner may be determined in a reasonably expeditious manner, a copy of the notice as set forth in subsection (E) below shall be personally delivered or sent by U.S. mail first class postage prepaid, to the last registered owner of such vehicle; provided that, such registered owner is other than the recipient of notice provided pursuant to subsection (A) above, prior to authorization by any officer of the Police Department of the city for the towing of such vehicle.

(2) No additional notice need be provided to the registered owner of any inoperable vehicle if such registered owner is the same person in control of the property on which the inoperable vehicle is located and has been provided notice to remove such vehicle pursuant to this section.

(E) Notice of violation of this section given by the city shall be in substantially the form set forth below and shall be personally delivered or sent by certified U.S. mail, first class postage prepaid, to the person in control of the property on which an inoperable vehicle is located.

[INSERT CITY OF PETERSBURG LETTERHEAD]

TO: _______ NAME ___________________________
DATE OF NOTICE: _________________________
ADDRESS: _________________________________
CITY: ____________________________________

An inoperable vehicle described as:
MAKE: ___________________________________
MODEL: __________________________________
YEAR: ___________________________________
COLOR: __________________________________

has been left on the property located at ____ . Retaining this vehicle on the property is a violation of § 23-294 of the city code of ordinances because it is inoperable and not stored in an enclosed building or authorized storage area as permitted by the city.

You are hereby notified that the above-described vehicle must be removed, disposed of or placed in an enclosed building or authorized storage area as set forth in the city's code of ordinances. You have seven days from the date of this notice to comply with the requirements of the city code of ordinances, as supplemented and amended.

You may apply to the Police Chief or the City Council, as provided in the code of ordinances, for an extension period. Such application for extension must be received by the city within seven days of the date of this notice. The Police Chief or City Council shall, upon good cause being shown, grant an extension of not more than 30 days if the owner, lessee or occupant of the property upon which such vehicle is located submits to the Police Chief or the City Council an affidavit

that the owner of the inoperable vehicle is a bona fide resident of the property upon which such vehicle is stored and that such vehicle being held for sale or expeditious repair as defined by § 23-291 of the code of ordinances. To apply for such extension you must submit a request in writing to the Police Chief or City Council, City Hall, 122 S. Sixth Street, Petersburg, Illinois 62675.

If you fail to take necessary steps to correct the above-described violation and comply with the requirements of the City Code of Ordinances within the specified period, or within any extension granted by the Police Chief or City Council, such vehicle shall be towed and impounded and you shall be subject to fines as follows:

First violation: $75
Second violation: $150
Third violation: $200
Fourth and subsequent violations: $500

Each inoperable vehicle found in violation constitutes a separate violation and will be fined appropriately. In addition, each day such violation continues constitutes a separate and punishable offense and fines shall be assessed accordingly.

Under penalties as provided by law pursuant to § 1-109 of the code of civil procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned Code Enforcement Officer certifies as aforesaid that s/he verily believes the same to be true.

____
Code Enforcement Officer

(Ord. 2007-01, passed 5-1-2007; Ord. 2012-07, passed 5-15-2012)

§ 23-295 TOWING OF ABANDONED AND INOPERABLE VEHICLES.

(A) Any abandoned vehicle found anywhere in the city or any inoperable vehicle found on any street, highway, alley or right-of-way in the city for more than 24 consecutive hours may be towed and the owner thereof may be subject to fines and penalties as established in § 23-296 of this chapter.

(B) (1) The city shall provide to the last known owner of an abandoned or inoperable vehicle found to be in violation of this section notice describing the violation and indicating that the vehicle will be towed.

(2) If the abandoned or inoperable vehicle does not display any current license or registration plates or other device from which the last known owner may be determined in a reasonably expeditious manner, notice as set forth below shall be conspicuously posted on the windshield of such vehicle prior to authorizing the towing of such vehicle. If the abandoned vehicle or the inoperable vehicle displays any current license or registration plates or other device from which the last known owner may be determined in a reasonably expeditious manner, notice as set forth in subsection (D) below shall be conspicuously posted on the windshield of such vehicle and, in addition, such notice shall also be delivered or sent by U.S. mail, first class postage prepaid, to the last known registered owner of such vehicle prior to authorizing the towing of such vehicle. The owner shall have seven days from the date such notice is issued to either remove the vehicle or request a hearing as to whether the vehicle is in violation of this section, as permitted by subsection (C) below.

(3) If such owner fails to take any action within that time period, the city may have the vehicle towed at the owner's expense.

(C) (1) The last known owner of any vehicle found in violation of this section shall be entitled to a hearing on the question of whether the vehicle is subject to towing.

(2) To exercise the right to such a hearing, such owner must submit a written request for such hearing to the Chief or Police or City Council, City Hall, 122 S. Sixth Street, Petersburg, Illinois 62675, within seven days of the date of notice was issued. At that time, a hearing date will be set.

(D) Notice of violation of this section given by the city shall be in substantially the form set forth below:

[INSERT CITY OF PETERSBURG LETTERHEAD]

TO: _______ NAME ___________________________
DATE OF NOTICE: _________________________
ADDRESS: _________________________________
CITY & ZIP CODE: __________________________

A vehicle described as:
MAKE: ____________________________________
MODEL: ___________________________________
YEAR: ____________________________________
COLOR: ___________________________________

With registration plate number ______________ is registered in your name with the State of ___________ . This vehicle has been located at ___________________________________ and is deemed to be an (Abandoned/Inoperable Vehicle) under the code of ordinances of the city, as supplemented and amended. This violation subjects your vehicle to being towed and impounded and you may be charged with a violation of such code of ordinances and subject to fines as follows:

First violation: $75
Second violation: $150
Third violation: $200
Fourth and subsequent violations: $500

Each day such violation continues constitutes a separate and punishable offense and fines shall be assessed accordingly. In addition, the costs of towing and storage will be assessed against you.

If you wish to have a hearing on the question of whether the above-described vehicle is in violation of the city code of ordinances, you must submit a written request for such a hearing to the Chief or Police or City Council at City Hall, 122 S. Sixth Street, Petersburg, Illinois 62675, within seven days of the date of this notice. At that time a hearing date will be set. If you fail to request a hearing and fail to remove the vehicle within seven days of the date of this notice, then your vehicle will be immediately towed.

Under penalties as provided by law pursuant to § 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.

____
Code Enforcement Officer

(Ord. 2007-01, passed 5-1-2007; Ord. 2012-07, passed 5-15-2012)

§ 23-296 PENALTIES.

(A) Any person violating any of the provisions of §§ 23-292, 23-293 and 23-294 of this chapter shall be required to pay fines as follows:

(1) First violation: $75;

(2) Second violation: $150;

(3) Third violation: $200; and

(4) Fourth and subsequent violations: $500.

(B) Each day that any violation of the provisions of §§ 23-292 through 23-294 of this chapter is allowed to continue shall be considered a separate and punishable violation. Any person to be found in violation of this article will also be responsible for any towing and storage fees incurred by the city.
(Ord. 2007-01, passed 5-1-2007; Ord. 2012-07, passed 5-15-2012)

§ 23-297 TOWING AND REMOVAL PROCEDURES.

(A) *Abandoned vehicles.* The provisions of Art. II of Ch. 4 of the Illinois Vehicle Code, as now or hereafter supplemented and amended, shall regulate and control the procedures for the towing and removal of abandoned vehicle(s) under the authority of the Police Chief or any officer of the Police Department of the city pursuant to or in accordance with this article, including those procedures with respect to the responsibility for the payment of the cost of towing and storage and for reclaiming or disposing of any such vehicle, except to the extent otherwise provided in this article.

(B) *Inoperable vehicles.* When any inoperable vehicle has not been removed from public view pursuant to the provisions of § 23-294 of this chapter or the notice of violation as provided for in § 23-295 of this chapter, the Police Chief or any officer in the Police Department of the city may request the initiation of legal proceedings to obtain a court order to tow the vehicle from the property, including an assessment of fines, the cost of towing, storage, reclaiming and disposing of any such vehicle against the violator.
(Ord. 2007-01, passed 5-1-2007; Ord. 2012-07, passed 5-15-2012)

CHAPTER 24: WATER, SEWERS AND SEWAGE DISPOSAL

CHAPTER 24: WATER, SEWERS AND SEWAGE DISPOSAL

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ARTICLE I. IN GENERAL

§ 24-1 WATERWORKS AND SEWERAGE SYSTEM COMMITTEE.

A committee on the combined waterworks and sewerage system shall be appointed by the Mayor, and shall make such rules and regulations governing the management of the combined system and the conduct of the employees of the system as shall not be inconsistent with this code, subject to the approval of the City Council.
(1993 Code, § 24-1) (Ord. 81-11-2, passed 11-3-1981; Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

§ 24-2 COMBINED SYSTEM.

The waterworks system and the sewerage system of the city shall be maintained and operated together as a combined waterworks and sewerage system.
(1993 Code, § 24-2) (Ord. 81-11-2, passed 11-3-81)

§§ 24-2.1—24-2.10 RESERVED.

(1993 Code, §§ 24-2.1—24-2.10)

ARTICLE II. OFFICERS

DIVISION 1. GENERALLY

§§ 24-2.11—24-2.20 RESERVED.

(1993 Code, §§ 24-2.11—24-2.20)

DIVISION 2. WATER AND SEWER SUPERINTENDENT

§ 24-3 OFFICE CREATED.

(A) There is hereby created the Office Water and Sewer Superintendent.

(B) The Water and Sewer Superintendent shall have the general management and control of the combined system, subject to the supervision of the Committee on the system.

(C) The Water and Sewer Superintendent shall be appointed by the Mayor, by and with the advice and consent of the City Council, and shall hold office at the will and pleasure of the City Council.
(1993 Code, § 24-3) (Ord. 81-11-2, passed 11-3-1981)

§ 24-4 APPOINTMENT.

At the first meeting of the fiscal year, the Mayor, with the advice and consent of the City Council, shall appoint a Water and Sewer Superintendent.
(1993 Code, § 24-4) (Ord. 81-11-2, passed 11-3-1981)

§ 24-5 RECORD OF CONSTRUCTION, ALTERATION OF WATER MAINS AND THE LIKE.

The Water and Sewer Superintendent shall record, in a book furnished by the city:

(A) A complete record in chronological order of all extensions and constructions of water mains, service pipes and sewers;

(B) The location and date of each tapping thereof;

(C) The location of hydrants and stopcocks; and

(D) The dates of construction thereof.
(1993 Code, § 24-5) (Ord. 81-11-2, passed 11-3-1981)

§ 24-6 RESERVED.

(1993 Code, § 24-6)

§ 24-7 INSPECTION; COMPLIANCE WITH CITY ORDINANCES.

The Water and Sewer Superintendent shall inspect and oversee all attachments and connections made to the water pipes or mains of the city, all sewer pipes and all construction and alterations thereon. It shall be his or her duty to require all such work and plumbing to be done in accordance and compliance with the ordinances of the city and the state laws.
(1993 Code, § 24-7) (Ord. 81-11-2, passed 11-3-1981)

§ 24-8 TO TURN ON ALL SERVICE PIPES ON PRIVATE PROPERTY.

The Water and Sewer Superintendent, or his or her designated representative, shall turn on all service pipes leading to private property.
(1993 Code, § 24-8) (Ord. 81-11-2, passed 11-3-1981; Ord. 91-28, passed 10-1-1991)

§ 24-9 TO TURN OFF SERVICE PIPES WHERE ORDINANCES NOT COMPLIED WITH.

The Water and Sewer Superintendent shall shut off all service pipes leading to private property in cases where the city ordinances relative to water, plumbing and sewers have not been complied with or have been violated.
(1993 Code, § 24-9) (Ord. 81-11-2, passed 11-3-1981)

§ 24-10 UNNECESSARY OR UNREASONABLE WASTE OF WATER.

If there shall be any unnecessary or unreasonable waste of any water in any building or premises attached to the city water system, the Water and Sewer Superintendent shall notify the owner or occupant of the premises to remedy the situation immediately. If such waste is not stopped, the Water and Sewer Superintendent shall have the right to shut off the water supply to such premises until the situation is corrected.
(1993 Code, § 24-10) (Ord. 81-11-2, passed 11-3-1981)

§ 24-11 MAINTENANCE OF WATERWORKS MACHINERY AND BUILDING.

It shall be the duty of the Water and Sewer Superintendent to preserve and protect in proper condition the building and machinery of the city waterworks system.
(1993 Code, § 24-11) (Ord. 81-11-2, passed 11-3-1981)

§ 24-12 INVENTORY.

The Water and Sewer Superintendent shall make and deliver to the City Clerk, within ten days after taking his or her position, a complete inventory of all machinery, tools, supplies and equipment and other city property that may come into his or her hands.
(1993 Code, § 24-12) (Ord. 81-11-2, passed 11-3-1981)

§ 24-13 EMERGENCY WATER SUPPLY.

The Water and Sewer Superintendent shall keep an ample supply of water in the city tank for all emergencies.
(1993 Code, § 24-13) (Ord. 81-11-2, passed 11-3-1981)

§ 24-14 TO RECORD FACTS AS REQUIRED.

The Water and Sewer Superintendent shall record and preserve any facts, in addition to those facts required to be recorded by this division, which the Committee on Water and Sewers of the City Council shall require to be recorded.
(1993 Code, § 24-14) (Ord. 81-11-2, passed 11-3-1981; Ord. 97-09, passed 9-16-1997; Ord. 99-27, passed 5-18-1999)

DIVISION 3. COLLECTOR OF CHARGES OF THE COMBINED WATERWORKS AND SEWERAGE SYSTEM

§ 24-15 OFFICE CREATED.

(A) There is hereby created the Office of Collector of Charges of the Combined Waterworks and Sewerage System.

(B) The Collector shall have the general management and control of the Collection Department, subject to the supervision of the Committee on the Combined System.
(1993 Code, § 24-15) (Ord. 81-11-2, passed 11-3-1981)

§ 24-16 APPOINTMENT.

At the first meeting of the fiscal year, the Mayor, with the advice and consent of the City Council, shall appoint a Collector of Water and Sewerage Charges for the Combined System.
(1993 Code, § 24-16) (Ord. 81-11-2, passed 11-3-1981)

§ 24-17 TERM.

The Collector of Water and Sewer Charges shall hold office at the will and pleasure of the City Council.
(1993 Code, § 24-17) (Ord. 81-11-2, passed 11-3-1981)

§ 24-18 BOND.

Before beginning the duties of his or her office, the Collector of Water and Sewer Charges shall execute a bond in such minimum amount as shall be prescribed by statute, or the amount otherwise expressly fixed by the City Council.
(1993 Code, § 24-18) (Ord. 81-11-2, passed 11-3-1981)

§ 24-19 COMPENSATION.

The Collector of Water and Sewer Charges shall be paid the amount fixed from time to time by the City Council, in semi-monthly payments.
(1993 Code, § 24-19) (Ord. 81-11-2, passed 11-3-1981; Ord. 91-10, passed 5-21-1991)

§ 24-20 CONSUMER RECORDS.

The Collector of Water and Sewer Charges shall keep a record in a book furnished by the city of all water used by each consumer.
(1993 Code, § 24-20) (Ord. 81-11-2, passed 11-3-1981)

§ 24-21 COLLECTION, REPORT.

(A) The Collector of Water and Sewer Charges shall record all water and sewer charges due each month of the year, collect the same promptly each month and promptly pay into the city treasury all moneys so collected.

(B) The Collector of Water and Sewer Charges shall make a report of his or her collections and of the water and sewer charges unpaid each month to the Council.
(1993 Code, § 24-21) (Ord. 81-11-2, passed 11-3-1981; Ord. 91-10, passed 5-21-1991)

§ 24-22 RECORDS; CITY PROPERTY.

The records of the Collector of Water and Sewer Charges shall be the property of the city. The Collector of Water and Sewer Charges shall deliver such records to his or her successor upon the expiration of his or her service as Collector.
(1993 Code, § 24-22) (Ord. 81-11-2, passed 11-3-1981; Ord. 91-10, passed 5-21-1991)

§ 24-22.1 CONSUMER, CONNECTION RECORD TO BE KEPT.

The Collector of Charges of the Combined Waterworks and Sewerage System shall record, in a book furnished by the city, a complete record of the names and premises of any persons liable for the water and sewerage charge or the cost of a water connection.
(1993 Code, § 24-22.1) (Ord. 81-11-2, passed 11-3-1981; Ord. 91-30, passed 10-1-1991)

§§ 24-22.2—24-22.10 RESERVED.

(1993 Code, § 24-22.2—24.22.10)

ARTICLE III. RATES, CHARGES, CONNECTIONS AND TAP-ONS

DIVISION 1. GENERALLY

§§ 24-22.11—24-22.20 RESERVED.

(1993 Code, §§ 24-22.11—24-22.20)

DIVISION 2. CONNECTIONS AND TAP-ONS

§ 24-23 APPLICATION FOR PERMIT.

(A) No person shall make any connection to the water mains or sewer mains of the combined system of the city, except upon written application to the combined city waterworks and sewerage system and the issuance by such system of a permit in accordance with the provisions of this division.

(B) Each application shall state the name of the applicant, the permit desired, the location to be used and the fee to be paid; the size of the service desired and date service is desired and each application shall contain such additional information as may be needed for the proper guidance of the Water and Sewer Superintendent of the combined system in the issuance of the permit.
(1993 Code, § 24-23) (Ord. 81-11-2, passed 11-3-1981)

§ 24-24 ISSUANCE OF PERMIT—WATERWORKS TAP-ON.

(A) Upon receipt of an application as provided in § 24-23 of this chapter, a permit may be issued by the combined city waterworks and sewerage system for the installation of water service or a connection and tap-on in accordance with this article; provided that, no permit, shall be issued to any applicant while in default for non-payment of any past due amount owing to the combined system or any supply, service or installation theretofore rendered or made.

(B) The fee schedule shall be set by resolution of the City Council after first seeking a recommendation of the same from the Committee on the Combined Waterworks and Sewerage System.
(1993 Code, § 24-24) (Ord. 81-11-2, passed 11-3-1981; Ord. 93-27, passed 11-16-1993; Ord. 2001-18, passed 9-4-2001; Ord. 2014-13, passed 8-19-2014)

§ 24-24A SAME—SEWER SYSTEM TAP-ON.

Upon receipt of an application as provided in § 24-23 of this chapter, and the sum for a charge for connection (tap-on) into the sewer system of the city (within and outside of the city limits) shall be set periodically by resolution of the City Council after first seeking a recommendation of the same from the Committee on the Combined Waterworks and Sewerage System. A permit may be issued by the combined city waterworks and sewerage system for the installation of sewer service or a connection and tap-on in accordance with this article; provided that, no permit shall be issued to any applicant while in default for non-payment of any past due amount owing to the combined system or any supply, service or installation theretofore rendered or made.
(1993 Code, § 24-24) (Ord. 93-27, passed 11-16-1993; Ord. 2014-13, passed 8-19-2014)

§ 24-25 NON-ISSUANCE OF PERMIT.

No permit shall be issued under this division unless the proposed service, connection or tap-on are found to be in accordance with this article, rules and regulations adopted thereunder and any amendments thereto.
(1993 Code, § 24-25) (Ord. 81-11-2, passed 11-3-1981)

§ 24-26 INSPECTION.

The city may inspect the physical tap-on to either its water or sewer system.
(1993 Code, § 24-26) (Ord. 81-11-2, passed 11-3-1981; Ord. 93-27, passed 11-16-1993)

§ 24-27 UNAUTHORIZED ACTIVITY.

No unauthorized person shall uncover, make any connections with an opening into, alter or disturb any public water or sewer main or appurtenance without first obtaining a permit as provided in § 24-23 of this chapter.
(1993 Code, § 24-27) (Ord. 81-11-2, passed 11-3-1981)

§ 24-28 SEWER PERMITS.

(A) There shall be five types of building sewer permits:

(1) For single-family residential dwelling units and commercial service;

(2) For multi-family residential dwelling units;

(3) For service to establishments producing industrial wastes;

(4) For the institutional class of users; and

(5) For service to the governmental class of users.

(B) In any case, the owner or his or her agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city.

(C) Any industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
(1993 Code, § 24-28) (Ord. 81-11-2, passed 11-3-1981)

DIVISION 3. RATES AND CHARGES

§ 24-29 PURPOSE OF CHARGES.

A reasonable charge shall be made to the users of the combined water and sewer system. Such charges or rates shall be levied for the purpose of paying the cost of operation, maintenance, depreciation and the principal and interest on any revenue bonds that may be issued by the city for refunding existing indebtedness to be paid from water revenues, and revenue bonds that may be issued by the city for the purposes of extending or improving the combined water and sewer system.
(1993 Code, § 24-29) (Ord. 81-11-2, passed 11-3-1981)

§ 24-30 WATER SERVICE CHARGE.

A service charge in the amount of $6.30 per month shall be charged for the services and maintenance of the customer's water account with respect to the delivery of service to property located within the city limits.
(1993 Code, § 24-30) (Ord. 81-11-2, passed 11-3-1981; Ord. 85-12-1, passed 12-17-1985; Ord. 2001-18, passed 9-4-2001)

§ 24-31 WATER RATE.

(A) The rate to be charged for water furnished to property within the city limits shall be $4.90 per 1,000 metered gallons of water, per month.

(B) A charge of $0.25 per 45 gallons shall be levied for plant sales of water, which shall be payable to the Water and Sewer Superintendent upon delivery of water into a tank or other vessel at the water plant.
(1993 Code, § 24-31) (Ord. 81-11-2, passed 11-3-1981; Ord. 85-12-1, passed 12-17-85; Ord. 91-10, passed 5-21-1991; Ord. 91-31, passed 10-1-1991; Ord. 2001-18, passed 9-4-2001)

§ 24-31A WATER RATE AND SEWER RATE ADJUSTMENT.

(A) The rates provided in §§ 24-31 and 24-36(B) and (C) of this chapter shall be effective until adjusted in accordance with this section. Unless otherwise provided by ordinance, the rates set forth in §§ 24-31 and 24-36(B) and (C) of this chapter shall increase at the rate of 2% per annum, to become effective September 1 in each calendar year starting in 2006.

(B) (1) The adequacy of the water and sewer rate shall be reviewed not less often than annually. The certified public accountants for the city shall issue an annual audit report, which engineers for the city will use to update the water and sewer rate study.

(2) The water and sewer rates shall be revised periodically to reflect changes in debt service and capital improvement costs and/or operation, maintenance and replacement costs.

(3) These latter costs shall include, but are not limited to, expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the combined waterworks and sewage system to maintain the capacity and performance for which such system was designed and constructed.
(1993 Code, § 24-31A) (Ord. 2001-18, passed 9-4-2001; Ord. 2003-04, passed 4-1-2003; Ord. 2003-06, passed 6-10-2003; Ord. 2006-05, passed 5-16-2006)

§ 24-32 DEPOSIT FOR WATER SERVICE.

Each tenant or lessee of premises to be supplied with water by the city shall, on applying for city water service, pay to the Collector of water and sewer, a deposit in the amount of $150.

(A) Effective 9-1-2014, no account that has a deposit shall be allowed to have his, her or their monthly bill exceed the deposit amount. Failure to reconcile the account within 48 hours of notice will result in the shutting off of water service and a reconnect fee for turning the service back on.

(B) Effective 9-1-2014, any water service customer (to include the property owner) that becomes delinquent in payments to the city for water that requires the city to shut off service will be required to post a deposit of $150 before service will be reconnected.
(1993 Code, § 24-32) (Ord. 81-11-2, passed 11-3-1981; Ord. 85-12-1, passed 12-17-1985; Ord. 91-10, passed 5-21-1991; Ord. 95-21, passed 11-7-1995; Ord. 2014-13, passed 8-19-2014)

§ 24-32A RETURNED CHECK CHARGE.

A $35 service charge will be imposed for each returned check.
(1993 Code, § 24-32A) (Ord. 91-10, passed 5-21-1991; Ord. 2014-13, passed 8-19-2004)

§ 24-33 WATER DEPOSIT FORFEITED, RETURNED.

The deposit required by § 24-32 of this chapter shall be forfeited where the water charge is not paid. In case the user discontinues such water service with his or her account paid in full, such deposit shall be refunded.
(1993 Code, § 24-33) (Ord. 81-11-2, passed 11-3-1981; Ord. 91-10, passed 5-21-1991)

§ 24-34 BASIS FOR WASTEWATER CHARGES.

The wastewater charge for the use of and for service supplied by the wastewater facilities of the city shall consist of a basic user charge for operation and maintenance plus replacement, a service charge and a surcharge, if applicable.

(A) *Service charge.* The service charge shall not be less than that computed by dividing the annual costs of city administrative expenses by the total number of users. Through further divisions, the monthly and quarterly minimum required service charges can be computed.

(B) *Basic charge.* The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations: a five-day, 20°C biochemical oxygen demand (BOD) of 200 mg/l; and a suspended solids (SS) content of 250 mg/l. It shall consist of operation and maintenance costs, plus replacement, and shall be not less than that computed as follows:

(1) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including minimum required depreciation account deposits for the year, for all works categories;

(2) Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible;

(3) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated;

(4) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD;

(5) Compute costs per 1,000 gallons for normal sewage strength; and

(6) Compute surcharge costs per 1,000 gallons per mg/l in excess of normal sewage strength for BOD and SS.

(C) *Surcharge*. A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS respectively. Section 24-36 of this chapter specifies the procedure to compute a surcharge.

(D) *Review*. The adequacy of the wastewater charges shall be reviewed annually by certified public accountants for the city in their annual audit report. The wastewater charges shall be revised periodically to reflect any changes in debt service or a change in operation and maintenance costs, including replacement costs.
(1993 Code, § 24-34) (Ord. 81-11-2, passed 11-3-1981)

§ 24-35 MEASUREMENT OF FLOW.

The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 gallons.

(A) If the person discharging wastes into the public sewers procures any part, or all, of his or her water from sources other than the public waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his or her expense, water meters of a type approved by the city for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the city if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the city.
(1993 Code, § 24-35) (Ord. 81-11-2, passed 11-3-1981)

§ 24-36 AMOUNT OF SEWER CHARGES; WATER AND SEWER OUTSIDE CITY.

(A) *Sewer service charge*. A service charge in the amount of $6.30 per month, for the service and maintenance of the customer's sewer account with the city, is hereby established.

(B) *Basic user rate*. There is hereby established a minimum user charge and a basic user rate for the use of and for service supplied by the wastewater facilities of the city as follows:

(1) A minimum user charge of $2.45 per month shall be applied to all users whose water consumption does not exceed 1,000 gallons per month, as applicable;

(2) A basic user rate of $2.45 per 1,000 gallons shall be applied to all users for water consumption in excess of 1,000 gallons per month, as applicable;

(3) The basic user rate, as established in subsection (B)(2) above, shall not be applied to a user's consumption of water for purposes of filling a swimming pool; and

(4) The basic user rate, as established in subsection (B)(2) above, shall not be applied to a user's consumption of water as a result of a leak.

(C) *Surcharge rate.* The rates of surcharges for BOD and SS shall be as follows:

(1) For BOD, a surcharge rate of $0.0058 per mg/l per 1,000 gallons shall be applied for waste strength in excess of 200 mg/l; and

(2) For SS, a surcharge rate of $0.0037 per mg/l per 1,000 gallons shall be applied for waste strength in excess of 250 mg/l.

(D) *Computation of surcharge.* The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the city and shall be binding as a basis for surcharges. The surcharge shall be the sum computed as follows:

(1) For BOD, multiply the surcharge rate by the strength of the waste in excess of 200 mg/l, and further multiply this product by the total flow discharged per 1,000 gallons; plus

(2) For SS, multiply the surcharge rate by the strength of the waste in excess of 250 mg/l, and further multiply this product by the total flow discharged per 1,000 gallons.

(E) *Computation of wastewater charge.* The wastewater charge shall be computed by the following formula:

$$W = SC + M + (Vu\text{-}X)\ UR + S$$

Where:

W = Amount of wastewater charge per billing period;
SC = Service charge (subsection (A) above);
M = Minimum user charge for operation, maintenance and replacement (subsection (B)(1) above);

Vu = Wastewater volume for the billing period;
X = Allowable consumption in gallons for the minimum user charge (subsection (B)(1) above);
UR = Basic user rate for operation, maintenance and replacement (subsection (B)(2) above);
S = Amount of surcharge (subsections (C) and (D) above).

(F) *Water and sewer service outside the city.* The water and sewer rates for all property outside the city limits shall be the subject of contract. All existing contracts for water or sewer use, or both, based upon a percentage of the city residential rate, are hereby confirmed. All future water service, by or on non-residential property, which shall be the subject of contract, shall be contracted for by the city at not less than one and one-fourth times the rate established for city residents. All future sewer service, by or on non-residential property, which shall be the subject of contract, shall be contracted for by the city at not less than the general rate established for city residents.
(1993 Code, § 24-36) (Ord. 81-11-2, passed 11-3-1981; Ord. 85-12-1, passed 12-17-1985; Ord. 94-12, passed 9-6-1994; Ord. 2006-05, passed 5-16-2006)

§ 24-37 BILLING AND DUE DATES, CHARGES PAID TO COLLECTOR.

(A) All charges for water use and sewer service shall be billed on the last work day of the month following the meter reading, and shall be due and payable by the end of the fifteenth day of the month following such reading; provided, however, if the fifteenth day of the month following such meter reading and charge falls on a weekend, state or federal holiday, the charge shall be due and payable by the end of the first business day following said holiday or weekend.

(B) All charges for water use and sewer service shall be paid to the Collector of the Combined Water/Sewer System or a bonded designated representative of the Collector.
(1993 Code, § 24-37) (Ord. 81-11-2, passed 11-3-1981; Ord. 91-31, passed 10-1-1991; Ord. 95-21, passed 11-7-1995; Ord. 97-03, passed 4-15-1997; Ord. 97-04, passed 6-6-1997)

§ 24-38 LATE PENALTY CHARGE.

(A) For failure to pay any water or sewer charge when due in accordance with a statement rendered for any account, a 10% penalty charge shall be added to the amount owed on such account. A delinquency report will be run on the sixteenth day of every month after the daily deposit has been made, but not earlier than 12:00 noon; provided that, if the original due date falls on a weekend, state or federal holiday, the delinquency report will be run on the second business day thereafter.

(B) Bills rendered on closed accounts for water or sewer service will not be subject to penalty charges.
(1993 Code, § 24-38) (Ord. 81-11-2, passed 11-3-1981; Ord. 91-10, passed 5-21-1991; Ord. 95-21, passed 11-7-1995)

§ 24-39 CONSUMER RECORDS.

(A) City employees authorized to read water meters shall record the amount of water used by each consumer of city water every month.

(B) Such record shall be delivered to the Collector of water and sewer charges.
(1993 Code, § 24-39) (Ord. 81-11-2, passed 11-3-1981)

§ 24-39A ACCESS TO RECORDS.

The Illinois Environmental Protection Agency ("IEPA") or its authorized representatives shall have access to any books, documents, papers and records of the city which are applicable to the city system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the loan agreement associated with IEPA loan project number L171533 and L172409.
(1993 Code, § 24-39A) (Ord. 2003-04, passed 4-1-2003; Ord. 2003-06, passed 6-10-2003)

§ 24-40 DISCONNECTION OF WATER SERVICE FOR DELINQUENCY; REINSTATEMENT OF SERVICE.

(A) With good cause shown, the Water Collector may use discretion to:

(1) Allow a payment schedule of not more than three months for a customer once within any one calendar year if the customer contacts the Collector and makes payment arrangements on or before the fifteenth day of the month in which said water bill is due; and

(2) Waive a shut off for customers whose accounts have a balance under $10. The Water Collector must advise the Water and Sewer Superintendent and the Chairperson of the Committee on Water and Sewer of such decisions at the time the Collector submits the shut-off list for that month.

(B) (1) Should a customer wish to appeal the correctness or amount of his or her water bill, he or she must do so in writing to the Water Collector on or before the tenth day of the month said water bill is due, stating the reasons for the appeal.

(2) The Collector will notify the Chairperson of the Committee on Water and Sewer and the Water and Sewer Superintendent of said appeal within one working day.

(3) The Committee on Water and Sewer will meet as soon as possible to hear any appeals and render a decision within 48 hours of said appeal hearing, with payment of the determined amount of bill due no later than 4:00 p.m. of the following work day.

(C) The Collector shall run a utility trial balance (UTB) report ten days after the due date or the first business day thereafter, listing all accounts ten days past due. The Collector will provide a copy of the UTB report and a 48-hour tag for all such accounts to the Water and Sewer Superintendent for placement on the customer's door or to be mailed by the Collector prior to disconnection. By 8:30 the morning of the scheduled shut-offs, the Collector shall advise the Water and Sewer Superintendent of all accounts that remain delinquent which are to be shut off that day. When the Water Department employee arrives at the service address to disconnect, he or she may accept payment on behalf of the Water Collector. At that time if payment is not immediately made in full, service will be disconnected. Water service at any disconnected service address shall not be reinstated until all past due balances, including penalties thereon, and reconnection charges have been paid. Such disconnected accounts are subject to payment of the normal deposit of $150 if one is not on file.

(D) On or before December 15 of each calendar year, the Water Collector, with approval of the Committee on Water and Sewer, shall provide the City Council and the Water and Sewer Superintendent of the water/sewer system, a calendar for the following calendar year designating the specific dates for hanging or mailing of the 48-hour notice cards and shut offs.
(1993 Code, § 24-40) (Ord. 81-11-2, passed 11-3-1981; Ord. 91-10, passed 5-21-1991; Ord. 95-21, passed 11-7-1995; Ord. 97-03, passed 4-15-1997; Ord. 97-04, passed 6-6-1997; Ord. 97-07, passed 8-19-1997)

§ 24-41 DISCONNECTION AND RECONNECTION CHARGE.

(A) A disconnection charge in the amount of $10 and a reconnection charge in the amount of $20, plus a trip charge of $20, shall be paid for reconnection into the water and sewer system where:

(1) The customer has requested termination of service for vacation purposes and requests that his or her service be resumed upon his or her return;

(2) The service is terminated by the city due to the delinquency of the customer in the payment of his or her account and service is resumed when the customer has paid his or her past due account in full; and

(3) The customer's service has been terminated because of defective plumbing or waste of water as provided in § 24-10 of this chapter.

(B) An after-hours fee of $35 will be charged for anyone requesting reconnection under subsections (A)(1) or (A)(2) above after the normal business hours of 8:00 a.m. through 4:30 p.m., Monday through Friday, or on city holidays.
(1993 Code, § 24-41) (Ord. 81-11-2, passed 11-3-1981; Ord. 85-12-1, passed 12-17-1985; Ord. 91-10, passed 5-21-1991; Ord. 2001-2, passed 2-6-2001; Ord. 2014-13, passed 8-19-2014)

DIVISION 4. METERS

§ 24-42 TO BE PROVIDED; COST.

All meters and attachments thereto shall be provided to customers by the city at cost, for which the customer shall pay the city.
(1993 Code, § 24-42) (Ord. 81-11-2, passed 11-3-1981)

§ 24-43 METER INSTALLATION FEE.

Water meters provided by the city pursuant to § 24-42 of this chapter shall be installed by the city at the cost of the property owner, who shall pay to the city such sum as shall be fixed by the City Council from time to time for each meter so installed, within 30 days after its installation, and an additional 5% of such sum for failure to pay within such 30 days.
(1993 Code, § 24-43) (Ord. 81-11-2, passed 11-3-1981)

§ 24-44 METER LOCATION.

All water meters shall be installed on the service pipe leading into the premises in some place outside of such building convenient and accessible to the Water and Sewer Superintendent and the meter reader; provided that, the meter shall be placed no further than a distance of four feet from the user's property line that is closest to the water main.
(1993 Code, § 24-44) (Ord. 81-11-2, passed 11-3-1981)

§ 24-45 SEAL.

(A) Upon the installation of each water meter, such meter shall be sealed by the city.

(B) Such seal shall not be broken or removed without the consent of the city.
(1993 Code, § 24-45) (Ord. 81-11-2, passed 11-3-1981)

§ 24-46 ACCESS FOR INSPECTION, READING.

Any authorized city employee shall have access to every premises where city water is used at all times during the daytime to inspect or read the water meter.
(1993 Code, § 24-46) (Ord. 81-11-2, passed 11-3-1981)

§ 24-47 REPAIR AND REPLACEMENT.

Any authorized city employee may remove a water meter for repair, or to test its accuracy, at all reasonable times. When a water meter is found incorrect or unfit for use, any authorized city employee shall replace such meter at once, or direct such replacement. Such replacement shall be a water meter of equal value, standard and type of the one removed.
(1993 Code, § 24-47) (Ord. 81-11-2, passed 11-3-1981)

§ 24-48 OWNERSHIP AND CUSTOMER RESPONSIBILITY.

All water meters shall remain the property of the city, and customers shall be responsible for their safekeeping. The city shall make any repair on any water meter for any damage resulting from ordinary wear and tear, but the property owner shall pay for repairs required for such meter resulting from willful or negligent acts of the customer, or his or her agent, or the weather.
(1993 Code, § 24-48) (Ord. 81-11-2, passed 11-3-1981)

§ 24-49 METER REPLACEMENT.

Any meter installed prior to 4-12-1977, which requires replacement, shall be replaced by meters and attachments thereto provided by the city, at cost for which the user shall pay the city. All meters so replaced shall remain the property of the city. The city shall make any repair on any such meter for any damage resulting from ordinary wear and tear, but the customer shall pay for repairs required for such meter resulting from willful or negligent acts of the customer, or his or her agent, or the weather.
(1993 Code, § 24-49) (Ord. 81-11-2, passed 11-3-1981)

ARTICLE IV. WATER

DIVISION 1. GENERALLY

§ 24-50 TURNING ON WATER.

(A) No person making a connection with the water main shall turn on the water without the Water and Sewer Superintendent’s permission, except to test his or her plumbing.

(B) It shall be unlawful to turn on city water without official permission.
(1993 Code, § 24-50) (Ord. 81-11-2, passed 11-3-1981)

§ 24-51 LEAVING WATER TURNED ON WITHOUT WATER AND SEWER SUPERINTENDENT'S PERMISSION.

No person making a connection with a water main who turns on the city water shall leave such water turned on without the Water and Sewer Superintendent's permission.
(1993 Code, § 24-51) (Ord. 81-11-2, passed 11-3-1981)

§ 24-52 CITY AUTHORIZED TO SHUT OFF WATER FOR REPAIRS AND THE LIKE WITHOUT LIABILITY.

The city shall have the right to shut off city water at any time to make repairs, connections or improvements on the city water system, without any liability therefor to the consumer.
(1993 Code, § 24-52) (Ord. 81-11-2, passed 11-3-1981)

§ 24-53 LIABILITY OF CITY FOR SERVICE PIPE LEAKS, BREAKS.

The city shall not be liable for any damage caused by a leak or break in any service pipe, either in its installation, upkeep or repair.
(1993 Code, § 24-53) (Ord. 81-11-2, passed 11-3-1981)

§ 24-54 PRIVATE SALE OF WATER.

The private sale of water by a customer of the combined waterworks and sewerage system is prohibited.
(1993 Code, § 24-54) (Ord. 81-11-2, passed 11-3-1981)

§ 24-55 DAMAGING WATERWORKS PROPERTY.

It shall be unlawful to willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, machinery, apparatus, fixture, attachment or appurtenance of the waterworks system of the city.
(1993 Code, § 24-55) (Ord. 81-11-2, passed 11-3-1981)

DIVISION 2. AIR CONDITIONING

§ 24-56 INSTALLATION OF WATER-COOLED AIR CONDITIONING EQUIPMENT.

No water-cooled air conditioning equipment shall be installed in the city.
(1993 Code, § 24-56) (Ord. 81-11-2, passed 11-3-1981)

DIVISION 3. TECHNICAL REGULATIONS

§ 24-57 LOCATION OF WATER MAINS.

All water mains in any street of the city which run east and west shall be located on a line 15 feet south of the center of such street, and all water mains in any street of the city which runs north and south shall be located on a line 15 feet west of the center of such street.
(1993 Code, § 24-57) (Ord. 81-11-2, passed 11-3-1981)

§ 24-58 DIAMETER OF PIPES.

No pipe of less than three-fourths of an inch in diameter shall be permitted to be placed underground in connection with the city water system.
(1993 Code, § 24-58) (Ord. 81-11-2, passed 11-3-1981)

§ 24-59 DEPTH OF SERVICE PIPES BELOW GROUND.

All water service pipes shall be laid at least 48 inches below the surface of the ground.
(1993 Code, § 24-59) (Ord. 81-11-2, passed 11-3-1981)

§ 24-60 WATER SERVICE IN SEWER TRENCH.

(A) No water service pipes shall be permitted to be laid in any sewer trench unless such water service pipe shall be above the sewer and shall be shelved not less than 18 inches above and to one side of the sewer.

(B) If such vertical clearance cannot be obtained, the water service pipe shall be permitted to be laid in the sewer trench; provided that, the sewer is constructed of pressure rated material such as cast iron or PVC.
(1993 Code, § 24-6) (Ord. 81-11-2, passed 11-3-1981)

§ 24-61 IRON WATER PIPES, COUPLINGS, SOLDERING.

Where iron water pipes are in use in houses, a brass coupling must be used for connecting the lead with the iron pipe. In no case shall lead be soldered in iron.
(1993 Code, § 24-61) (Ord. 81-11-2, passed 11-3-1981)

§ 24-62 CURB COCKS.

(A) A curb cock sufficiently strong to resist the pressure and ram of the water shall be placed in every attachment to the water system.

(B) In streets, such cock shall be within one foot of the property line.

(C) Each house shall have a separate meter and a separate stopcock, the latter to be placed four feet below the surface of the ground. Such cock shall have a strong and suitable T-lead, all enclosed in iron casing extending even with the surface of the ground and covered with a tightfitting iron lid with the letter "W" on it.

(D) The pattern of all appurtenances shall be subject to the approval of the Water and Sewer Superintendent.
(1993 Code, § 24-62) (Ord. 81-11-2, passed 11-3-1981)

§ 24-63 PIPES TO BE CONNECTED BY LICENSED PLUMBER.

No person other than a plumber licensed by the state shall connect water service pipes with the city water system.
(1993 Code, § 24-63) (Ord. 81-11-2, passed 11-3-1981)

§ 24-64 TAP, CONNECTIONS TO BE SUPERVISED BY WATER AND SEWER SUPERINTENDENT.

All tapping of pipes connected with the city water system and all connections with the water mains shall be done under the supervision and control of the Water and Sewer Superintendent.
(1993 Code, § 24-64) (Ord. 81-11-2, passed 11-3-1981)

§ 24-65 WHERE TAPS TO BE MADE.

(A) Water main pipes must be tapped in the body, and no nearer than 15 inches from either end of the pipe, and/or the opening of the hub or bell.

(B) No taps shall be made nearer than two feet from each other.
(1993 Code, § 24-65) (Ord. 81-11-2, passed 11-3-1981)

§ 24-66 TAPS TO BE APPROVED BEFORE BURIAL.

Tapping work performed on city water mains or sewers shall not be covered up until such work has been inspected and approved by the Water and Sewer Superintendent.
(1993 Code, § 24-66) (Ord. 81-11-2, passed 11-3-1981)

DIVISION 4. CROSS-CONNECTION CONTROL

§ 24-66.1 DEFINITIONS.

For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENCY. The state's Environmental Protection Agency.

APPROVED. Backflow prevention devices or methods approved by the Foundation for Cross-Connection Control and Hydraulic Research, a division of the University of Southern California, American Water Works Association (AWWA), American National Standards Institute, ASSE International formerly known as the Association of State Sanitary Engineers or certified by NSF International formerly known as the National Sanitation Foundation.

AUXILIARY WATER SYSTEM. Any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These ***AUXILIARY WATERS*** may include water from another purveyor's public water supply system; or water from a source such as wells, lakes or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

BACKFLOW. 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. Any device, method or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in the state must meet the standards of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.120, and the state's Environmental Protection Agency.

CONSUMER or ***CUSTOMER.*** 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. Any water system located on the customer's premises. A ***BUILDING PLUMBING SYSTEM*** is considered to be a ***CUSTOMER'S WATER SYSTEM***.

CONTAMINATION. An impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

CROSS-CONNECTION. Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into another.

DIRECT CROSS-CONNECTION. A cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

DOUBLE CHECK VALVE ASSEMBLY. An assembly composed of single, independently acting check valves approved under the latest edition of *Performance Requirements for Double Check Backflow Prevention Assemblies and Double Check Fire Protection Backflow Prevention Assemblies*, ASSE Standard 1015-2011, published by ASSE International. 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. The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

HEALTH HAZARD. Any condition, device or practice in a water system or its operation resulting in a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify ***HEALTH HAZARD*** means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

INDIRECT CROSS-CONNECTION. A cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

INSPECTION. A plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

NON-POTABLE WATER. Water that does not meet drinking water quality standards specified in the Pollution Control Board's rules titled *Primary Drinking Water Standards*, and is not suitable for human consumption or culinary use, or is of unknown quality as determined by the requirements of 77 Ill. Adm. Code 890.120.

PLUMBING. The actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. ***PLUMBING*** includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within

and about any building or buildings where a person or persons live, work or assemble. ***PLUMBING*** includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. ***PLUMBING*** includes all piping, fixtures, appurtenances and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person lives, works or assembles from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

POLLUTION. The presence of any foreign substance, organic, inorganic, radiological or biological, in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

POTABLE WATER. Water that meets drinking water quality standards specified in the Pollution Control Board's rules titled *Primary Drinking Water Standards* and which is suitable for human consumption or culinary use as determined by the requirements of 77 Ill. Adm. Code 890.120.

POTENTIAL CROSS-CONNECTION. A fixture or appurtenance with threaded hose connection, tapered spout or other connection which would facilitate extension of the water supply line beyond its legal termination point.

PROCESS FLUIDS. Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional or system hazard if introduced into the public or a consumer's potable water system. This includes, but is not limited to:

(1) Polluted or contaminated waters;

(2) Process waters;

(3) Used waters originating from the public water supply system which may have deteriorated in sanitary quality;

(4) Cooling waters;

(5) Questionable or contaminated natural waters taken from wells, lakes, streams or irrigation systems;

(6) Chemicals in solution or suspension; and

(7) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

PUBLIC WATER SUPPLY. All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or

intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A ***PUBLIC WATER SUPPLY*** is either a community water supply or a non-community water supply.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE. A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under the latest edition of *Performance Requirements for Reduced Pressure Principle Backflow Preventers and Reduced Pressure Principle Fire Protection Backflow Preventers,* ASSE Standard 1013-2011, published by ASSE International. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

SERVICE CONNECTION. The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

SURVEY. The collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The ***SURVEY*** must be in written form, and should not be an actual plumbing inspection.

SYSTEM HAZARD. A condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

USED WATER. Any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

WATER PURVEYOR. The owner or official custodian of a public water system.
(1993 Code, § 24-66.1) (Ord. 86-7-1, passed 7-1-1986; Ord. 86-7-1A, passed 2-17-1987)

§ 24-66.2 GENERAL POLICY.

(A) *Purpose.* The purposes of the provisions of this division are:

(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 non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety; and

(3) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

(B) *Application*. This division shall apply to all premises served by the public potable water supply system of the city.

(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 Water and Sewer Superintendent or his or her authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Water and Sewer Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his or her own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in § 24-66.5(E)(4) of this chapter for a period of at least five years.
(1993 Code, § 24-66.2) (Ord. 86-7-1, passed 7-1-1986)

§ 24-66.3 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Water and Sewer Superintendent up to the point where the consumer's water system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the public water supply distribution system.

(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.
(1993 Code, § 24-66.3) (Ord. 86-7-1, passed 7-1-1986)

§ 24-66.4 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited, except when and where approved cross-connection control devices or methods are installed, tested and maintained to 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 bacteriological and chemical quality as determined by inspection and analysis by the agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.
(1993 Code, § 24-66.4) (Ord. 86-7-1, passed 7-1-1986)

§ 24-66.5 SURVEY AND INVESTIGATIONS.

(A) It shall be the duty of the Water and Sewer Superintendent 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 investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Water and Sewer Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

(B) The consumer's premises shall be open at all reasonable times to the approved Cross-Connection Control Device Inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(C) On request by the Water and Sewer Superintendent, or his or her authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Water and Sewer Superintendent for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(D) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his or her premises to determine whether there are actual or potential cross-connections to his or her water system through which contaminants or pollutants could backflow into his or her or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with § 3(1) of the Illinois Plumbing License Law, 225 ILCS 320/3(1).
(1993 Code, § 24-66.5) (Ord. 86-7-1, passed 7-1-1986)

§ 24-66.6 WHERE PROTECTION IS REQUIRED.

(A) 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 Water and Sewer Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

(1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Water and Sewer Superintendent and the source is approved by the state's Environmental Protection Agency;

(2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Water and Sewer Superintendent;

(3) Premises having internal cross-connections that, in the judgment of the Water and Sewer Superintendent, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;

(4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey; and

(5) Premises having a repeated history of cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Illinois Plumbing Code, 77 Ill. Adm. Code 890. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Water and Sewer Superintendent determines that no actual or potential hazard to the public water supply system exist:

(1) Hospitals, mortuaries, clinics, nursing homes;

(2) Laboratories;

(3) Piers, docks, waterfront facilities;

(4) Sewage treatment plants, sewage pumping stations or storm water pumping stations;

(5) Food or beverage processing plants;

(6) Chemical plants;

(7) Metal plating industries;

(8) Petroleum processing or storage plants;

(9) Radioactive material processing plants or nuclear reactors;

(10) Car washes;

(11) Pumps for non-potable water, chemicals or other substances;

(12) Potable water connections to boilers;

(13) Refrigerating unit condensers and cooling jackets; and

(14) Bidets.
(1993 Code, § 24-66.6) (Ord. 86-7-1, passed 7-1-1986; Ord. 86-7-1A, passed 2-17-1987)

§ 24-66.7 TYPE OF PROTECTION REQUIRED.

(A) The type of protection required under § 24-66.6 of this chapter shall depend on the degree of hazard which exists as follows.

(1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

(2) The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.

(3) The minimum required air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which case the minimum required air gap shall be three times the effective opening of the outlet. In no case shall the minimum required air gap be less than one inch.

(4) An approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention device shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

(5) An approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention device shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under § 24-66.6 of this chapter shall be an approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention device.

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principal backflow preventers shall be installed on fire sprinkler systems connected to the public water supply when:

(1) The sprinkler system contains antifreeze;

(2) Water is pumped into the system from another source; or

(3) There is a connection whereby another source can be connected to the sprinkler system.
(1993 Code, § 24-66.7) (Ord. 86-7-1, passed 7-1-1986)

§ 24-66.8 BACKFLOW PREVENTION DEVICES.

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Foundation for Cross-Connection Control and Hydraulic Research, a division of the University of Southern California, American Water Works Association, ASSE International or American National Standards Institute or certified by the NSF International to be in compliance with applicable industry specification and shall be on the list of devices approved for use by the IL EPA.

(B) Installation of approved devices shall be made in accordance with 35 Ill. Adm. Code 653.802, and only as specified by the Foundation for Cross-Connection Control and Hydraulic Research, a division of the University of Southern California or applicable industry specifications. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.
(1993 Code, § 24-66.8) (Ord. 86-7-1, passed 7-1-1986)

§ 24-66.9 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 manufacturer's instructions.

(1) Fixed proper air gap separations shall be inspected at the time of installation and at least annually thereafter.

(2) Double check valve assemblies shall be inspected and tested for tightness at time of installation and at least annually thereafter, and required service performed within 15 days.

(3) Reduced pressure principle backflow prevention devices shall be tested at the time of installation and at least annually, or more frequently if recommended by the manufacturer. Any service required on these devices shall be performed within five days.

(B) Testing shall be performed by a person who has been approved by the agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester and type and date of repairs.

(D) A maintenance log shall be maintained and include:

(1) Date of each test or visual inspection;

(2) Name and approval number of person performing the test or visual inspection;

(3) Test results;

(4) Repairs or servicing required;

(5) Repairs and date completed; and

(6) Servicing performed and date completed.

(E) Whenever backflow prevention devices required by this division are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Water and Sewer Superintendent.
(1993 Code, § 24-66.9) (Ord. 86-7-1, passed 7-1-1986; Ord. 86-7-1A, passed 2-17-1987)

§ 24-66.10 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 cutoff device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order and to certify to the Water and Sewer Superintendent, at least once a year, that the device is operable.
(1993 Code, § 24-66.10) (Ord. 86-7-1, passed 7-1-1986)

§ 24-66.11 VIOLATIONS, PENALTIES, LIABILITIES.

(A) The Water and Sewer Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this division is not installed, tested, maintained and repaired in a manner acceptable to the Water and Sewer Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cutoff required by this division is not installed and maintained in working order.

(B) Immediate disconnection with verbal notice can be effected by the Water and Sewer Superintendent when the Water and Sewer Superintendent is assured that imminent danger of harmful contamination of the public water system exists. Such action shall be followed by written notification of the cause of disconnection.

(C) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Water and Sewer Superintendent, and the required reconnection fee as outlined in Art. IV is paid.

(D) The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(E) Any person found to be violating any provision of this division shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(F) Any person who shall continue such violation after receipt of handwritten notice, as provided above, shall, upon conviction thereof, be punished by a fine of not to exceed $500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(G) Any person violating any of the provisions of this division, in addition to the fine provided, shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation, whether the same was caused before or after notice.
(1993 Code, § 24-66.11) (Ord. 86-7-1, passed 7-1-1986)

§§ 24-66.12—24-66.20 RESERVED.

(1993 Code, §§ 24-66.12—24-66.20)

DIVISION 5. SETBACK ZONES FOR WELLS NO. 7 AND 8

§ 24-66.21—24-66.27 RESERVED.

(1993 Code, §§ 24-66.21—24-66.27)

ARTICLE V. SEWERS

DIVISION 1. GENERALLY

§ 24-67 DAMAGING SEWER—BY TAPS OR CONNECTIONS.

(A) It shall be unlawful for any person, by himself or herself or by his or her employees, to break, injure or damage the public sewer by tapping or making connections to such sewer, or by any other act.

(B) Any person violating this section shall be liable for all damages occasioned by such acts.
(1993 Code, § 24-6) (Ord. 81-11-2, passed 11-3-1981)

§ 24-68 SAME—INJURING, REMOVING CERTAIN EQUIPMENT.

It shall be unlawful to break, injure, deface or remove any cap, or gate, iron plate or flushing apparatus belonging to any manhole, or any apparatus belonging to any manhole, vent or inlet of any sewer or drain.
(1993 Code, § 24-68) (Ord. 81-11-2, passed 11-3-1981)

§ 24-69 OBSTRUCTING, INJURING SEWER MOUTH.

It shall be unlawful to obstruct or injure the mouth of any sewer.
(1993 Code, § 24-69) (Ord. 81-11-2, passed 11-3-1981)

§ 24-70 OBSTRUCTING, CHANGING SEWER DRAIN.

It shall be unlawful to obstruct or change any branch sewer or natural sewer drain without first obtaining the consent of the City Council.
(1993 Code, § 24-70) (Ord. 81-11-2, passed 11-3-1981)

§ 24-71 DEPOSITING GARBAGE AND THE LIKE IN SEWER, MANHOLE, DRAIN INLET.

It shall be unlawful to throw or deposit any garbage, butcher's offal, dead animal matter or other obstruction into any sewer, manhole or sewer drain inlet in the city.
(1993 Code, § 24-71) (Ord. 81-11-2, passed 11-3-1981)

§ 24-72 DEPOSITING CORROSIVE, HARMFUL, EXPLOSIVE SUBSTANCES.

It shall be unlawful to throw or deposit in the public sewers any corrosive or harmful wastes or any wastes at a temperature higher than 140°F or any explosives, gasoline, oil, calcium carbide or other inflammable matter.
(1993 Code, § 24-72) (Ord. 81-11-2, passed 11-3-1981)

§ 24-73 TREATMENT OF SEWAGE, INDUSTRIAL WASTES, POLLUTED WATERS REQUIRED BEFORE DISCHARGE.

It shall be unlawful to discharge into any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article.
(1993 Code, § 24-73) (Ord. 81-11-2, passed 11-3-1981)

§ 24-74 APPLICANT TO BEAR CONSTRUCTION EXPENSE; INDEMNIFICATION OF CITY.

The applicant for sewer service shall pay all costs and expenses incidental to the installation and connection of the building sewer, and the maintenance thereof, from the point of connection to the public sewer of the city, or to the Collector sewer of the city if located within a right-of-way of the city, to the premises of the applicant. The owner or the person installing the building sewer for such owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by such installation.
(1993 Code, § 24-74) (Ord. 81-11-2, passed 11-3-1981)

§ 24-75 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available pursuant to this article, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article and the requirements of the state's Department of Public Health. At such times as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned. A building sewer permit will only be issued and a sewer

connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load. The owner of a private sewage disposal facility shall operate and maintain the facilities in a sanitary manner at all times, at no expense to the city.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a permit from the city. The application for such permit shall be made on a form furnished by the city. The applicant shall provide plans, specifications and other information as are deemed necessary by the Water and Sewer Superintendent. A permit and inspection fee of $50 shall be paid to the city at the time the application is filed.

(C) The Water and Sewer Superintendent shall have authority to inspect the work at any stage of construction. No underground portion shall be covered before an inspection by the Water and Sewer Superintendent. Forty-eight-hour notice to the Water and Sewer Superintendent is required prior to an inspection.

(D) Any private sewage disposal system installed under this article shall comply with §§ 1 et seq. of the Private Sewage Disposal Licensing Act, 225 ILCS 225/1 et seq., as now or hereafter amended.

(E) Ord. 2000-21 is in addition to any other ordinances, rules or regulations of the city or requirements imposed by the Health Officer of the city.
(1993 Code, § 24-75) (Ord. 81-11-2, passed 11-3-1981; Ord. 2000-21, passed 10-3-2000)

§ 24-76 PRIVATE SEWERS TO BE SANITARY; CITY TO BEAR NO EXPENSE.

The owner of any private sewer system shall operate and maintain such private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
(1993 Code, § 24-76) (Ord. 81-11-2, passed 11-3-1981)

§ 24-77 USE OF OLD SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Water and Sewer Superintendent, to meet all requirements of this article, and this code.
(1993 Code, § 24-77) (Ord. 81-11-2, passed 11-3-1981)

§ 24-78 RAILROADS.

The City Council may, by ordinance or resolution, provide that a drain or sewer may be extended at any place in the city under or through any railroad tract or right-of-way or the land of any railroad company, but before constructing the same, the city shall notify in writing an agent of the railroad company that the city shall, in ten days after such notice, construct such work with or without the cooperation of the railroad company. If the proposed drain or sewer empties into the natural course of drainage on the right-of-way or land of the railroad, the Council may, upon giving 30-days' notice to the railroad company or its agent, require the company to construct such sewer or drain through or under its property. On refusal or failure of the railroad company to do so, the city shall do the work and shall collect the reasonable expenses therefor from the railroad company, owner or receiver.
(1993 Code, § 24-78) (Ord. 81-11-2, passed 11-3-1981)

§ 24-79 SEWER MAPS.

It shall be the duty of the City Clerk to keep in his or her office a map upon which shall be platted and shown the dimensions, openings, inlets, connections and location of sewers in the city. The Water and Sewer Superintendent shall furnish such information to the City Clerk.
(1993 Code, § 24-79) (Ord. 81-11-2, passed 11-3-1981)

§ 24-79.1 RESERVED.

(1993 Code, § 24-79.1)

§ 24-79.2 RESERVED.

(1993 Code, § 24-79.2)

DIVISION 2. TECHNICAL REGULATIONS

§ 24-80 DEFINITIONS.

For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall.

BUILDING DRAIN, SANITARY. A building drain which conveys sanitary or industrial sewage only.

BUILDING DRAIN, STORM. A building drain which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

BUILDING SEWER, SANITARY. A building sewer which conveys sanitary or industrial sewage only.

BUILDING SEWER, STORM. A building sewer which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

CLASSES OF USERS. The division of wastewater treatment customers by waste characteristics, and process or discharge similarities.

(1) ***COMMERCIAL.*** Includes transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household or industrial consumption and/or rendering services to others.

(2) ***GOVERNMENTAL.*** Includes legislative, judicial, administrative and regulatory activities of federal, state and local governments, such as courthouses, police and fire stations, city halls and similar governmental users.

(3) ***INDUSTRIAL.*** Includes manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in establishments usually described as plants, factories or mills and characteristically use power machines and material handling equipment.

(4) ***INSTITUTIONAL.*** Includes social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

(5) ***RESIDENTIAL.*** Includes all dwelling units such as detached, semidetached and row houses, mobile homes, garden and standard apartments and permanent multi-family dwellings.

COMBINED SEWAGE. A combination of both sanitary and industrial wastewater and storm water or surface water.

COMBINED SEWER. A sewer intended to receive both wastewater and storm water or surface water.

COMPATIBLE POLLUTANT. A pollutant which the treatment works is designed to treat and includes biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, or a pollutant which the plant is able to remove to a substantial degree, being 80% or greater.

FECAL COLIFORM. Any of a number of organisms common to the intestinal tract of humans and animals, whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

INDUSTRIAL COST RECOVERY. Recovery from the industrial users of a treatment works of the grant amount allocable to treatment of wastes from such users, exclusive of interest.

INDUSTRIAL COST RECOVERY PERIOD. The period during which the grant amount allocable to the treatment of wastes from industrial users is recovered from the industrial users of such works. The ***INDUSTRIAL COST RECOVERY PERIOD*** shall be equal to 30 years or the useful life of the treatment works, whichever is less, as determined by the city.

INDUSTRIAL USER.

(1) Any non-governmental user of publicly owned treatment works, identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(a) Division A: Agriculture, Forestry and Fishing;

(b) Division B: Mining;

(c) Division D: Manufacturing;

(d) Division E: Transportation, Communications, Electric, Gas and Sanitary Services; and

(e) Division I: Services.

(2) A user in the divisions listed may be excluded if it is determined by the city that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

INDUSTRIAL WASTES. Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

INFILTRATION. The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the sources.

INFLOW. The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections with storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage.

MAJOR CONTRIBUTING INDUSTRY. An industry that either has:

(1) A flow of 50,000 gallons or more per average work day;

(2) A flow greater than 5% of the flow carried by the public sewer system receiving the waste;

(3) In its waste a toxic pollutant in toxic amounts as defined in standards issued under § 307(a) of the Clean Water Act, 33 U.S.C. § 1317(a); or

(4) A significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

METERED USAGE. The metered water usage of any individual customer, unless separate metering of sewage flow is provided for the customer, wherein it shall mean metered sewage flow of any individual customer.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NON-INDUSTRIAL USERS. All other users of the treatment works other than industrial users. ***NON-INDUSTRIAL USERS*** are not subject to industrial cost recovery.

NORMAL DOMESTIC SEWAGE. For the purposes of determining surcharge, a wastewater or sewage having an average daily suspended solids concentration of not more than 250 mg/l and average daily BOD of not more than 200 mg/l.

NPDES PERMIT. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to § 402 of the Clean Water Act, 33 U.S.C. § 1342.

OPERATION AND MAINTENANCE COSTS. All costs, direct and indirect, including depreciation, necessary to ensure adequate wastewater treatment on a continuing basis, conforming with federal, state and local requirements, and assuring optimal long-term facility management. Such costs shall not include debt service costs.

PERSON. Any individual, firm, company, association, society, corporation or group discharging any wastewater to the wastewater treatment works.

pH. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. The ***pH*** of any discharge into the public sewer system shall not be less than five, nor more than nine.

PRETREATMENT. The treatment of industrial sewage from privately-owned industrial sources prior to introduction into public treatment works.

PRIVATE SEWER. A sewer which is not owned by a public authority.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one inch in any dimension.

PUBLIC AUTHORITY. Any governmental agency having jurisdiction by law over construction and use of a wastewater collection or treatment facility.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and which is owned and controlled by the public authority and will consist of the following increments.

(1) ***COLLECTOR SEWER.*** A sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(2) ***FORCE MAIN.*** A pipe in which wastewater is carried under pressure.

(3) ***INTERCEPTOR SEWER.*** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

PUMPING STATION. A station positioned in the public sewer system at which wastewater is pumped to a higher level.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SANITARY SEWER. A sewer which carries sanitary and industrial wastes, and to which storm water, surface water and ground water are not intentionally admitted.

SEWAGE.

(1) The combination of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions.

(2) The three most common types of ***SEWAGE*** are as follows.

(a) ***COMBINED SEWAGE.*** Wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

(b) ***INDUSTRIAL SEWAGE.*** A combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment, including wastes from pretreatment facilities and polluted cooling water.

(c) ***SANITARY SEWAGE.*** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

SEWER. A pipe or conduit for carrying sewage.

SIGNIFICANT INDUSTRY. Any industry that will contribute greater than 10% of the design flow and/or design pollutant loading of the treatment works.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 60 minutes more than two and one-half times the average 24-hour concentration or flows during normal operation and shall adversely affect the wastewater treatment facility.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of the *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

STORM SEWER. A sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

SUSPENDED SOLIDS. The solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOXIC AMOUNT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to § 307(a) of the Clean Water Act, 33 U.S.C. § 1317(a).

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

VOLATILE ORGANIC MATTER. The material in the sewage solids transformed to gases or vapors when heated at 550°C for 15 to 20 minutes.

WASTEWATER TREATMENT WORKS or ***SEWAGE WORKS.*** The structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

WATERWORKS. All facilities for water supply, filtration plant, storage reservoirs, water lines and services and booster stations for obtaining, treating and distributing potable water.
(1993 Code, § 24-80) (Ord. 81-11-2, passed 11-3-1981)

§ 24-81 PRIVIES, SEPTIC TANKS, CESSPOOLS AND THE LIKE; CONSTRUCTION AND MAINTENANCE.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, except as provided in this article.
(1993 Code, § 24-81) (Ord. 81-11-2, passed 11-3-1981)

§ 24-82 SEPARATE AND INDEPENDENT BUILDING SEWER.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the extension considered as the building sewer for the rear building; and, except that, multi-family dwelling units, including apartments and mobile home trailer parks, may use a single common building sewer for drainage of individual dwelling units.
(1993 Code, § 24-82) (Ord. 81-11-2, passed 11-3-1981)

§ 24-83 LOCATION OF SEWERS.

All sewers laid or constructed in any street or alley of the city shall be laid 15 feet north of the center of any street running east and west, and 15 feet east of the center of any street running north and south, and five feet north of the center of any alley running east and west, and five feet east of the center of any alley running north and south.
(1993 Code, § 24-83) (Ord. 81-11-2, passed 11-3-1981)

§ 24-84 DIAMETER, SLOPE; DEPTH.

The size and slope of building sewers shall be subject to the approval of the Water and Sewer Superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth inch per foot. A slope of one-fourth inch per foot shall be used wherever practical.
(1993 Code, § 24-84) (Ord. 81-11-2, passed 11-3-1981)

§ 24-84a SIZE, SLOPE, ALIGNMENT.

The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the latest edition of *Activated Sludge* (Manual of Practice No. 9) published by he Water Environmental Foundation, and the latest edition of *Standard Specifications for Water and Sewer Main Construction in Illinois*, published by the Illinois Society of Professional Engineers shall apply.
(1993 Code, § 24-84a) (Ord. 81-11-2, passed 11-3-1981)

§ 24-85 CONNECTION TO SEWER LINE.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the jurisdiction of the city and abutting any street, alley or right-of-way in which there is now located, or may in the future be located, a public sewer of the city is hereby required, at his or her expense, to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 60 days after the date of official notice to do so, provided that the public sewer is within 200 feet of the property line.
(1993 Code, § 24-85) (Ord. 81-11-2, passed 11-3-1981)

§ 24-86 PRIVATE PROPERTY TO BE CONNECTED BY LATERALS.

The drainage of all private property into public sewers shall be effected by lateral sewers.
(1993 Code, § 24-86) (Ord. 81-11-2, passed 11-3-1981)

§ 24-87 INTERSECTIONS OF LATERALS AND MAINS.

All lateral sewers at their intersections with the main sewer shall, if necessary, be curved toward the lower end of the sewer to lessen the obstruction of the current in the main sewer by the influx from such lateral sewers.
(1993 Code, § 24-87) (Ord. 81-11-2, passed 11-3-1981)

§ 24-88 BUILDING SEWER.

The building sewer shall be constructed of either vitrified clay sewer pipe and fittings meeting the latest edition of *Standard Specification for Vitrified Clay Pipe, Extra Strength, Standard Strength, and Perforated*, A.S.T.M.C700-13, published by ASTM International, the latest edition of *Standard Specification for Cast Iron Soil Pipe and Fittings, ASTM A74-16,* published by ASTM International, or the latest edition of *Standard Specification for Acrylonitrile -Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Composite Sewer Piping,* ASTM D2680-01, published by ASTM International. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe; except that, vitrified clay pipe or ABS solid wall pipe meeting the above specification requirements may be accepted if laid on a suitable improved bed or cradle as approved by the Water and Sewer Superintendent.
(1993 Code, § 24-88) (Ord. 81-11-2, passed 11-3-1981)

§ 24-89 PIPES NEAR WATER PIPES.

Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints.
(1993 Code, § 24-89) (Ord. 81-11-2, passed 11-3-1981)

§ 24-90 DAMAGE BY TREE ROOTS; PIPE REQUIRED.

Cast iron pipe with leaded joints may be required by the Water and Sewer Superintendent where the building sewer is exposed to damage by tree roots.
(1993 Code, § 24-90) (Ord. 81-11-2, passed 11-3-1981)

§ 24-91 WHEN IN FILLED, UNSTABLE GROUND.

If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe; except that, a non-metallic pipe may be accepted if laid on a suitable concrete bed or cradle approved by the Water and Sewer Superintendent.
(1993 Code, § 24-91) (Ord. 81-11-2, passed 11-3-1981)

§ 24-92 JOINTS.

(A) (1) All joints and connections shall be made gas-tight and water-tight.

(2) Vitrified clay sewer pipe shall be fitted with factory made resilient compression joints meeting the latest edition of *Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings,* ASTM C425-04*,* published by ASTM International.

(B) Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.

(C) (1) Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep.

(2) No paint, varnish or putty will be allowed in the joints until they have been tested and approved.
(1993 Code, § 24-92) (Ord. 81-11-2, passed 11-3-1981)

§ 24-93 BACKFLOW PROTECTION.

Where the plumbing system or the subsoil drain of any premises are subjected to backflow of water or sewage, the owner of the premises shall install a satisfactory backwater valve or other satisfactory means of preventing such backflow.
(1993 Code, § 24-93) (Ord. 81-11-2, passed 11-3-1981)

§ 24-94 PLACEMENT OF BUILDING SEWER.

Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor, the depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector.

Pipe laying and backfill shall be performed in accordance with the latest edition of *Standard Practice for Installing Vitrified Clay Pipe Lines,* ASTM C12-16, published by ASTM International; except that, no backfill shall be placed until the work has been inspected by the Inspector or his or her representative.
(1993 Code, § 24-94) (Ord. 81-11-2, passed 11-3-1981)

§ 24-95 LIFTING.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water-operated sewage ejector shall be used.
(1993 Code, § 24-95) (Ord. 81-11-2, passed 11-3-1981)

§ 24-96 IMPERMISSIBLE CONNECTIONS.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
(1993 Code, § 24-96) (Ord. 81-11-2, passed 11-3-1981)

§ 24-97 MANNER OF CONNECTION.

The connection of a building sewer into the public sewer shall be made at a "Y" branch or "T" branch, if such a branch is available at a suitable location. If the public sewer has no properly located "Y" or "T" branch available, the owner shall, at his or her expense, install a "Y" branch or a "Y" saddle fitting (for ABS truss pipe) at the location specified by the inspector. Under no circumstances will the sewer service protrude into the sewer main to which the connection is made. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made and the connection made secure and water-tight by encasement in concrete. Special fittings may be used for the connection only when approved by the inspector. Manholes shall be constructed at any junction of an eight-inch diameter line or larger into a public sewer.
(1993 Code, § 24-97) (Ord. 81-11-2, passed 11-3-1981)

§ 24-98 NOTIFICATION FOR INSPECTION.

The applicant for the building sewer shall notify the Water and Sewer Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Water and Sewer Superintendent.
(1993 Code, § 24-98) (Ord. 81-11-2, passed 11-3-1981)

§ 24-99 GUARDING OF EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
(1993 Code, § 24-99) (Ord. 81-11-2, passed 11-3-1981)

§ 24-100 EXTENSION OF PUBLIC SEWER.

The city shall be responsible for determining whether or not an extension of a public sewer is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use said sewer line. If the extension is economically feasible, then the city may install and pay the cost of the extension at the discretion of the city. If the city elects not to pay the cost of extending the public sewer, then the person or persons desiring sewer service shall install the extension at his, her or their own personal expense upon written consent of the city. The city shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible.
(1993 Code, § 24-100) (Ord. 81-11-2, passed 11-3-1981)

§ 24-101 APPROVAL OF EXTENSION PLANS.

The city must approve all plans and specifications for any extensions. Before any extensions are installed, the plans and specifications must be reviewed and approved by the state's Environmental Protection Agency.
(1993 Code, § 24-101) (Ord. 81-11-2, passed 11-3-1981)

§ 24-102 RIGHT-OF-WAY.

Ownership rights-of-way and title must be conveyed to the city for all extensions installed by anyone other than the city. The city shall maintain the extended public sewers thereafter.
(1993 Code, § 24-102) (Ord. 81-11-2, passed 11-3-1981)

§ 24-103 CAPACITY OF SYSTEM.

No extension of the public sewer will be permitted if, in the opinion of the city, the system does not have the necessary capacity to serve the proposed extension.
(1993 Code, § 24-103) (Ord. 81-11-2, passed 11-3-1981)

§ 24-104 ADDITIONAL REQUIREMENTS.

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the Health Officer or Water and Sewer Superintendent.
(1993 Code, § 24-104) (Ord. 81-11-2, passed 11-3-1981)

DIVISION 3. USE OF PUBLIC SEWERS

§ 24-105 DEPOSITING WASTE MATTER.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.
(1993 Code, § 24-105) (Ord. 81-11-2, passed 11-3-1981)

§ 24-106 WASTE DISPOSAL.

No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the city any wastewater or other polluted water, except where suitable treatment has been provided in accordance with provisions of this article and the NPDES permit. All disposal by any person into the sewer system is unlawful, except those discharges in compliance with federal standards promulgated pursuant to the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and more stringent state and local standards.
(1993 Code, § 24-106) (Ord. 81-11-2, passed 11-3-1981)

§ 24-107 DISCHARGE OF WASTEWATER.

No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this article and the NPDES permit.
(1993 Code, § 24-107) (Ord. 81-11-2, passed 11-3-1981)

§ 24-108 CONSTRUCTION OF FACILITY FOR DISPOSAL OF WASTEWATER.

No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater, except as provided in this division.
(1993 Code, § 24-108) (Ord. 81-11-2, passed 11-3-1981)

§ 24-109 UNUSUAL FLOWS OR WASTES.

Users of the treatment works shall immediately notify the city of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.
(1993 Code, § 24-109) (Ord. 81-11-2, passed 11-3-1981)

§ 24-110 DISCHARGE OF WATER INTO SEWER.

No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
(1993 Code, § 24-110) (Ord. 81-11-2, passed 11-3-1981)

§ 24-111 STORM SEWERS, COMBINED SEWERS.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged on approval of the city to a storm sewer, combined sewer or natural outlet.
(1993 Code, § 24-111) (Ord. 81-11-2, passed 11-3-1981)

§ 24-112 PROHIBITED DISCHARGES INTO PUBLIC SEWER.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(B) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;

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

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

unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.
(1993 Code, § 24-112) (Ord. 81-11-2, passed 11-3-1981)

§ 24-113 PROHIBITED DISCHARGE OF HARMFUL WASTES.

(A) (1) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the city that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance.

(2) In forming its opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and maximum limits established by regulatory agencies.

(B) The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0°and 65°C);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the city;

(4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentration exceeding limits which may be established by the city as necessary after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time, except as permitted by the city in compliance with applicable state and federal regulations;

(10) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the authority in compliance with applicable state and federal regulations;

(11) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate;

(b) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions;

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and/or

(d) Unusual volume of flow or concentrations of wastes constituting slugs.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
(1993 Code, § 24-113) (Ord. 81-11-2, passed 11-3-1981)

§ 24-114 OPTIONS OF CITY RELATIVE TO PROHIBITED DISCHARGES.

(A) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 24-113 of this chapter, and/or which are in violation of the standards for pretreatment provided in 40 C.F.R. Part 403, and any amendments thereto, and which in the judgment of the city may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes;

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

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Division 4.

(B) If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city, and subject to the requirements of all applicable codes, ordinances and laws.
(1993 Code, § 24-114) (Ord. 81-11-2, passed 11-3-1981)

§ 24-115 GREASE, OIL AND SAND INTERCEPTORS.

(A) Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that, such interceptors shall not be required for private living quarters or dwelling units.

(B) All interceptors shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection.
(1993 Code, § 24-115) (Ord. 81-11-2, passed 11-3-1981)

§ 24-116 PRELIMINARY TREATMENT FACILITIES.

Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
(1993 Code, § 24-116) (Ord. 81-11-2, passed 11-3-1981)

§ 24-117 CONTROL MANHOLES.

Each industry shall be required to install a control manhole and, when required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.
(1993 Code, § 24-117) (Ord. 81-11-2, passed 11-3-1981)

§ 24-118 MEASUREMENTS AND ANALYSES.

(A) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of waters and wastes to illustrate compliance with this article and any special conditions for discharge established by the city or regulatory agencies having jurisdiction over the discharge.

(B) The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the city, but no less than once per year the industry must supply a complete analyses of the constituents of the wastewater discharge to assure that compliance with the federal, state and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an outside laboratory service.
(1993 Code, § 24-118) (Ord. 81-11-2, passed 11-3-1981)

§ 24-119 METHOD OF EXAMINATION.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from a 24-hour composite of all outfalls, whereas pHs are determined from periodic grab samples.
(1993 Code, § 24-119) (Ord. 81-11-2, passed 11-3-1981)

§ 24-120 AGREEMENT WITH INDUSTRIAL CONCERN.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern; provided, such payments are in accordance with federal and state guidelines for the user charge system and industrial cost recovery system.
(1993 Code, § 24-120) (Ord. 81-11-2, passed 11-3-1981)

§ 24-121 INSPECTIONS.

The city and other duly authorized employees of the city, the state's Environmental Protection Agency and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The city or its representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.
(1993 Code, § 24-121) (Ord. 81-11-2, passed 11-3-1981)

§ 24-122 OBSERVATION OF SAFETY RULES, INDEMNIFICATION.

While performing the necessary work on private properties referred to in § 24-121 of this chapter, the city or duly authorized employees of the city, the state's Environmental Protection Agency and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the person and shall be held harmless for injury or death to the city employees. The city shall indemnify the person against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the person and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in this article.
(1993 Code, § 24-122) (Ord. 81-11-2, passed 11-3-1981)

§ 24-123 ENTRY UPON REAL ESTATE SUBJECT TO CITY EASEMENT.

The city and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.
(1993 Code, § 24-123) (Ord. 81-11-2, passed 11-3-1981)

DIVISION 4. INDUSTRIAL COST RECOVERY

§ 24-124 INDUSTRIAL COST RECOVERY CHARGE.

(A) Each industrial user whose premises are served by a sewer connection which discharges industrial wastewater or other liquids, either directly or indirectly, into treatment works under

jurisdiction of the city shall be subject to an industrial cost recovery charge for the state share of the state's Environmental Protection Agency construction grants.

(B) Such grants obtained by the city for the financing of the construction of wastewater treatment works shall be allocable to the treatment of the wastewater from such user.

(C) Such user's share shall not include an interest component.
(1993 Code, § 24-124) (Ord. 81-11-2, passed 11-3-1981)

§ 24-125 INDUSTRIAL USER'S PORTION OF STATE GRANT.

(A) An industrial user's portion of any state grant shall be based on the population equivalents attributable to wastewater of such user tributary to the wastewater treatment works of the city.

(B) The population equivalents shall be determined by the following calculations:

(1) *Volume population equivalent.* The average daily rate of water consumption as determined by the consumption records of the past year divided by 100 gallons per day, or, where water consumption does not reflect the actual quantity of wastewater tributary to the treatment works from such user, the average daily flow as recorded in the control and measurement structure, required by § 24-117 of this chapter, divided by 100 gallons per day;

(2) *BOD population equivalent.* The average daily pounds of five-day biochemical oxygen demand (BOD) in the wastewater, as determined by the Water and Sewer Superintendent in accordance with § 24-119 of this chapter divided by 0.17 pounds of BOD per day; and

(3) *SS population equivalent.* The average daily pounds of suspended solids in the wastewater as determined by the Water and Sewer Superintendent in accordance with § 24-119 of this chapter divided by 0.22 pounds of suspended solids per day.
(1993 Code, § 24-125) (Ord. 81-11-2, passed 11-3-1981)

§ 24-126 COST PER CAPITA.

The dollar cost per capita shall be determined as follows:

(A) Divide the total of grant funds received from the state for construction of or expansion of the sewerage system by the population equivalent capacity of the sewerage system, as then currently determined by the state's Environmental Protection Agency; and further, to divide the above total by the number of years of useful life of the construction of or improvements to the sewerage system, being 30 years; and

(B) The above cost per population equivalent per year shall be further subdivided on the basis of average flow volume discharged, average pounds of BOD discharged and average pounds of suspended solids discharged as follows:

(1) Determine the cost attributable to the discharge of flow volumes by multiplying the total cost per population equivalent per year by 0.70;

(2) Determine the cost attributable to the discharge of BOD quantities by multiplying the total cost per population equivalent per year by 0.15; and

(3) Determine the cost attributable to the discharge of suspended solids quantities by multiplying the total cost per population equivalent per year by 0.15.
(1993 Code, § 24-126) (Ord. 81-11-2, passed 11-3-1981)

§ 24-127 COST FOR INDUSTRIAL USER.

The cost to be recovered from an industrial user shall be determined as follows:

(A) The summation of the product of the volume population equivalent, as determined by § 24-125(B)(1) of this chapter, and the cost per population equivalent per year attributed to the discharge of flow volumes, as determined by § 24-126 of this chapter;

(B) And the product of the BOD population equivalent, as determined by § 24-125(B)(2) of this chapter, and the cost per population equivalent per year attributable to the discharge of BOD quantities, as determined by § 24-126 of this chapter; and

(C) And the product of the SS population equivalent, as determined by § 24-125(B)(3) of this chapter and the cost per population equivalent per year attributable to the discharge of suspended solids quantities, as determined by § 24-126 of this chapter.
(1993 Code, § 24-127) (Ord. 81-11-2, passed 11-3-1981)

§ 24-128 PAYMENT OF RECOVERY COST.

Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay the cost recovery amount determined by § 24-127 of this chapter for such industry divided by the recovery period. Where an industry is connected to a public sewer after the start-up of the facilities constructed under a state grant, such industry shall pay only its portion of the state grant for each payment period remaining in the recovery period. Such industry will not be required to pay for those periods of the recovery period prior to connection to a public sewer. If an industrial user discontinues use of the treatment works, its cost recovery payments shall cease.
(1993 Code, § 24-128) (Ord. 81-11-2, passed 11-3-1981)

§ 24-129 CALENDAR YEAR DIVISION.

For the purpose of industrial cost recovery, the calendar year shall be divided into monthly periods, such periods to begin on the first day of each month, and all industrial users of the city shall pay the costs as determined by § 24-127 of this chapter for industrial cost recovery and such payments shall be made in equal amounts monthly on the first day of the month immediately following the expiration of the monthly period for which service has been supplied, and such charge shall be payable within ten days after rendition thereof and, if such bills are not paid within such ten days, a service charge of 10% shall be added thereto.
(1993 Code, § 24-129) (Ord. 81-11-2, passed 11-3-1981)

§ 24-130 DELINQUENCY IN PAYMENT.

(A) If the charges for industrial cost recovery are not paid within 20 days after the rendition of that bill, such service charges shall be deemed and are declared to be delinquent, and thereafter such delinquent charge shall constitute a lien upon the real estate for which such sewer services were applied.

(B) The City Clerk is authorized and directed each month to file sworn statements showing such delinquencies in the office of the county's Recorder of Deeds and the filing of such statements shall be deemed notice of a lien for the payment of such charges for sewer service.

(C) If the delinquency in the payment of the recovery cost continues for a period of more than 20 days, the sewer service shall be discontinued.
(1993 Code, § 24-130) (Ord. 81-11-2, passed 11-3-1981)

§ 24-131 INITIAL PAYMENT.

The initial payment made by any industrial user which is connected to a public sewer after the start-up of the treatment works constructed with a state grant shall be made by the next scheduled due date as defined in § 24-129 of this chapter and shall be equal to one-twelfth of the amount as defined in §§ 24-127 and 24-128 of this chapter.
(1993 Code, § 24-131) (Ord. 81-11-2, passed 11-3-1981)

§ 24-132 ADJUSTMENT OF USER'S PORTION OF STATE GRANT.

(A) If there is a change in the strength and/or volume introduced into the treatment works by an industrial user as determined by the previous year's records, the city shall adjust the user's portion of any state grant accordingly.

(B) Such change shall be as determined by §§ 24-127 and 24-128 of this chapter.

(C) The industrial user's portion of any state grant shall include any firm commitment to the city of increased use by such user.
(1993 Code, § 24-132) (Ord. 81-11-2, passed 11-3-1981)

§ 24-133 EXPANSION OR UPGRADING OF TREATMENT WORKS.

If there is an expansion or upgrading of the treatment works utilizing a state grant, each existing industrial user's share shall be adjusted accordingly.
(1993 Code, § 24-133) (Ord. 81-11-2, passed 11-3-1981)

§§ 24-134—24-140 RESERVED.

(1993 Code, §§ 24-134—24-140)

§ 24-141 MONITORING INDUSTRIAL USERS.

(A) The Water and Sewer Superintendent shall maintain a program of monitoring industrial user discharges, as the Water and Sewer Superintendent deems necessary; provided that, any major contributing industry shall be monitored no less than 12 times annually and any industrial user that has a population equivalent, as determined by § 24-125 of this chapter, greater than or equal to 50 shall be monitored no less than once annually.

(B) All the industrial users shall be monitored at such frequency as deemed necessary by the Water and Sewer Superintendent.

(C) Monitoring shall consist of taking and testing grab samples or 24-hour composite samples as deemed necessary by the Water and Sewer Superintendent for determination of the population equivalent of the industrial user.

(D) The monitoring data collected shall be used to determine the population equivalent in accordance with § 24-125 of this chapter.
(1993 Code, § 24-141) (Ord. 81-11-2, passed 11-3-1981)

DIVISION 5. DISPOSAL OF WASTES FROM PRIVATE SEWAGE DISPOSAL SYSTEMS

§ 24-141.1 DEFINITIONS.

(A) Unless stated otherwise, the terms used in this division shall have the meanings as those terms are used §§ 1 et seq. of the Private Sewage Disposal Licensing Act, 225 ILCS 225/1 et seq.

(B) The term ***ACT*** as used in this division means §§ 1 et seq. of the Private Sewage Disposal Licensing Act, 225 ILCS 225/1 et seq.
(Ord. 2010-10, passed 11-2-2010; Ord. 2013-06, passed 5-21-2013; Ord. 2013-07, passed 6-18-2013)

§ 24-141.2 DISPOSAL REGULATIONS.

(A) No person shall dispose of waste from a private sewage disposal system into the sewerage system of the city, except in compliance with the Act and this division.

(B) Waste from private sewage disposal systems may be deposited into the sewerage system of the city only at the site of the wastewater treatment facility of the city.

(C) Waste from private sewage disposal systems may be deposited into the location described in subsection (B) above only by:

(1) A private sewage disposal system pumping contractor holding a license therefore issued under the Act and whose license has not been suspended or revoked under the Act; and

(2) Who has obtained a permit under this division.
(Ord. 2010-10, passed 11-2-2010; Ord. 2013-06, passed 5-21-2013; Ord. 2013-07, passed 6-18-2013)

§ 24-141.3 PERMITS; AUTHORITY.

(A) (1) The Water and Sewer Superintendent of the city may issue a permit for the deposit of waste under this division to any person or entity licensed therefor under the Act who has:

(a) Completed an application therefore in such manner and form as may be required by the Water and Sewer Superintendent; and

(b) Paid the applicable fee as provided in this division.

(2) A permit shall be valid for a term no longer than one year from the date of issuance or the expiration of the applicant's license issued under the Act, whichever is shorter. A permit may be renewed upon submission of an application therefore and payment of the applicable fee.

(B) The Water and Sewer Superintendent may adopt such rules, regulations and conditions attached to the permits authorized hereunder as may be deemed reasonable and necessary for the regulation and protection of the sewerage system of the city.
(Ord. 2010-10, passed 11-2-2010; Ord. 2013-06, passed 5-21-2013; Ord. 2013-07, passed 6-18-2013)

§ 24-141.4 FEES.

(A) The fee for a permit shall be $25.

(B) Fees for permits issued hereunder are in addition to those fees required for the deposit of wastes.
(Ord. 2010-10, passed 11-2-2010; Ord. 2013-06, passed 5-21-2013; Ord. 2013-07, passed 6-18-2013)

§ 24-141.5 AFTER-HOURS DEPOSIT.

In the event a permit holder has made deposits of waste at the site provided in this division on more than three occasions in each of the last three preceding calendar months and is not otherwise in violation of the terms of this division, an ordinance or the Act, the permit holder may, in the sole discretion of the Water and Sewer Superintendent, be issued a permit for after-hours deposits, upon payment of a deposit therefor in the amount of $50. The Water and Sewer Superintendent may, upon receipt of such deposit, provide a key to the facility to the permit holder. Such key may not be copied or duplicated. The Water and Sewer Superintendent may, in his or her sole discretion, revoke the privileges of after-hours deposits under this section at any time. The key deposit may be returned to the permit holder upon return of the key to the city; provided, the permit holder is not then in violation of the terms of this division.
(Ord. 2010-10, passed 11-2-2010; Ord. 2013-06, passed 5-21-2013; Ord. 2013-07, passed 6-18-2013)

§ 24-141.6 REVOCATION OR SUSPENSION OF PERMIT.

(A) A permit issued under the provisions of this division may be revoked or suspended by the Water and Sewer Superintendent:

(1) Upon the expiration, revocation, suspension or termination of the permit holder’s license issued under the Act;

(2) Upon the initiation of any proceedings under the Act for the revocation, suspension or termination of the permit holder’s license;

(3) For any violation of the provisions of the Act or of any rule or regulation adopted thereunder;

(4) For any violation of the provisions of Ch. 24 of this code of ordinances;

(5) For any false statement contained in the application for a permit;

(6) For any violation of any rule, regulation or policy of the city applicable to the deposit of waste by the permit holder; and/or

(7) Violation of any terms or conditions of the permit.

(B) (1) The permit holder may appeal such revocation, suspension or termination to the City Council by filing a notice therefore with the City Clerk within ten days after the effective date of the revocation, suspension or termination.

(2) An appeal shall not stay the effect of such revocation, suspension or termination pending the appeal.
(Ord. 2010-10, passed 11-2-2010; Ord. 2013-06, passed 5-21-2013; Ord. 2013-07, passed 6-18-2013)

§ 24-141.7 PENALTIES.

The penalties set forth in Art. VI of this chapter shall apply to any violations of this division.
(Ord. 2010-10, passed 11-2-2010; Ord. 2013-06, passed 5-21-2013; Ord. 2013-07, passed 6-18-2013)

ARTICLE VI. PENALTIES

§ 24-142 NOTICE OF VIOLATION, FINE, CONTINUED VIOLATION.

(A) (1) Any person found to be violating any provision of this chapter shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof.

(2) The offender shall, within the period of time stated in such notice, permanently cease all violation.

(B) (1) Any person who shall continue such violation after receipt of such handwritten notice shall, upon conviction thereof, be punished by a fine not to exceed $500 for each violation.

(2) Each day in which any such violation shall continue shall be deemed a separate offense.

(C) The City Council may levy a fine of up to $500, plus costs, against any person who knowingly lodges or files a frivolous complaint alleging a violation under Ch. 24 of this code of ordinances.
(1993 Code, § 24-142) (Ord. 81-11-2, passed 11-3-1981; Ord. 99-31, passed 7-20-1999)

§ 24-143 LIABILITY OF CUSTOMER.

Any person violating any of the provisions of this chapter, in addition to the fine provided, shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation, whether the same was caused before or after notice.
(1993 Code, § 24-143) (Ord. 81-11-2, passed 11-3-1981)

§ 24-144 TERMINATION OF SERVICE.

In case any violation of the provisions of this chapter continues beyond the time given to the customer pursuant to the notice provisions of § 24-141 of this chapter, the Water and Sewer Superintendent may cut off the customer's connection into the combined waterworks and sewage system.
(1993 Code, § 24-144) (Ord. 81-11-2, passed 11-3-1981)

APPENDIX A: ZONING

APPENDIX A: ZONING

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ARTICLE I. TITLE AND PURPOSE

§ A-1 TITLE.

(A) This appendix, as hereby adopted, shall be known as the "Zoning Ordinance of the City of Petersburg, Illinois".

(B) The zoning map referred to herein and adopted as part of this appendix shall be identified as the "Zoning District Map of the City of Petersburg, Illinois".
(Ord. 81-6-1, passed 6-2-1981)

§ A-2 INTENT AND PURPOSE.

This appendix is adopted for the following purposes:

(A) To promote and protect the public health, safety and general welfare of the people;

(B) To divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential business, manufacturing and other specified uses;

(C) To protect the character and the stability of the residential, business and manufacturing areas within the city and to promote the orderly and beneficial development of such areas;

(D) To provide adequate light, air, privacy and convenience of access to property;

(E) To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;

(F) To establish building lines and the location of buildings designed for residential, business and manufacturing, or other uses within such areas;

(G) To fix reasonable standards to which buildings or structures shall conform therein;

(H) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;

(I) To prevent additions to or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;

(J) To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

(K) To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;

(L) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;

(M) To conserve the taxable value of land and buildings throughout the city;

(N) To provide for the elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

(O) To define and limit the powers and duties of the administrative officers and bodies as provided herein; and

(P) To lessen or avoid the hazards to persons or property resulting from the accumulation of run-off of storm or flood waters.
(Ord. 81-6-1, passed 6-2-1981)

§§ A-3—A-9 RESERVED.

ARTICLE II. DEFINITIONS

§ A-10 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future tense. Words in the singular number include the plural number, and words in the plural number include the singular number. The word “lot” shall include the word “plot”. The word “shall” is mandatory and not directory. “District” shall mean “zone”, and vice versa.

ABANDONMENT. An action to give up one’s rights or interests in property.

ACCESSORY USE OR BUILDING. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

AGRICULTURAL USES. All agricultural uses limited to horticulture, forestry, including crop and tree farming, gardening and nursery operation together with the operation of any machinery or vehicles incidental to the above uses.

ALLEY. A public or private right-of-way which affords a secondary means of access to abutting property.

ALTERATION. As applied to a building or structure, is a change or rearrangement in the structural parts or in the means of ingress and/or egress; or an enlargement, whether by extending a side or by increasing in height; or the moving from one location or position to another.

APARTMENT. A room or group of rooms which is arranged, designed, used or intended to be used as a single housekeeping unit, each unit having complete kitchen and sanitary facilities permanently installed.

AWNING. A canopy, either stationary or retractable, projecting from the front of a building whose primary purpose is shelter from the elements.

BASEMENT. The portion of a building or structure which is partly underground (below grade).

BED AND BREAKFAST. Sleeping quarters for rent in a dwelling for use by temporary guests of the owner of the premises. Breakfast shall be the only meal served to paying guests.

BUILDABLE AREA OF A LOT. The space remaining on a lot after complying with the minimum open space zoning requirements.

BUILDING. Anything constructed for the shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING, ACCESSORY. A subordinate building or portion of a principal building, the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING, HEIGHT OF.

(1) The vertical distance from the grade to:

(a) The highest point of a flat roof;

(b) The deck line of a mansard roof; or

(c) The average height between eaves and ridge for gable, hip and gambrel roofs.

(2) Chimneys, towers, tanks and similar projections shall not be included in calculating height.

BUILDING, NON-CONFORMING. Any building which was legally constructed prior to the effective date of this appendix or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this appendix because structure is not in conformance with the use restrictions, yards and/or height of the zone in which it is located.

BUILDING, PRINCIPAL. A building in which the main or principal use of the lot is conducted.

BULK. A composite characteristic of a given building or structure as located upon a given lot, not definable as a single quantity, but involving all of these characteristics:

(1) Size and height of building or structure;

(2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings or structures;

(3) All open spaces allocated to the building or structure; and

(4) Amount of lot area provided per dwelling unit.

DWELLING UNIT. One or more rooms, including a kitchen or kitchenette, located within a residence providing complete living facilities for one family by containing facilities and equipment for living, sleeping, cooking and eating.

EFFICIENCY UNIT. A dwelling unit consisting of one principal room for living, sleeping and eating, containing complete cooking and sanitary facilities.

FACADE. The portion of any exterior elevation on a building extending from grade to top of the parapet wall or eaves and the entire width of the building elevation.

FAMILY. One or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a ***FAMILY***.

FLOOR AREA. The total amount of interior floor space, measured in square feet, of any one permitted or special use of a structure.

FLOOR AREA RATIO. The ratio refers to the relationship between the floor area of a building and the size of the lot on which the building is constructed. The ***FLOOR AREA RATIO*** is determined by dividing the floor area of the building by the area of the zoning lot.

FRONTAGE. All property on one side of a street measured along the line of the street; or, if the street is dead ended, then all the property abutting one side of the street between an intersecting street and the dead end.

GARAGE, PRIVATE. A detached accessory building or portion of a main building used only for the storage of motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located; provided, however, that, if the occupants of the lot have fewer vehicles than the storage spaces contained in said garage, the unrequired spaces may be used by, or rented, to others. Not more than one of the vehicles may be a commercial vehicle of not more than three-fourths-ton capacity.

GARAGE, PUBLIC. A building other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, including trucks, tractors, truck trailers and commercial vehicles exceeding three-quarter-ton capacity.

GAS STATION. See ***SERVICE STATION***.

GRADE. The average of the elevations of the surface of the ground measured at all corners of a building.

ILLUMINATED SIGN. Any sign which has non-flashing lighting as part of the sign, whether the light is projected onto the sign, the light is behind an opaque surface of a sign, or light is used as part of the design as in neon signs.

LOT. A single unified tract of land located within a single block and which is to be used, developed or built upon as a unit under single ownership or control.

LOT AREA. The area of a horizontal plane bounded by the vertical plane through front, side and rear lot line.

LOT, CORNER. A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

LOT DEPTH. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT FRONTAGE. The front of a lot shall be that boundary of a lot along a public or private street.

LOT, INTERIOR. A lot other than a corner lot or reversed corner lot.

LOT LINE, FRONT. The front property line of a lot.

LOT LINE, INTERIOR. A side lot line common with another lot or abutting a right-of-way.

LOT LINE, REAR. The rear lot line or lot lines most nearly parallel to and most remote from the front lot lines.

LOT WIDTH. The width of the lot measured at the building line and at right angles to its depth.

MARQUEE. Any hood, canopy or other structure of permanent construction projecting from the front wall of a building for an advertising purpose.

METRIC CONVERSIONS.

When you know:	***Multiply by:***	***To find:***
Feet	30.0	Centimeters
Square feet	0.09	Square meters
Acres	0.4	Hectares

MOBILE HOME. 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 or more persons. Any such structure served by individual utilities and resting on a permanent foundation, with wheels, tongue and hitch permanently removed, shall, for purposes of this appendix, remain and be construed as a ***MOBILE HOME***.

MOBILE HOME PARK. A tract of land or two or more contiguous tracts of lands upon which five or more independent mobile homes are located for permanent habitation 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. A lot or plot of ground within a mobile home park designed for the accommodation of one mobile home based on standards contained herein.

MODULAR HOME. A dwelling unit designed and substantially fabricated at a factory and transported in components to a building site and there permanently assembled and affixed to a foundation.

MULTI-FAMILY DWELLING. A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building.

PLANNED RESIDENTIAL DEVELOPMENT. A development pattern and technique which arranges dwellings in closely related groups of detached, attached, multi-storied structures or any combinations thereof.

PLANNING COMMISSION. The term in this text means the Planning Commission of the city as established by the Mayor and City Council of the city.

RECREATIONAL AND HOBBY USE. All private recreational uses limited to residential or agricultural districts.

RECREATIONAL USE. All public and semi-private recreational uses limited to business, recreational or floodplain districts.

SERVICE STATION. Any building used for the dispensing, sale or offering for sale at retail any automobile fuel or oils.

SETBACK. For any structure facing a public street, the distance between the public right-of-way and the nearest part of the principal building.

SIGN. Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

SIGN AREA. Measured by:

(1) Enclosing each face of each sign, including any protrusions, excluding any standard, in a rectangle with two sides parallel to the ground;

(2) Computing the number of square feet in each rectangle; and

(3) Computing the total number of square feet in all rectangles.

SIGN, FREESTANDING. A sign completely or principally self-supported by posts or other supports in or on the ground and independent of any building or other structure.

SIGN HEIGHT. The distance between the point at which the sign structure enters the ground and the uppermost portion of the sign.

SIGN, ROOF. A sign erected, constructed or maintained wholly upon or over the roof of a building or structure.

SIGN STRUCTURE. Any permanent, freestanding post or structure, anchored or secured in the ground, the purpose of which is to secure or support signs.

SIGN, TEMPORARY. Any sign not permanently anchored or secured to a building or sign structure.

SIGN, WALL. A permanent sign displayed on a wall of a building or structure so as to be seen primarily from the direction facing that wall of the building or structure. A ***WALL SIGN*** attached to the exterior wall of a building or structure does not project more than 15 inches therefrom.

SPECIAL USE. Permission granted to a property owner to use his or her property contrary to the appendix; provided that, the intended use is one of those specifically listed in the appendix; and, provided that, the public convenience will be served by the use.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, FIRST. The lowermost story entirely above the grade plane.

STORY, HALL. A story under a gable, hip or gambrel roof, the wall plates of which at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET. Any dedicated public right-of-way designed for vehicular travel; shall be equated with the words ***ROAD***, ***HIGHWAY*** and ***AVENUE***, but not the word "alley".

STRUCTURE. Anything constructed or erected with a fixed location on or in the ground or attached to anything having a fixed location on the ground, both which are substantially three dimensional. Among other things examples of structures are: buildings, walls, swimming pools, fences, billboards, signs and storage bins. "Substantially three dimensional" is intended to exclude such real property improvements as parking lots, streets or driveways.

STRUCTURE, HEIGHT. As applied to any structure other than a building, the vertical distance from the grade to the highest point of the structure.

STRUCTURE, NON-CONFORMING. Any structure which was legally constructed prior to the effective date of this appendix or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this appendix because the structure is not in conformance with the use restrictions, yards and/or height requirements of the zone in which it is located.

TOXIC MATERIALS. Material which is capable of causing injury or malaise to living organisms by chemical reaction, or is capable of causing detrimental effects upon the health, or the psychological, social or economic well-being of human beings.

USE. The purpose or activity for which a building, structure or land is occupied or maintained.

USE, NON-CONFORMING. A use of building or land lawful at the time of enactment of this appendix that does not conform with the permitted use provisions of this appendix.

VARIATION. A waiver of specific terms of this appendix in order to permit a property owner to establish a particular use or arrangement of uses, the prohibition of which would impose an undue hardship.

YARD. An open space on the same lot with a principal building which is open, unoccupied and unobstructed by buildings, except as otherwise provided in this appendix.

YARD, FRONT. The yard extending across the entire width of the lot between the street right-of-way which the building faces and the nearest part of the principal building.

YARD, REAR. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

YARD, SIDE. The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

ZONING ADMINISTRATOR. The term in this text means the official as appointed by the Mayor and approved by the City Council, who shall be empowered to administer and enforce the provisions of this appendix.

ZONING BOARD. The Zoning Board of Appeals of the city as established by the Mayor and City Council.

ZONING MAPS. The official zoning map incorporated herein as a part of this appendix designating zoning districts and entitled the "Zoning District Map of the City of Petersburg, Illinois".
(Ord. 81-6-1, passed 6-2-1981; Ord. 2000-17, passed 9-19-2000; Ord. 2000-18, passed 9-19-2000; Ord. 2001-19, passed 9-18-2001; Ord. 2003-18, passed 10-21-2003; Ord. 2008-01, passed 4-1-2008)

§§ A-11—A-19 RESERVED.

ARTICLE III. GENERAL REGULATIONS AND DISTRICT MAPS

§ A-20 ESTABLISHMENT OF DISTRICTS.

For the purpose of this appendix, all land within the corporate limits of the city is hereby designated on the Zoning District Map of the city as being in one of the following districts:

R1	Low-Density Residential District
R2	Medium-Density Residential District
3	High-Density/Multi-Family Residential District
4	Residential Mobile Home Park District
B1	Business Commercial District
M1	Limited Manufacturing District
A1	Agricultural District
A2	Recreational District
A3	Floodplain District

(Ord. 81-6-1, passed 6-2-1981)

§ A-21 ZONING MAPS.

The locations and boundaries of the districts established herein are shown upon the zoning district map which is hereby incorporated into this appendix. The zoning district map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part of this appendix and shall have the same force and effect as if the zoning district map, together with all notations, references and other information shown thereon, were fully set forth and described herein.
(Ord. 81-6-1, passed 6-2-1981)

§ A-22 DISTRICT BOUNDARIES.

Unless otherwise indicated on the zoning district map, the boundary lines of the districts follow lot lines, centerlines of streets, alleys, waterways, railroad rights-of-way of or such centerlines extended or the corporate limits existing at the time of adoption of this appendix.
(Ord. 81-6-1, passed 6-2-1981)

§ A-23 APPLICATION OF REGULATIONS.

(A) No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations for the district in which it is located.

(B) All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on such alleys, streets, public ways and railroad rights-of-way or waterways. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
(Ord. 81-6-1, passed 6-2-1981)

§ A-24 ZONING OF ANNEXED LAND.

It is the duty of the Planning Commission prior to or at the time of annexation to establish the zoning classification for the territory proposed to be annexed. Thereafter, the procedure utilized for the zoning of such territory should be the same procedure provided for the adoption of amendments to this appendix (i.e., public notice and public hearing).
(Ord. 81-6-1, passed 6-2-1981)

§§ A-25—A-29 RESERVED.

ARTICLE IV. PROVISIONS GOVERNING THE LOW-DENSITY RESIDENTIAL (R1) DISTRICT

§ A-30 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Single-family detached dwellings, excluding mobile homes; and

(B) Single-family detached modular homes.
(Ord. 81-6-1, passed 6-2-1981)

§ A-31 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Accessory structures consistent with the principal use; and

(B) Private recreational and hobby uses such as swimming pools and tennis courts.
(Ord. 81-6-1, passed 6-2-1981)

§ A-32 SPECIAL USES.

The following are special uses:

(A) Churches, schools, libraries, parks, playgrounds and community centers;

(B) Utility substations and pumphouses;

(C) Home occupations;

(D) Signs;

(E) Home residence bed and breakfast operations;

(F) Cemeteries, including columbaries and mausoleums;

(G) Golf courses, except miniature golf courses, operated as a commercial use; and

(H) Home residence bed and breakfast operations with limited public restaurant service.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2005-08, passed 7-19-2005)

§ A-33 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

Lot Area	***Lot Width***	***Lot Frontage***
Minimum: 5,456 square feet	Minimum: 44 feet	Minimum: 35 feet

Yard Requirements		***Floor Area Ratio***	***Off-Street Parking***
Minimum			
Front	20 feet	Maximum: 0.33	Minimum: 2 spaces per unit
Rear	20 feet		
Side	4 + 4 feet		
Corner	8 feet		

(Ord. 81-6-1, passed 6-2-1981)

§ A-34 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No accessory structure shall be constructed closer than eight feet to any lot line nor in either side or front yard, except an approved fence not exceeding eight feet in height along a lot line, a driveway not closer than two feet along a lot line, and a private garage that is structurally a part of the principal building.

(B) Architectural features of residential buildings such as window sills, cornices and roof overhangs may project into the required yard; provided, such projection is not closer than four feet to any lot line.

(C) Any residential structure may project into the required front yard if existing residential structures on both adjacent lots in the same district have less than the required minimum front yard; provided, however, that, such projection extends no closer to the street than either of the adjacent structures.

(D) Required parking spaces shall not be located in the required front yard unless said parking is on an improved surface and covers only that portion of the yard that leads to parking space in the side or rear yard.

(E) No mechanical device designed for the purpose of controlling the internal environment of the structure shall be permitted in any front yard or within eight feet of any lot line.

(F) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case, such antennas may be placed anywhere on the lot, except within an easement of record.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2000-18, passed 9-19-2000; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 02-15, passed 11-5-2002; Ord. 2011-02, passed 2-1-2011)

§§ A-35—A-39 RESERVED.

ARTICLE V. PROVISIONS GOVERNING THE MEDIUM-DENSITY RESIDENTIAL (R2) DISTRICT

§ A-40 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Single-family detached dwellings, excluding mobile homes; and

(B) Single-family detached modular homes.
(Ord. 81-6-1, passed 6-2-1981)

§ A-41 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Accessory structures consistent with the principal use; and

(B) Private recreational and hobby uses such as swimming pools and tennis courts.
(Ord. 81-6-1, passed 6-2-1981)

§ A-42 SPECIAL USES.

The following are special uses:

(A) Two-family detached dwelling units;

(B) Mobile homes;

(C) Utility substations;

(D) Group living quarters;

(E) Churches, schools, libraries, parks, playgrounds and community centers;

(F) Home occupations;

(G) Signs;

(H) Home residence bed and breakfast operations;

(I) Cemeteries, including columbaries and mausoleums;

(J) Golf courses, except miniature golf courses, operated as a commercial use; and

(K) Home residence bed and breakfast operations with limited public restaurant service.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2005-08, passed 7-19-2005)

§ A-43 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

Lot Area	*Lot Width*	*Lot Frontage*
Single-family dwelling		
Minimum: 5,456 square feet	Minimum: 44 feet	Minimum: 35 feet
Two-family dwelling		
Minimum: 9,000 square feet	Minimum: 70 feet	

<table>
<tr><th colspan="2">Yard Requirements</th><th>Height</th><th>Off-Street Parking</th></tr>
<tr><td colspan="2">Minimum</td><td rowspan="5">Maximum: 25 feet</td><td rowspan="5">Minimum: 2 spaces per unit</td></tr>
<tr><td>Front:</td><td>20 feet</td></tr>
<tr><td>Rear:</td><td>20 feet</td></tr>
<tr><td>Side:</td><td>4 + 4 feet</td></tr>
<tr><td>Corner:</td><td>8 feet</td></tr>
</table>

(Ord. 81-6-1, passed 6-2-1981)

§ A-44 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No accessory structure shall be constructed closer than eight feet to any lot line nor in either side or front yard, except an approved fence not exceeding eight feet in height along a lot line, a driveway not closer than two feet along a lot line, and a private garage that is structurally a part of the principal building.

(B) Architectural features of residential buildings such as window sills, cornices and roof overhangs may project into the required yard provided such projection is not closer than three feet to any lot line.

(C) Any residential structure may project into the required front yard if existing residential structures on both adjacent lots in the same district have less than the required minimum front yard; provided, however, that, such projection extends no closer to the street than either of the adjacent structures.

(D) Required parking spaces shall not be located in the required front yard unless said parking is on an improved surface and covers only that portion of the yard that leads to parking space in the side or rear yard.

(E) No mechanical device designed for the purpose of controlling the internal environment of the structure shall be permitted in any front yard or within five feet of any lot line.

(F) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case, such antennas may be placed anywhere on the lot, except within an easement of record.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 02-15, passed 11-5-2002; Ord. 2011-02, passed 2-1-2011)

§§ A-45—A-49 RESERVED.

ARTICLE VI. PROVISIONS GOVERNING THE HIGH-DENSITY/ MULTI-FAMILY RESIDENTIAL (R3) DISTRICT

§ A-50 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Single-family detached dwellings, excluding mobile homes;

(B) Single-family detached modular homes;

(C) Single-family attached dwellings (row and town houses);

(D) Two-family dwellings, excluding mobile homes; and

(E) Multi-family dwellings.
(Ord. 81-6-1, passed 6-2-1981)

§ A-51 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Accessory structures consistent with the principal use; and

(B) Private recreational and hobby uses such as swimming pools and tennis courts.
(Ord. 81-6-1, passed 6-2-1981)

§ A-52 SPECIAL USES.

The following are special uses:

(A) Churches, schools, libraries, parks, playgrounds and community centers;

(B) Utility substations;

(C) Day care centers;

(D) Home occupations;

(E) Signs;

(F) Home residence bed and breakfast operations;

(G) Cemeteries, including columbaries and mausoleums;

(H) Golf courses, except miniature golf courses, operated as a commercial use;

(I) Golf practice driving ranges operated as a commercial use; and

(J) Indoor public storage operated as a commercial use.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2011-18, passed 12-20-2011; Ord. 2012-01, passed 3-6-2012)

§ A-53 LOT AREA, WIDTH AND FRONTAGE; YARD REGULATIONS.

The following are yard regulations for lot area, width and frontage:

Lot Area	*Lot Width*	*Lot Frontage*
Single-family detached dwellings		
Minimum: 5,456 square feet	Minimum: 44 feet	Minimum: 35 feet
Single-family attached dwellings		
Minimum: 6,400 square feet	Minimum: 65 feet	All others: minimum: 45 feet
Two-family dwellings		
Minimum: 2,900 square feet/unit	Minimum: 90 feet	All others: minimum: 45 feet
Multi-family dwellings (see special requirements)	Minimum: 90 feet	

Yard Requirements		*Height*	*Off-Street Parking*
Single-family detached dwellings			
Minimum		Single-family detached dwellings: maximum: 25 feet	Single-family detached dwellings: minimum: 2 spaces per unit
Front	20 feet		
Rear	20 feet		
Side	4 + 4 feet		
Corner	8 feet		
Minimum: all others			
Front	20 feet	All others: maximum: 45 feet	All others: minimum: 2 spaces per unit, adjacent to the dwelling unit served
Rear	5 feet		
Side	5 + 5 feet		
Corner	25 feet each side		

(Ord. 81-6-1, passed 6-2-1981)

§ A-54 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No multi-family or single-family attached dwelling units shall be constructed with a total lot area less than 11,000 square feet.

(B) Required parking spaces shall not be located in the required front yard unless such parking is on an improved surface and covers only that portion of the yard that leads to parking space in the side or rear yard.

(C) No mechanical device designed for the purpose of controlling the internal environment of the structure shall be permitted in any front yard or within eight feet of any lot line.

(D) Multi-family dwellings shall be located on lots which provide two minimum buildable lot areas per dwelling unit as follows:

(1) Apartments with two or more bedrooms: 1,500 square feet;

(2) Apartments with one bedroom: 1,200 square feet; and

(3) Efficiency apartments: 1,000 square feet.

(E) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot, except within an easement of record.

(F) No accessory structure to a single-family dwelling unit shall be constructed closer than eight feet to any lot line nor in either side or front yard, except an approved fence not exceeding eight feet in height along a lot line, a driveway not closer than two feet along a lot line, and a private garage that is structurally a part of the principal building.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001; Ord. 02-15, passed 11-5-2002; Ord. 2011-02, passed 2-1-2011)

§§ A-55—A-59 RESERVED.

ARTICLE VII. PROVISIONS GOVERNING THE RESIDENTIAL MOBILE HOME PARK (R4) DISTRICT

§ A-60 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Single-family mobile dwelling units;

(B) Single-family detached dwellings, excluding mobile homes; and

(C) Single-family detached modular homes.
(Ord. 81-6-1, passed 6-2-1981)

§ A-61 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Uses clearly incidental, but necessary to the permitted principal uses; and

(B) Private recreational and hobby uses such as swimming pools, tennis courts, gardens and greenhouses.
(Ord. 81-6-1, passed 6-2-1981)

§ A-62 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

Lot Area	*Lot Width*	*Lot Frontage*
Minimum: 5,445 square feet	Minimum: 50 feet	Minimum: 35 feet

<table>
<tr><th colspan="2">Yard Requirements</th><th>Height</th><th>Off-Street Parking</th></tr>
<tr><td colspan="2">Minimum</td><td rowspan="5">Maximum: 35 feet</td><td rowspan="5">Minimum: 2 spaces per unit, as defined in special requirements</td></tr>
<tr><td>Front</td><td>25 feet</td></tr>
<tr><td>Rear</td><td>30 feet</td></tr>
<tr><td>Side</td><td>8 + 12 feet</td></tr>
<tr><td>Side, corner lot</td><td>25 feet</td></tr>
</table>

(Ord. 81-6-1, passed 6-2-1981)

§ A-63 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) All mobile homes and mobile home parks shall conform to App. B of this code of ordinances.

(B) At least one required parking space shall be located on the same lot as the dwelling unit and the second required parking space shall be located in a common parking area not more than 200 feet from the dwelling unit to be served.

(C) Every mobile home dwelling shall be permanently affixed and placed on a foundation and/or anchored to a permanent support.

(D) The undercarriage of a mobile home shall be completely enclosed in a manner that is aesthetically compatible with the mobile home.

(E) Only mobile homes and their accessory structures, and structures necessary for the operation and maintenance of the mobile home park, shall be permitted in the park.

(F) No accessory structure shall be constructed closer than eight feet to any lot line, nor in either side or front yard, except an approved fence not exceeding eight feet in height along a lot line, and a driveway not to be constructed closer than two feet along a lot line.

(G) Any residential mobile home park development shall have a minimum of two acres. The average density of the development shall not exceed eight mobile home spaces per acre.

(H) All mobile home parks shall have direct access to an approved and dedicated street.

(I) Each mobile home space shall be provided with a concrete paved pad consisting of a minimum of 600 square feet.

(J) Service buildings, if provided, housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

(K) Each mobile home park shall provide a recreational area or areas totaling at least 200 square feet for each mobile home space.

(L) All exterior park lights shall be located and shielded so as to prevent direct illumination outside of park.

(M) The park shall be located on a well drained site, properly graded to ensure rapid drainage and free from stagnant pools of water.

(N) No mobile home shall be located closer than 25 feet to any public right-of-way.

(O) All streets within a mobile home park shall be provided by the developer and shall meet existing city specifications and shall, upon inspection and approval, be dedicated to the city.

(P) The developer will provide each mobile home space with facilities that meet city specifications for hook-up to municipal water, sanitation facilities and other utilities. Upon inspection and approval, these will be dedicated to the city.

(Q) All mobile homes shall have a front and rear exit and shall conform to all other state statutes.

(R) Each mobile home shall be permitted one porch, one carport and one accessory structure. The permitted accessory structure shall not exceed eight feet in width, ten feet in length and ten feet in height.

(S) (1) Garbage cans with tight-fitting covers shall be provided by the park owner in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located in areas enclosed by fencing which will screen the garbage cans from view.

(2) These areas shall be conveniently located throughout the park and shall meet minimum state statutes.

(3) The park owner shall provide collection and disposal of garbage and rubbish as frequently as may be necessary to ensure that the garbage cans shall not overflow and that the enclosed, screened-off areas of garbage cans shall remain neat.

(T) The provisions of §§ 1 et seq. of the Mobile Home Park Act, 210 ILCS 115/1 et seq., shall govern when this appendix is inconsistent with the same.

(U) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot, except within an easement of record.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2011-02, passed 2-1-2011)

§§ A-64—A-69 RESERVED.

ARTICLE VIII. PROVISIONS GOVERNING THE BUSINESS COMMERCIAL (B1) DISTRICT

§ A-70 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Sale of retail goods such as hardware, food, wearing apparel, home furnishings, books, jewelry, cafés, restaurants;

(B) Business and professional offices;

(C) Recreational facilities such as theaters (indoor), bowling alleys, billiard parlors;

(D) Sale of services such as barber shop, beauty parlor, bicycle repair, appliance repair, photography studios, laundry (pick-up only);

(E) Taverns and liquor stores;

(F) Tax supported colleges/universities;

(G) Government buildings;

(H) Public service buildings; and

(I) Other uses of similar scale and intensity.
(Ord. 81-6-1, passed 6-2-1981)

§ A-71 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Uses clearly incidental, but necessary to the principal use; and

(B) Signs.
(Ord. 81-6-1, passed 6-2-1981)

§ A-72 SPECIAL USES.

The following are special uses:

(A) Production of goods for sale on the premises such as bakery, printing;

(B) Residential dwelling units above the first floor; owner-occupied dwelling units on the first floor;

(C) Public and private parking lots and garages;

(D) Hotels;

(E) Automobile service stations;

(F) Not-for-profit clubs and lodges, fraternal or religious institutions;

(G) Home residence bed and breakfast operations;

(H) Laundromats and/or dry cleaners;

(I) Cemeteries, including columbaries and mausoleums;

(J) Golf courses, except miniature golf courses, operated as a commercial use;

(K) Golf practice driving ranges operated as a commercial use; and

(L) Automobile repair and automobile body repair shops.
(Ord. 81-6-1, passed 6-2-1981)

§ A-73 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

Lot Area	*Lot Width*	*Lot Frontage*
Minimum: 1,000 square feet	Minimum: 20 feet	Minimum: 20 feet

Yard Requirements	*Height*	*Off-Street Parking*
Minimum: none, except when abutting an R District	Maximum: 60 feet	Minimum: 1. 1 space per 300 square feet of sales, service or floor area; 2. 1 space per dwelling unit

(Ord. 81-6-1, passed 6-2-1981)

§ A-74 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) All business, service, storage, merchandise display, repair and processing is to be conducted within a completely enclosed building. Other uses clearly incidental, but necessary and appropriate to the principal use, shall be permitted beyond the limits of an enclosed building. Examples of these uses include sidewalk sales, drive-in banking facilities and outdoor restaurants.

(B) Business commercial districts adjacent to a residential district shall provide a dense hedge, tree row or other suitable landscape device on that adjacent property line. All landscaping must be approved by the city's Planning Commission and/or City Council as adequate to visually screen the commercial area from the residential area.

(C) Outdoor storage in the business commercial district shall be permitted only upon the approval of the city's Planning Commission and/or City Council. All outdoor storage, when permitted, shall be no more than ten feet in height and shall be completely screened from public view.

(D) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot, except within an easement of record.

(E) First floor apartment dwelling units may not occupy more than the rear 50% of the main floor area and must be separated from the business area by a permanent wall. Dwelling shall not be visible from the street.
(Ord. 81-6-1, passed 6-2-1981; Ord. 98-12, passed 7-4-1998; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001; Ord. 2001-12, passed 6-5-2001; Ord. 2001-28, passed 12-18-2001; Ord. 2002-13, passed 7-16-2002; Ord. 2011-02, passed 2-1-2011)

§§ A-75—A-79 RESERVED.

ARTICLE IX. PROVISIONS GOVERNING THE LIMITED MANUFACTURING (M1) DISTRICT

§ A-80 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Manufacturing and processing, excluding heavy industrial activity such as chemical plants, rendering and the like;

(B) Bottling plants;

(C) Warehousing, except petroleum and flammable liquids;

(D) Research facilities;

(E) Express, cartage and trucking facilities;

(F) Truck terminals;

(G) Auto repair and auto body repair;

(H) Light industrial activity, such as meat processing, excluding the processing of fish; and

(I) Other uses similar in scale and intensity.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2003-05, passed 4-1-2003; Ord. 2015-07, passed 3-17-2015)

§ A-81 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

Uses clearly incidental, but necessary to the principal use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-82 SPECIAL USES.

The following are special uses:

(A) Dwelling units for watchmen and their families when located on the premises where they are employed in such capacity;

(B) Utility substations;

(C) Communication towers and stations;

(D) Cemeteries, including columbaries and mausoleums;

(E) Golf courses, except miniature golf courses, operated as a commercial use; and

(F) Golf practice driving ranges operated as a commercial use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-83 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

Lot Area	***Lot Width***	***Lot Frontage***
Minimum: 1/2 acre	Minimum: 150 feet	Minimum: 100 feet

<table>
<tr><th colspan="2">Yard Requirements</th><th>Height</th><th>Off-Street Parking</th></tr>
<tr><td colspan="2">Minimum</td><td rowspan="5">Maximum: 60 feet</td><td rowspan="5">Minimum: 1 space for each 2 employees, plus 1 space for each company vehicle</td></tr>
<tr><td>Front</td><td>40 feet</td></tr>
<tr><td>Rear</td><td>None</td></tr>
<tr><td>Side</td><td>15 feet</td></tr>
<tr><td>Corner</td><td>40 feet</td></tr>
</table>

(Ord. 81-6-1, passed 6-2-1981)

§ A-84 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) Limited manufacturing districts adjacent to residential or commercial districts shall provide a dense hedge, tree row or other suitable landscape device on that adjacent property line. All landscaping must be approved by the city's Planning Commission and/or City Council as adequate to visually screen the manufacturing zone from residential or commercial areas.

(B) Outdoor storage in the limited manufacturing district shall be permitted only upon the approval of the city's Planning Commission and/or City Council. All outdoor storage, when permitted, shall be no more than ten feet in height and shall be completely screened from public view.

(C) No ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be permitted in any front yard or street frontage, or within eight feet of any lot line.

(D) Meat processing in a building larger than 15,000 square feet is considered "heavy industrial activity" and is not a permitted principal use. Meat processing allows for the slaughter of animals not to exceed 50 pounds. All meat processing activities in the M-l District must meet all applicable regulations and codes of the state's Environmental Protection Agency, the United States Department of Agriculture, the state's Department of Agriculture and the ordinances of the city. Byproducts created during meat processing must be removed from the city and property in a timely manner and all byproducts must be kept in a closed, sealed container until removed. No offensive smells will be allowed at any time from the facility and failure to comply with § 14-74 of this code of ordinances will result in fines after three days and closure of the facility if not corrected within five days.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001; Ord. 2003-05, passed 4-1-2003; Ord. 2011-02, passed 2-1-2011; Ord. 2015-07, passed 3-17-2015)

§§ A-85—A-89 RESERVED.

ARTICLE X. PROVISIONS GOVERNING THE AGRICULTURAL (A1) DISTRICT

§ A-90 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Agricultural uses limited to the following: horticultural, forestry, gardening or nursery operations;

(B) One-family residential dwellings associated with bona fide agricultural uses included above;

(C) Temporary roadside stands for the display and sale of agricultural products; and

(D) Commercial grain storage if not closer than 300 feet from any residence not that of the owner or lessor of the storage site.
(Ord. 81-6-1, passed 6-2-1981)

§ A-91 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Accessory structure consistent with the principal use; and

(B) Private recreational and hobby uses such as swimming pools and tennis courts.
(Ord. 81-6-1, passed 6-2-1981)

§ A-92 SPECIAL USES.

The following are special uses:

(A) Boarding and breeding kennels;

(B) Utility substations and pumphouses;

(C) Communication towers and stations;

(D) Community buildings, libraries, schools and museums;

(E) Cemeteries;

(F) Home occupations;

(G) Signs;

(H) Cemeteries, including columbaries and mausoleums;

(I) Golf courses, except miniature golf courses, operated as a commercial use; and

(J) Golf practice driving ranges operated as a commercial use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-93 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

Lot Area	*Lot Width*	*Lot Frontage*
Minimum: 5 acres	None	None

Yard Requirements	*Height*	*Off-Street Parking*
Minimum: 40-foot setback from any public right-of-way or designated right-of-way	None	A minimum of 2 off-street parking spaces for permitted uses. Parking requirements for special uses will be established by the city's Planning Commission

(Ord. 81-6-1, passed 6-2-1981)

§ A-94 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No structure or accessory structure shall be constructed closer than 50 feet to any public right-of-way, nor 15 feet to any lot line.

(B) Parking requirements for this district shall be developed by the city's Planning Commission at the time of the project proposal in accordance with the projected amount of traffic generated.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001)

§§ A-95—A-99 RESERVED.

ARTICLE XI. PROVISIONS GOVERNING THE RECREATIONAL (A2) DISTRICT

§ A-100 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Parks, open space areas;

(B) Recreational uses such as golf courses, swimming pools, playgrounds and the like;

(C) Bathing beaches and bath houses; and

(D) Boat docks and marinas.
(Ord. 81-6-1, passed 6-2-1981)

§ A-101 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

Uses clearly incidental, but necessary to the permitted principal use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-102 SPECIAL USES.

The following are special uses:

(A) Private recreational clubs;

(B) Riding stables;

(C) Zoos;

(D) Cemeteries, including columbaries and mausoleums; and

(E) Golf practice driving ranges operated as a commercial use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-103 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No structure or accessory structure shall be constructed closer than 50 feet to any public right-of-way, nor 15 feet to any lot line.

(B) Parking requirements for this district shall be developed by the city's Planning Commission at the time of the project proposal in accordance with the projected amount of traffic generated.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001)

§§ A-104—A-109 RESERVED.

ARTICLE XII. PROVISIONS GOVERNING THE FLOODPLAIN (A3) DISTRICT

§ A-110 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

The conveyance of a greater amount of water in cubic feet per second in an area adjacent to a valley channel to provide for periodic inundation of flood waters.
(Ord. 81-6-1, passed 6-2-1981)

§ A-111 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Parks, open spaces, natural wildlife preserves; and

(B) Recreational uses such as golf courses, playgrounds.
(Ord. 81-6-1, passed 6-2-1981)

§ A-112 SPECIAL USES.

The following are special uses:

(A) Farms, truck gardens and nurseries; and

(B) Golf practice driving ranges operated as a commercial use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-113 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) All parks, open spaces, preserves or recreational uses shall be regulated by the following requirements.

(1) No accessory structure shall be constructed closer than 50 feet to any public right-of-way, nor 15 feet to any lot line.

(2) Parking requirements within this district shall be developed by the city's Planning Commission at the time of the project proposal.

(B) All farms, truck gardens and nurseries shall be regulated by the following requirements.

(1) A minimum of ten acres shall be required for all farm, truck gardens and nurseries within the A3 District.

(2) A 40-foot setback from any public right-of-way shall be required.

(3) Parking requirements within this district shall be developed by the city's Planning Commission at the time of the project proposal.

(C) No alteration of the floodplain is permitted that would reduce or inhibit the total volume of water conveyed during times of periodic inundation without approval of the city's Planning Commission. (Ord. 81-6-1, passed 6-2-1981; Ord. 2001-5, passed 2-6-2001)

§§ A-114—A-119 RESERVED.

ARTICLE XIII. GENERAL PROVISIONS

§ A-120 OFF-STREET PARKING.

The following regulations are established to increase safety and lessen congestion in the public streets, to adequately provide for parking needs associated with the development of land and increased automobile usage, to set standards for the requirement of off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

(A) For all buildings and structures erected and all uses of land established after the effective date of this appendix, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of the ordinance; and, provided that, construction is begun within 180 days of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.

(B) When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

(C) However, no building or structure lawfully erected or use lawfully established prior to the effective date of this appendix shall be required to provide such additional parking or loading facilities

unless and until the aggregate increase in units of measurement shall equal not less than 15% of the units of measurement existing upon the effective date of this appendix, in which event parking or loading facilities, as required herein, shall be provided for the total increase.

(D) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this appendix, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this appendix.

(E) Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this appendix or were provided voluntarily after such effective date shall not hereafter be reduced below or, if already less than, shall not further be reduced below the requirements of this appendix for a similar new building or use.

(F) For any conforming or legally non-conforming building or use which is in existence on the effective date of this appendix, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this appendix for equivalent new uses or construction.

(G) If off-street parking space for non-residential uses as required above cannot be provided on the same lot on which the principal use is conducted, the Zoning Administrator may permit such space to be provided on other off-street property provided such space is within 400 feet of the main entrance to such principal use. Such off-street parking space shall thereafter be deemed to be required open space associated with this permitted use and shall not be reduced nor encroached upon in any manner.

(H) Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this appendix.

(I) In all residential districts, not more than one truck with a gross weight of 8,000 pounds or less, one trailer with a gross weight of 5,000 pounds or less and not more than one boat and/or boat trailer may be parked in a building or in a rear yard, but not in a required front or side yard, unless said parking is on an improved surface and covers only that portion of the yard that leads to parking space in the side or rear yard. Furthermore, no heavy vehicular equipment in excess of 8,000 pounds shall be parked in a residential district.

(J) All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence or densely planted compact hedge not less than five feet, nor more

than seven feet, in height. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located.

(K) If groups of buildings contain uses which vary in their parking requirements, the number of parking spaces shall be the sum of the individual requirements for each use. However, where peak parking requirements occur at distinctly different times of the day or at different times of the week as determined by the Zoning Administrator, joint parking facilities may be shared by two or more uses.

(L) When determination of the number of off-street parking spaces required by this appendix results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

(M) All required spaces shall conform to the following stall and aisle dimensions:

Parking Angle	*Stall Width*	*Width of Stall Parallel to Aisle*	*Depth of Stall Perpendicular to Aisle*	*Unit Parking Depth*			
				Aisle Width	*Parking Against Walls*	*Parking with Inter-Meshing Stalls*	*Parking Head-in to Curb*
45-degree	10 feet	15 feet, 2 inches	20 feet	11 feet, 6 inches	49 feet	43 feet	43 feet, 10 inches
60-degree	10 feet	15 feet, 7 inches	20 feet	18 feet	57 feet, 6 inches	53 feet	52 feet
90-degree	10 feet	10 feet	20 feet	29 feet	65 feet	-	61 feet

(N) Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property nor curb cut shall exceed a width of 30 feet.

(O) All parking facilities and access ways to the parking areas shall be maintained in a dust-free condition. Parking areas located between a public street and the principal building on the lot shall be maintained in a dust-free condition. Access ways between public streets and property lines shall be maintained with a substance similar to the composition of the street. Any lighting shall be arranged and maintained so that it does not shine directly upon any adjacent dwelling or street and does not produce excessive glare. Uncovered parking spaces must be at least three feet from any street right-of-way line.

(P) (1) All open off-street parking areas containing more than four parking spaces must be constructed pursuant to the following requirements:

(a) An adequate storm water drainage system must be approved by the City Engineer or Zoning Administrator and constructed in all such parking areas;

(b) Such parking areas must include a CA-6 type base (as defined by the then current Illinois Department of Transportation *Standard Specifications for Road and Bridge Construction*), no less than six inches in depth of crushed stone or equivalent material approved by the City Engineer or Zoning Administrator; and

(c) Such parking areas must be constructed with a wearing surface of asphaltic concrete or comparable hard-surface, all-weather dustless material. Such surface may consist of five-inch thick concrete, four-inch thick asphalt, or A3 surface oil and chip (as defined by the then current IDOT *Standard Specifications for Road and Bridge Construction*).

(2) All open off-street parking areas containing four or fewer parking spaces must be constructed of materials and maintained in such a way as to ensure that such areas will remain dust-free.

(Q) The following number of surfaced off-street automobile parking spaces shall be provided for the following particular uses.

(1) Banks, businesses or professional offices, and buildings not specifically mentioned elsewhere in this subsection (Q) shall have one parking space per 300 square feet of floor area, plus one parking space per two employees.

(2) Churches shall have one parking space per four seating spaces in the main sanctuary.

(3) Commercial recreation users shall have one parking space per 100 square feet of floor area, plus two parking spaces per three employees.

(4) Convalescent, nursing and other health homes and institutions shall have one visitor parking space per four patient beds, plus two parking spaces per three employees, plus one parking space per staff doctor.

(5) Hospitals shall have one visitor parking space per two patient beds, plus two parking spaces per three employees, plus one parking space per staff doctor.

(6) Hotels and motels shall have one parking space per room or suite, plus two parking spaces per three employees.

(7) Medical clinics shall have five patient parking spaces per staff doctor, plus two parking spaces per three employees, plus one parking space per staff doctor.

(8) Mortuaries or funeral parlors shall have one parking space per 25 square feet of floor area.

(9) Private clubs and lodge halls shall have one parking space per 100 square feet of floor area.

(10) Restaurants, taverns and lounges shall have one parking space for every 50 square feet of floor area, or every four occupants, whichever is greater.

(11) Schools shall have parking spaces as follows.

(a) Elementary and junior high schools shall have two parking spaces per three teachers and other employees.

(b) Senior high schools, colleges and universities shall have two parking spaces per three teachers and other employees, plus one parking space per five students.

(c) Nursery schools shall have two parking spaces per three teachers and other employees, plus one off-street loading space per eight pupils.

(d) If a school has an auditorium or assembly hall which may be used by persons other than students of the school, the parking requirements set forth under "theaters, auditoriums and places of assembly" shall be used to fulfill the parking requirements of the school; provided, the parking spaces are located near both uses.

(12) Theaters, auditoriums and places of assembly shall have one parking space per four people based on the design capacity of the structure.

(13) For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2007-07, passed 11-20-2007)

§ A-121 OFF-STREET LOADING.

(A) All commercial and manufacturing activities shall provide off-street loading berths, as defined by this section.

(B) (1) All required loading berths shall be located on the same zoning lot as the use served.

(2) No loading berth for vehicles over two tons capacity shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height.

(3) No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets.

(C) Unless otherwise specified, a required loading berth shall be at least ten feet in width by at least 25 feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least 14 feet.

(D) Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

(E) All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphaltic concrete or some comparable all-weather dustless material.

(F) No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business districts.

(G) Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(H) (1) Off-street loading berths shall be provided on the basis of gross floor area of buildings, or portions thereof, devoted to such use.

(2) All required off-street loading berths shall conform to the following schedule.

Square Feet of Floor Area	*Minimum Number and Size of Each Berth*
5,000 to 25,000	1 - 10 x 25 feet
25,000 to 250,000	1 - 10 x 50 feet

(Ord. 81-6-1, passed 6-2-1981)

§ A-122 TEMPORARY USES.

(A) In the event of a fire or natural disaster which results in the partial or total demolition of a single-family dwelling making it unfit for human habitation, the Zoning Administrator, upon application from the owner of such dwelling, may issue a special permit for the use of a mobile home during rehabilitation of the original dwelling or construction of a new dwelling, subject to the following conditions.

(1) The mobile home must be placed on the lot of the home damaged or destroyed.

(2) Required water and sanitary facilities must be provided.

(3) The permit is to be limited to six months, but in the event of circumstances beyond the control of the owner, the Zoning Administrator may extend the permit for a period not to exceed 60 days, and only if application is made 15 days prior to expiration of the original permit.

(B) A temporary real estate office may be allowed in conjunction with a new housing development, limited to the selling or renting of new units in such development, but in no case to be in operation for more than one year following completion of construction of said housing development.

(C) Temporary buildings for construction purposes may be allowed for a period not to exceed the completion date of such construction.
(Ord. 81-6-1, passed 6-2-1981)

§ A-123 ACCESSORY BUILDINGS AND USES.

(A) Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use; accessory uses shall not include a kennel or an accessory building for the keeping or the propagation of birds, poultry or livestock.

(B) No accessory building located in the rear yard of a corner lot shall be nearer to a street lot line than the minimum width required for a side yard abutting a street in the district where the lot is located. When the rear lot line of a reversed corner lot is contiguous to a lot in a residential district, an accessory building located within 25 feet of the rear lot line shall be no nearer to the street lot line than the required depth of the front yard on such contiguous lot.

(C) No accessory building shall exceed 16 feet in height unless otherwise permitted as accessory to business or manufacturing uses, or to an authorized special use.

(D) No accessory building or buildings shall occupy more than 40% of the area of a required rear yard.
(Ord. 81-6-1, passed 6-2-1981)

§ A-124 VISIBILITY OF INTERSECTIONS.

(A) No building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:

(1) In any residential district, exceeding a height of three feet above the street grade within 12 feet of the intersecting street lines bordering corner lots; and

(2) In any business or manufacturing district, within eight feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.

(B) On street intersections, no parking shall be located within 30 feet of the corner formed by the intersection of any two street rights-of-way.
(Ord. 81-6-1, passed 6-2-1981)

§ A-125 SCREENING, LANDSCAPING AND FENCES.

(A) On any corner lot, surface grading shall be such as to permit unobstructed vision between the heights of two and one-half and ten feet within the sight triangle formed by the center of the intersection and two points 50 feet distant, each point being on the centerline of an intersection street.

(B) Fences, walls and hedges are permitted in a required side or rear yard; provided, they do not exceed six feet in height. Fences, walls and hedges are permitted in any front yard; provided that, a solid fence, wall or hedge does not exceed two and one-half feet in height and a fence, wall or hedge which has visibility through it, for example, a chain link fence does not exceed four feet in height.

(C) All commercial and industrial uses which abut any residential use shall provide effective screening with a planting strip not less than six feet wide. This planting strip shall include densely planted trees, shrubs or hedge, not less than eight feet in height, or an eight-foot wall or fence. The six-foot planting strip will be considered part of the required yard.

(D) In all districts, open parking areas or lots containing more than four required parking spaces shall provide effective and attractive boundary plantings to screen the parking area from adjoining properties, and intermittent screen planting between street boundaries and surface parking area, designed to break the view of the parking area and to provide visual attraction to the foreground.
(Ord. 81-6-1, passed 6-2-1981)

§ A-126 HOME OCCUPATIONS.

(A) Any occupation which is customarily, in whole or in part, conducted in a residence may be conducted in a dwelling unit as a special use provided all of the following criteria are met.

(1) The use for the occupation must be clearly incidental to the use of the dwelling as a residence.

(2) Only one person other than a member of the immediate family residing in the dwelling unit shall be employed.

(3) The total area devoted to such use shall not exceed 25% of the total area on any one floor of the dwelling unit, or 25% of any accessory building.

(4) No exterior structure, light or sign in excess of one square foot shall indicate that it is being used for any non-residential purpose.

(B) Examples of home occupations include: dressmaking and tailoring shops; the teaching of a musical instrument to one student at a time; beauty and barber shops; home antique shops and licensed child care centers.
(Ord. 81-6-1, passed 6-2-1981)

§ A-127 SIGNS.

The following regulations are established to promote the public health and safety by reducing the distracting characteristics of signs along public streets and highways, by prohibiting all signs which interfere with public traffic control devices, and by assuring adequate standards for the erection and maintenance of signs and/or sign structures. These regulations are also established to regulate the size, height, location and general characteristics of signs to protect and enhance the physical appearance of the community.

(A) *General.*

(1) No sign shall prevent free ingress and egress from any door, window or fire escape.

(2) No sign shall be located in such a way that it obstructs or impairs the visibility of traffic or traffic signals for drivers on streets within the jurisdiction of the city.

(3) No sign shall obstruct the light and ventilation from any door or window.

(4) No sign shall be attached to any vertical pole or post owned and maintained by any governmental entity or utility or any pole, post or tree located within any public property or right-of-way.

(5) The lighting used in any illuminated sign shall be such that only the sign itself, and not the area surrounding it, will be illuminated. The term ***ILLUMINATED***, as used in this code, includes any type of artificial lighting produced from either the interior or exterior of the sign and provided to facilitate the sign's readability during nighttime hours. Flashing signs are prohibited.

(6) The owner, lessee or person in control of any sign shall be required to keep such sign properly maintained at all times.

(7) No sign may contain or consist of ribbons, streamers, spinners or similar devices.

(8) All temporary signs shall be securely fastened on all sides or at all corners to a building, sign structure or other support.

(9) The construction or installation of all sign structures is subject to the permitting requirements of § 6-41 of this code of ordinances relating to construction, removal and demolition of buildings.

(10) Any sign determined by the city to pose a threat to public safety due to its construction or location shall be removed upon notice from the city's Zoning Administrator. Such determination may be appealed to the Mayor by the following business day for final determination.

(B) *Residential districts.*

(1) For residential, there shall be not more than one nameplate, not to exceed four square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation.

(2) For multiple family dwellings, for apartment hotels and for buildings other than dwellings, a single identification sign not exceeding 12 square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed.

(3) Signs listing property for sale shall be permitted; providing, there is not more than one such sign per zoning lot; except that, a corner lot shall be permitted two such signs. No sign shall exceed 12 square feet in area nor be closer than eight feet to any other zoning lot.

(4) Temporary signs are permitted, subject to the residential district sign regulations.

(5) No sign shall project higher than one story or ten feet above curb level, whichever is lower.

(6) No sign shall project beyond the property line into the public way.

(C) *Business/commercial districts.*

(1) The gross area in square feet of all signs on a zoning lot to include freestanding signs shall not exceed three times the lineal feet of frontage of such zoning lot. The gross area of all illuminated signs shall not exceed two times the lineal frontage of such lot.

(2) The sign or signs shall front the principal street, a parking area or in the case of a corner building, on that portion of the side street wall within 50 feet of the principal street.

(3) Signs suspended from any building shall not project more than 24 inches beyond the building line and the bottom of such signs shall not be less than eight feet above the finished grade of the sidewalk. Freestanding signs not to exceed 45 feet in height or 100 square feet, total of all signs on lot. Any sign projecting or suspended from a building shall not exceed 12 feet in height and its location and arrangement shall be subject to approval by the Zoning Administrator.

(4) No freestanding sign shall project beyond the property line into the public right-of-way.

(5) Temporary signs are permitted subject to the commercial district sign requirements.

(D) *Manufacturing districts.*

(1) The gross area in square feet of all signs on a zoning lot shall not exceed six times the lineal feet of frontage of such zoning lot; provided, the gross area of illuminated signs shall not exceed three times the lineal feet of frontage of such lot.

(2) No sign shall project higher than 45 feet above the ground level beneath it.

(E) *Billboards.*

(1) *Definitions.* For the purpose of this subsection (E), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BILLBOARD. An object, device, display, sign or structure, or part thereof displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images, which are not substantially related to the primary economic activity or use conducted on the zoning lot occupied by it. ***BILLBOARDS*** do not include commercial signage related to the business conducted on the zoning lot, nor signs temporarily placed in residential lawns by residents, owners, contractors, real estate brokers or agents, or by or on behalf of political candidates or issues.

BILLBOARD AREA. The facing of a billboard, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the billboard or if the structure is not used to identify or attract attention to the business or product. A double-sided billboard, with sign faces parallel to each other, shall be deemed to have the ***BILLBOARD AREA*** of the larger sign face.

ILLUMINATED BILLBOARD. A billboard having its characters, letters, figures, designs or outlines illuminated by a source of artificial light.

SPACING. The minimum distance between outdoor advertising billboard structures measured along the nearest edge of the pavement between points directly opposite the billboards along each side of the highway and shall apply to outdoor advertising billboard structures located on both sides of the highway involved. Spacing shall be calculated with respect to existing billboards whether or not the existing billboards are within the corporate limits of the city.

(2) *Purpose*. The regulations set forth in this appendix are established in order to promote and protect generally public health, safety, comfort, prosperity and welfare and in order to accomplish the following specific purposes:

(a) To maintain and enhance the visual environment, and to preserve the right of citizens to enjoy the city's scenic beauty;

(b) To improve pedestrian and traffic safety;

(c) To minimize the possible adverse effect of billboards on nearby public and private property; and

(d) To provide a reasonable amortization period for non-conforming billboards, in order to lessen the economic impact thereof on the owners thereof.

(3) *General construction, material, location and performance standards*.

(a) *Electrical requirements*.

1. The electrical components, connections and installations of all billboards shall conform to the electric code of the city and all regulations promulgated thereunder.

2. In no case shall electrical wiring be exposed to the view of, or access by, the public.

(b) *Illumination and movement*.

1. The light from every illuminated billboard shall be shaded, shielded or directed so that no ray emanating from any light fixture shall directly impinge upon any residential structure or public road, and all light visible from any residential structure or public road is either reflected from, or diffused and filtered through, the sign.

2. Flashing billboards, flashing or moving lights on billboards, and reflective pennants are prohibited, except signs exhibiting time and temperature, date or other similar information.

(c) *Location*.

1. Billboards shall be located within the zoning lot in accordance with the applicable setback and yard provisions of the zoning district in which the lot is located.

2. Billboards shall not be located on the public right-of-way, or affixed to or upon public property on the public right-of-way, including, but not limited to, any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power, telephone

or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign.

3. All billboards shall be properly maintained, free of broken or missing parts, rust or oxidation, faded or chipped paint, and similar conditions of disrepair.

(4) *Location restrictions.* Billboards are permitted only in areas of the city which meet all of the following conditions:

(a) The applicable zoning classification M1;

(b) No billboard which exceeds 33 square feet of billboard area shall be located on a zoning lot the boundary of which is closer than 800 feet to the nearest residential district or the A1, A2 and A3 Districts;

(c) No billboard which exceeds 33 square feet of billboard area shall be closer than 500 feet from any other billboard;

(d) No billboard shall have a billboard area exceeding 150 square feet; and

(e) The top of a billboard shall not be more than 45 feet above the lowest point on the surface of the zoning district in which it is located.

(5) *Enforcement.* From and after the effective date of this subsection (E), it shall be unlawful to erect, or to structurally or electrically alter, any billboard within the city unless a permit therefore has been issued by the Zoning Administrator in accordance with the provisions of this appendix. A written application for such permit shall be filed with the Zoning Administrator, and the application shall contain, as a minimum, a site plan; a plan of the proposed billboard; a map showing spacing with respect to existing billboards and the nearest residential zoning districts; and evidence of any federal or state permits which the applicant has obtained with respect to the billboard. The application shall be signed by the owner of record of the zoning lot on which the billboard will be located. Prior to or concurrently with the filing of such application, the applicant shall pay to the city a permit fee in the amount of $200 for each sign, plus $1 for each square foot of surface area of such sign in excess of 33 square feet. If the application shows that the proposed billboard would be in conformance with this appendix, the Zoning Administrator shall grant the application and issue a permit. If the application shows that the proposed billboard would not be in conformance with this appendix, the Zoning Administrator shall deny the application in writing. The Zoning Administrator shall have ten business days to grant or deny the permit application; his or her decision shall be reviewable by the Zoning Board of Appeals in accordance with the appeal provisions in this appendix.

(6) *Compliance with state law.* No billboard permit shall be issued by the Zoning Administrator unless the applicant has obtained all necessary state or federal permits, if any. The issuance of such state or federal permits shall not entitle the applicant to issuance of a city permit, unless the applicant is in compliance with all applicable city, state and federal laws.

(7) *Maintenance of billboards.* Billboards shall be maintained in a safe condition. If the Zoning Administrator shall find that any billboard has not been properly maintained, as evidenced by damaged, dented, cracked, broken or missing parts; the presence of rust or oxidation; faded or chipped paint; or similar conditions of disrepair, he or she shall give written notice of such violation to the owner or occupant of the premises upon which such sign is located, stating the condition noted and providing not less than 15 days within which to remedy the deficiency, unless the billboard presents an immediate threat to life or property, in which case the notice shall provide that the deficiency shall be remedied immediately.

(8) *Non-conforming billboards.*

(a) Billboards which were lawfully erected prior to the adoption of this appendix, but which do not conform to the requirements of this appendix, may continue in existence; however, they may not be enlarged, nor may the illumination thereof be increased.

(b) This section shall not be construed as permitting any billboard which was not in conformity with all city ordinances as in effect prior to the effective date of this subsection (E), or which do not conform to all safety, electrical and maintenance requirements of this appendix or other law or regulation.

(c) The city may, in its discretion, order the alteration or removal of any non-conforming billboard, subject to any right of the owner thereof, and the owner of the property on which the billboard is located, to just compensation pursuant to the state’s eminent domain law.

(d) This subsection (E) shall not affect any right which has vested pursuant to any annexation agreement executed prior to the effective date hereof.

(9) *Nuisance declared.* The city hereby declares that any billboard which does not conform to the requirements of this subsection (E), and is not allowed pursuant to the non-conforming sign provisions provided herein is a nuisance. In addition to any other remedies available to the city, the city may sue the owner of any land on which a non-conforming billboard is located, to abate such a nuisance.

(10) *Exclusion.* Billboards of less than 33 square feet of billboard area, not exceeding seven feet in height to the top of the billboard area from ground level, which are used solely to advertise directions to the location of a person, instruction, organization, business or event located within the county may be permitted. A no-cost permit will be required. Billboards of less than 33 square feet of billboard area, not exceeding seven feet in height to the top of the billboard area from ground level, which are placed within the baseball or softball fields and located on the fences will be permitted during the season only.

(11) *Penalty.* Any person, firm or corporation who or which owns, leases (as lessor or lessee) or controls a billboard which violates any provision of this appendix, or owns a zoning lot on which such a billboard is located, or fails to remedy a deficiency as to which notice has been sent by the Zoning Administrator as set forth this amendatory ordinance, shall be subject to a fine of not less than $250, nor more than $750, for each violation. Each day a violation continues shall be deemed a separate offense.

(F) *Historic Downtown Square.*

(1) The ***HISTORIC DOWNTOWN SQUARE*** shall be defined as all properties located on the following streets:

(a) Douglas Street, from 8th Street to 5th Street;

(b) Jackson Street, from 8th Street to 5th Street;

(c) 7th Street, from Monroe Street to Sheridan Street; and

(d) 6th Street, from Monroe Street to Sheridan Street.

(2) Notwithstanding the foregoing regulations, signs within the Historic Downtown Square, whether illuminated or not, may not exceed 32 square feet per lot.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2003-19, passed 10-21-2003; Ord. 2004-07, passed 8-17-2004; Ord. 2008-01, passed 4-1-2008; Ord. 2009-08, passed 9-1-2008; Ord. 2014-02, passed 3-4-2014; Ord. 2014-20, passed 10-21-2014)

§ A-128 LOTS.

(A) When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are continuous and are held in one ownership, they shall be used as one zoning lot for such use.

(B) No recorded lot shall be divided into two or more lots unless such division results in the creation of lots, each of which conforms to all of the applicable regulations of the zone in which the property is located. Such a lot split shall require a surveyor's plat. No further reduction in the size of a recorded lot, which would render the lot unable to meet the requirements of this appendix, shall be permitted.

(C) Number of buildings per lot: in the R1, R2 and R3 Districts, only one principal building shall be permitted on any one lot, except as hereinafter provided. In the R1, R2 and R3 Districts, schools and health medical complexes may be permitted to have more than one principal building, upon approval as hereinafter provided. In the R3 District, two-family dwellings and multi-family dwellings consisting of more than one principal building may be permitted upon approval as hereinafter provided. Applications for permits for construction of multiple principal structures as described above shall be submitted to the Planning Commission and shall show the precise location and size of each structure on the lot, and shall show all setbacks and spacing as may be required by the ordinances of the city. The spacing and configuration of structures on such a lot shall be in compliance with safety standards and provide adequate access for emergency services and, the plans therefore shall comply with all other requirements imposed by the ordinances of the city. The procedure for review of such applications, and the requirements for notices thereof shall be the same as those required for applications for approval of subdivisions.

(D) Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of this appendix, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use; provided that, yards, courts or usable open spaces are not less than 75% of the minimum required dimensions or areas.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2005-19, passed 9-13-2005)

§ A-129 OTHER USES AND REGULATIONS.

(A) *Fallout shelters.* Fallout shelters are permitted in any zone, subject to the yard and lot coverage regulations of the zone. These shelters may contain or be contained in other structures or may be constructed separately.

(B) *Swimming pools.* Private swimming pools are permitted in any residential zone; provided that, no swimming pool or part thereof, including, but not limited to, aprons, walks and equipment rooms, shall protrude into any required front or side yard. Swimming pools must be fenced or otherwise protected against intrusion. No private swimming pool shall be operated as a business or as a private club.

(C) *Tents.* No tent shall be used, erected or maintained as living quarters. Tents used in commercial or industrial zones or tents used for camping purposes wherever permitted shall be of a temporary nature.

(D) *Principal uses without buildings.* Where a permitted use of land involves no structures, the use shall comply with all yard and minimum lot area requirements applicable to the zone in which it is located.

(E) *Adequate access.* Each lot shall have direct access to, and have frontage on, an approved street.
(Ord. 81-6-1, passed 6-2-1981)

§ A-130 HOME RESIDENCE BED AND BREAKFAST OPERATIONS.

(A) A residential business commonly known as bed and breakfast may be conducted in a private residence as a special use; provided, all of the following criteria are met.

(1) The principal owner must reside in the house and must be in residence at all times while conducting the business.

(2) The number of bedrooms made available to the public is limited to the following, while retaining no less than five original rooms for the homeowner's occupancy.

Gross Square Footage of Structure	*Maximum Number of Guest Rooms*	*Minimum Number of Original Rooms*
2,000-2,499	2	7
2,500-2,999	3	8
3,000-3,499	4	9
3,500-4,999	5	10
5,000 and greater	6-10	11-16

(3) No more than three full-time equivalent persons other than a member of the immediate family residing in the dwelling unit may be working at any given time.

(4) No exterior structure, light or sign in excess of four feet by eight feet, and no greater than six feet in height shall indicate that it is being used for any non-residential purpose. If illuminated, the illumination shall be by directional light only.

(5) Off-street parking must be provided for one car per employee and one car per bedroom designed for rent. Such parking space cannot be planned in the front yard and must conform with the provisions governing off-street parking in the respective districts.

(6) Copies of currently applicable federal, state and local governing bodies' permits must be furnished to the Zoning Administrator before operation begins.

(7) Bed and breakfast establishments shall meet the State Fire Marshal's requirements for one- and two-family dwellings and, in addition, the following standards shall apply:

(a) Manual fire extinguishing equipment shall be provided on each floor;

(b) All combustible or flammable liquids shall be stored in approved metal containers;

(c) No combustible storage shall be permitted in or under stairways;

(d) All trash containers shall be metal;

(e) No cooking or cooking equipment or facilities shall be permitted in guest rooms;

(f) All hallways and stairways shall be adequately lighted;

(g) No portable heating devices shall be permitted in guest rooms;

(h) The owner shall submit a floor plan of the property to the city's Fire Department; and

(i) Smoke detectors of an approved type shall be installed and maintained in each guest room.

(B) See § A-10 of this appendix for the accepted description of a bed and breakfast operation. All existing criteria governing the district in which the bed and breakfast is proposed shall apply.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2003-18, passed 10-21-2003; Ord. 2003-28, passed 12-16-2003)

§ A-131 HOME RESIDENCE BED AND BREAKFAST OPERATIONS WITH LIMITED PUBLIC RESTAURANT SERVICE.

An approved home residence bed and breakfast operation with limited public restaurant service may be conducted as a special use in districts where authorized under this appendix; provided, all of the following criteria are met.

(A) The property must have qualified, be qualified and continue to be qualified and to operate as a home residence bed and breakfast operation under the terms of this appendix.

(B) No structures or improvements upon the premises, including parking areas, but excluding drives to access the parking areas, may be closer than 45 feet to the boundary lines of the subject property.

(C) In addition to the parking requirements for bed and breakfast operations, the property shall comply with parking requirements of this appendix applicable to restaurants. In the application of those provisions, however, the square footage of floor area shall be computed exclusive of the areas of the premises devoted to sleeping rooms and common passageways between them.

(D) No special use permit may be granted under this section for food service seating in excess of 40 persons.

(E) Food service to the general public may only be provided between the hours of 11:00 a.m. and 2:00 p.m. or otherwise as may be approved by the city.

(F) Food service to the general public shall be limited to food served for consumption upon the premises.

(G) The city may, in its discretion, require such screening, barriers or landscaping as it may determine in addition to the requirements of this appendix in the best interest of the neighboring or adjacent properties.

(H) The owner or operator of the approved home residence bed and breakfast shall file with the Zoning Administrator an annual report in such manner and form as may be approved by the Planning Commission detailing the number of bed-nights occupancy of the bed and breakfast operation.

(I) No food service shall be provided except in conformance with applicable health and safety laws, regulations or ordinances of the city, county and state.

(J) In the event that the Zoning Administrator determines that the principal use of the property as a home residence bed and breakfast has been discontinued for a period of not less than four months, the special use provided under this section may be revoked.
(Ord. 2005-08, passed 7-19-2005)

§§ A-132—A-139 RESERVED.

ARTICLE XIV. NON-CONFORMING BUILDINGS AND USES

§ A-140 DEFINITION.

(A) Any lawfully established use of a building or land, on the effective date of the ordinance or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

(B) Any legal, non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

(C) Any building for which a permit has been lawfully granted prior to the effective date of the ordinance or of amendments thereto, may be completed in accordance with the approved plans; provided, construction is started within 180 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
(Ord. 81-6-1, passed 6-2-1981)

§ A-141 BUILDINGS AND STRUCTURES.

(A) Ordinary repairs, maintenance and alterations may be made to a non-conforming building or structure, except that no structural alteration shall be made in or to such building or structure, except those required by law, and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.

(B) A building or structure which is non-conforming as to bulk shall not be added to or enlarged in any manner unless such building or structure and the use thereof, including all additions and enlargements thereto, are made to conform to all the regulations of the district in which it is located.

(C) A building or structure which does not conform to all of the regulations of the district in which it is located shall not be moved in whole or in part to any other location unless every portion of such building or structure which is moved and the use thereof are made to conform to all the regulations of the district into which it is moved.

(D) In all districts, a non-conforming residential building which is destroyed or damaged by fire or other casualty or by act of God may be restored to its condition prior to the occurrence.

(E) In any district a non-residential non-conforming building or structure which is destroyed or damaged by fire or other casualty or by act of God shall not be restored if the cost of restoration to its condition prior to the occurrence exceeds 50% of the cost of restoring the entire building or structure new, unless said building or structure and the use thereof shall conform thereafter to all the regulations of the district in which it is located.

(F) In the event that such damage or destruction is less than 50% of the cost of restoration of an entire building or structure new, the building or structure may be restored to its original non-conforming condition only if such restoration is started within 120 days from the date of the partial damage or destruction and is diligently prosecuted to completion.

(G) A non-conforming building, structure or portion thereof, which is unoccupied or unused for 180 days on and after the effective date of this appendix or thereafter becomes unoccupied or unused and remains unoccupied or unused for any continuous 180-day period, shall not thereafter be occupied, except by a use which conforms to the use regulations of the district in which it is located.
(Ord. 81-6-1, passed 6-2-1981)

§ A-142 USES.

(A) A non-conforming use of a part of a building or structure shall not be expanded or extended into any other portion of such building or structure, nor changed to any other non-conforming use.

(B) If a non-conforming use of a building or structure is discontinued for a period of six months, it shall not be renewed; and any subsequent use of the building or structure shall conform to the use regulations of the district in which the building or structure is located. Occupancy of such building or structure shall not be permitted prior to inspection and issuance of a certificate of occupancy and use.

(C) A non-conforming use of a building or structure shall not be changed to another non-conforming use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-143 USE OF LAND.

(A) A non-conforming use of land shall not be expanded or extended beyond the area it occupies on the effective date of this appendix.

(B) If a non-conforming use of land is discontinued for a period of six months, it shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

(C) A non-conforming use of land shall not be changed to any other use, except to a use permitted in the district in which the land is located.
(Ord. 81-6-1, passed 6-2-1981)

§§ A-144—A-149 RESERVED.

ARTICLE XV. ADMINISTRATION AND ENFORCEMENT

§ A-150 ZONING ADMINISTRATOR.

(A) The Zoning Administrator, to be appointed by the Mayor with the advice and consent of the City Council, shall be empowered to administer and enforce the provisions of this appendix.

(B) (1) With cause shown, conduct inspections of buildings, structures and uses of any premises to determine compliance with the terms of this appendix and issue certificates of inspection where compliance with the article has been verified. The Zoning Administrator, who may be accompanied by additional officers, appointees or employees of the city as the Zoning Administrator may designate, may enter and inspect the interior of all buildings, structures and premises within the jurisdiction of this code;

(2) Provide written notice and recommendation for action to the City Council of any zoning code violations or illegal use of land, buildings or structures, such notice to be provided at the City Council meeting immediately following knowledge of any such violation or illegal use;

(3) Maintain permanent and current records of all functions of the Planning Commission related to the administration of this appendix, including, but not limited to, official actions on all amendments, zoning exception certificates, certificates of inspection and applications therefor;

(4) Receive petitions for proposed zoning amendments and provide such clerical and technical assistance as may be required;

(5) Make a monthly written status report to the City Council on all activities before the Zoning Administrator, the Revolving Loan Fund, the Planning Commission and the Zoning Board of Appeals;

(6) Make a written annual report to the City Council on the work of the Planning Commission and Zoning Board of Appeals on the enforcement of this appendix;

(7) Serve as an ex-officio, non-voting member of the Planning Commission and Zoning Board of Appeals; and

(8) Maintain regular office hours for public utilization as determined from time to time by the City Council.
(Ord. 81-6-1, passed 6-2-1981; Ord. 99-22, passed 5-4-1999; Ord. 99-26, passed 5-18-1999; Ord. 2005-20, passed 10-4-2005)

§ A-151 ZONING BOARD OF APPEALS.

There is hereby created a Zoning Board of Appeals to which the following applies:

(A) The Board shall consist of seven members appointed by the Mayor with the advice and consent of the City Council. To avoid any conflict of interest or appearance of conflict of interest, no member of this Board may sit on the Planning Commission. One of the members shall be named as Chairperson at the time of his or her appointment. The members of the Board so appointed shall serve for staggered terms of five years or until their successors are appointed and qualified. The Board shall elect its own Vice-Chairperson for a one-year term. Vacancies upon the Board shall be filled for the unexpired term of the member in the same manner as the initial appointment.

(B) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. No hearing shall be conducted without a quorum of the Board being present, which shall consist of a majority of all the members.

(C) The Board of Appeals is hereby vested with the following duties under this appendix:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator;

(2) Variations should be granted only to provide relief in unusual situations which were not intended or foreseen when this appendix was adopted. No variation should be granted unless it will be in harmony with the general interest and purpose of this appendix;

(3) Upon application for appeal the Board shall be empowered to permit the following variations:

(a) To permit the extension of a district where the boundary line of a district divides a lot of record in single ownership;

(b) To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or the public enemy to the extent of more than 50% of its assessed value when the Board finds some compelling public necessity requiring a continuance of the non-conforming use;

(c) To interpret the provision of any new zoning ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts; and

(d) To vary parking regulations whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(4) In exercising the powers of granting variations, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals or applications for variations, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change, including a variation in use, in the district map and will not impair an adequate supply of light and air to adjacent property, or increase congestion in public streets, or increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the city. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed;

(5) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the application on any matter upon which it is required to pass or to effect any variations in a new ordinance; and

(6) The following procedures shall be used in all matters before the Board:

(a) Appeals to the Board of any matter over which the Board is specifically granted jurisdiction may be taken by any person aggrieved, or by an officer, department, any board or bureau of the city affected by any decision of the Zoning Administrator. Such appeal shall be taken within 45

days of such decision by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken;

(b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal has been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings should not be stayed otherwise than by proper legal action; and

(c) Upon an appeal or request for a variation, the Board shall fix a reasonable time for a hearing. Upon an appeal from any decision of the Zoning Administrator or request for variation, the Board shall give not less than 15 days' public notice of a hearing thereon in a newspaper of general circulation. The notice shall contain the particular location of the property affected by the decision appealed from or the variation requested, as well as a brief statement of the nature of the appeal or of what the proposed variation consists. The Board shall give due notice of the place and time for hearing of the appeal application or request for variation to the parties concerned either in person or by registered mail, return receipt requested, not less than 15 days and not more than 30 days prior to the hearing. Said notice shall state the name and address of the applicant, the name and address of the owner of the property, the location of the property and a brief statement of the nature of the appeal or request for variation. The city shall post the property with a notification of appeal sign seven days prior to the hearing date and shall remove said sign no later than three days following the hearing date.
(Ord. 81-6-1, passed 6-2-1981; Ord. 99-30, passed 6-15-1999)

§ A-152 PLANNING COMMISSION.

There is hereby created a Planning Commission to which the following applies:

(A) The Commission shall consist of five members appointed by the Mayor and approved by the City Council. To avoid any conflict of interest or appearance of conflict of interest, no member of this Commission may sit on the Zoning Board of Appeals. The members of the Commission so appointed shall serve for a term of three years or until their successors are appointed and qualified. The Mayor shall serve as an ex-officio, non-voting member of the Commission. The Commission shall elect its own Chairperson and Vice-Chairperson for one-year terms. Vacancies upon the Commission shall be filled for the unexpired term of the member in the same manner as the initial appointment.

(B) All meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Commission may determine. All hearings and meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions.

(C) The Planning Commission is hereby vested with the following duties under this appendix:

(1) Upon request of the City Council, to prepare, recommend, monitor and update the comprehensive development plan for the city and environs;

(2) Upon request of the City Council, to review, monitor, update and recommend to City Council necessary changes in the ordinances and codes of the city;

(3) To hear, decide and recommend to the City Council on all applications for zoning amendments, special use permits and planned developments; and

(4) To hear, decide and recommend on all other matters referred to it by the City Council.

(D) The city shall publish notice of a public hearing and shall post the property with a notice of zoning request sign.
(Ord. 81-6-1, passed 6-2-1981; Ord. 98-09, passed 5-19-1998; Ord. 99-24, passed 5-4-1999; Ord. 99-30, passed 6-15-1999)

§ A-153 VARIATIONS.

(A) An application for a variation of the regulations of this appendix may be made by a property owner or his or her agent to the Zoning Administrator. Such application shall be made in writing, stating the variation requested, the location of the property for which the variation is requested, name of the property owner and cause for the requested variation.

(B) The Zoning Board of Appeals shall fix a reasonable time and place for the public hearing and shall give notice of the time and place of the public hearing, published at least once, but not more than 30 days, nor less than 15 days, before the hearing in one or more newspapers with a general circulation within the community.

(C) The Zoning Board of Appeals shall report its findings and recommendations to the City Council within 30 days after the public hearing.

(D) Upon receipt of the report and recommendations from the Board or Appeals to grant or deny the variations, the City Council, without further public hearing, may:

(1) Adopt the proposed variation by ordinance;

(2) Concur with the denial of a variance request; or

(3) Overrule a Board of Appeals recommendation with the affirmative vote of two-thirds of all members of the City Council.

(E) No variation shall be made by the City Council without a hearing by the Zoning Board of Appeals as required hereinabove nor without a report thereof having been made by the Board or Appeals to the City Council, and every such report shall be accompanied by a finding of fact specifying the reasons for the report.
(Ord. 81-6-1, passed 6-2-1981)

§ A-154 SPECIAL USES.

(A) *Purpose.* The development and execution of this appendix is based upon the division of the city into districts, within which districts the uses of land and buildings and the yard and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:

(1) Uses publicly operated or traditionally connected with a public interest; and

(2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(B) *Initiation of special use.* Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest which is specifically enforceable, may file an application to use land for a special use provided for in this appendix in the zoning district in which the land is located.

(C) *Application for special use.* An application for special use permit, including a planned residential development special use permit, shall be filed with and on a form available from the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in subsection (E) below.

(D) *Hearing on application.* Upon receipt in proper form of the application and statement referred to in this section, the Planning Commission shall hold at least one public hearing on the proposed special use; not more than 30 days, nor less than 15 days, in advance of such hearing, notice of time and place of such hearing shall be published in a newspaper published in the city, as prescribed by applicable state statutes. Supplemental or additional notices may be published or distributed as the Planning Commission may, by rule, prescribe from time to time.

(E) *Findings of fact and recommendations of the Planning Commission.*

(1) Within 30 days after the close of the public hearing on a special use permit application, the Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council. The Commission shall make findings based upon the evidence presented to it in each specific case that:

(a) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;

(b) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood;

(c) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(d) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

(f) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Planning Commission.

(2) For each application for a special use permit, the Planning Commission shall report to the City Council the stipulations or additional conditions and guarantees to be complied with by the applicant when they are deemed necessary for the protection of the public interest.

(F) *Action by the City Council.*

(1) The City Council shall not act upon a special use permit application until it shall have received a written report and recommendations from the Planning Commission.

(2) The City Council shall have three months from the date of decision by the Planning Commission to act on the special use permit application.

(3) Any action taken by the City Council with regard to special uses shall be by ordinance.

(4) In the event that the Planning Commission fails to provide a written report and recommendations to the City Council as referenced in subsection (F)(1) above, within 30 days after the close of a public hearing for a special use application and permit, through either the Planning

Commission's willful failure to provide such items, or due to inadequate staffing of or on the Planning Commission, the City Council may, at its option, elect to:

(a) Conduct its own public hearing on a special use application; and/or

(b) Act upon a special use permit application without having received any written report and recommendations from the Planning Commission.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2000-4, passed 2-15-2000)

§ A-155 PLANNED DEVELOPMENT PROCEDURES.

(A) *Purpose.* The planned development procedure is established to encourage developers to use a more creative approach in the development of residential, commercial and industrial land by providing for flexibility in the requirements of this appendix. The planned development procedure shall observe the following general principles.

(1) The gross population density and building intensity remain unchanged and conform with basic overall density requirements of the zoning district. Lot dimensions and areas do not have to meet specific ordinance requirements.

(2) A variety of dwelling and building types is encouraged.

(3) Residential lot sizes related to single-family detached units may be reduced.

(4) In areas where town houses are used, no more than six town house units in any contiguous group shall be used. Minimum lot size should not be less than 3,000 square feet and rear yard depth not less than 25 feet where the lot does not abut a park or open space easement.

(5) Clustering of dwellings is accomplished through reduction of lot areas.

(B) *Procedure.*

(1) Any residential, commercial, industrial or combination development of two or more acres within the city or its one and one-half mile subdivision limit shall be developed under the planned development procedure. Upon petition to the Planning Commission, developments of less than two acres may be permitted under the provisions of this section.

(2) Prior to filing an application for a planned development, a preapplication conference shall be held with the Zoning Administrator at which time consideration of basic site information and sketch plans will be discussed. If the project is to be developed in phases, the preapplication conference shall include a discussion of each development phase and an anticipated timetable for development. No

planned development unless specifically approved by the Planning Commission shall be permitted in less than two-acre phases. Following the preapplication conference with the Zoning Administrator, a planned development application shall be prepared and submitted by the applicant.

(3) (a) The applicant shall submit a sepia map with ten prints of the preliminary development plan to the Planning Commission. The preliminary development map shall contain the following:

1. Kind, location, bulk and capacity of structures and uses;

2. General floor plans of the building;

3. Location and identification of open spaces, and other means for pedestrians and vehicular circulation, parks, recreational areas and other non-building sites;

4. Provisions for automobile parking and loading;

5. Landscaping and forestry features;

6. General nature and location of public and private utilities and other community facilities and services (including maintenance facilities); and

7. Phasing of the project if the development is to occur in more than one phase.

(b) The applicant shall also submit in written form the following:

1. Facts showing the suitability of the site and a description of proposed land uses, population densities and building intensities;

2. Proposed circulation pattern indicating both public and private streets, parking ratios and potential congested areas;

3. Proposed parks, playgrounds, school sites and other open spaces, if any;

4. Evidence that the real estate is owned or controlled by the applicant;

5. A development schedule for the development of units to be constructed; and

6. Other pertinent information as the Commission shall prescribe.

(c) Prior to considering the preliminary development plan and making a recommendation to the City Council either approving or disapproving the preliminary development plan, the Planning Commission shall fix a reasonable time and place for the public hearing and shall give notice of the time and place of the public hearing, published at least once, but not more than 30 days nor less than 15 days,

before the hearing in one or more newspapers with a general circulation within the community. The City Council may concur or not concur with the Commission's recommendation. Approval by the City Council shall be a condition for filing by the applicant of and for a planned development permit.

(4) After approval of the preliminary planned development application, application for a planned development permit shall be filed by the applicant:

(a) All documents submitted as part of the applicant's preliminary development plan;

(b) Landscaping plans including type of plant materials and their arrangement;

(c) Detailed superstructure plans including floor plans, exterior elevations and outline specifications of type of building materials, types of wall and roof construction;

(d) Engineering plans, including site grading, street improvements, street and other outside lighting, drainage and public water, sanitary and storm sewer extensions as necessary;

(e) A statement from the applicant that the ownership or control is the same as shown for the preliminary development plan;

(f) Cost estimate for the proposed planned development and evidence of adequate financing of such detail as to demonstrate the financial capabilities of the developer;

(g) A description of any proposed exceptions from any of the regulations of the underlying zoning district or districts in which the proposed planned development is located; and

(h) The official subdivision site plan for registration and recording.

(5) Any application for a planned development permit shall be filed within one year of approval of the preliminary development plan.

(6) If the application for a planned development permit shall require an amendment to the zoning map for all or any part of the property in question, an application for zoning shall be submitted and heard concurrently with the application for the planned development permit by the Planning Commission.

(7) If effectuation of the development requires action by the City Council, in the form of rezoning, the Council's consideration thereof shall follow the Commission's concurrent permit application and rezoning hearing. Thereafter, the matter shall proceed further before the Commission only if the necessary action has been taken by the Council.

(8) Before the City Council shall approve a planned development, it shall find:

(a) The proposed planned development can be completed within three years of the granting of the permit. No alternative use of the property shall be permitted except upon approval by the City Council;

(b) The streets proposed are suitable and adequate to carry anticipated traffic and will not overload the streets adjacent to the development;

(c) Any proposed exceptions to the regulations of the underlying zoning district or districts are warranted and appropriate;

(d) The planned development will not alter the essential character of the area; and

(e) The existing and proposed utility services are adequate for the proposed planned development.

(9) No alteration or amendment shall be made in the construction and development of the planned development without a new application under the provisions of this appendix. Further, no building permits or occupancy permits shall be issued until final approval of the planned development permit by the City Council and the recording of the subdivision site plan as approved.

(10) Upon the abandonment prior to construction of a planned development or if, upon the expiration of three years from the endorsement of the Council's approval upon the planned development permit, construction has not been completed or has not been commenced with an extension of time for completion granted, the planned development permit shall expire and no authorization for construction shall be granted until the planned development permit shall have been reapproved or until it has been formally withdrawn and the subdivision plat duly rescinded.

(11) To insure completion of the public improvements, including pavements and installation of utilities, a surety bond for the full amount of the estimated cost of such improvements shall be furnished to the city. The condition of said bond shall be that if said improvements have not been completed within the specified time, the amount of the bond shall be paid to the city, and the city may use such funds to cause the completion of the improvements. If development is to occur in phases, a bond for only the immediate phase may be accepted with the approval of the Planning Commission.

(12) With respect to the buildings to be constructed in said planned development, an additional surety bond shall be furnished to the city in such form as shall be approved by the City Council and in a sum equal to 10% of the estimated cost of such buildings conditioned upon the substantial completion of said buildings within the time required by the permit.

(13) A fee of $200 shall accompany the planned development application.

(14) The Mayor may, for good cause shown, grant an extension of a planned development permit for six months.

(15) All public improvements of every nature including streets, street lights, sidewalks, curbings, sewers, water mains shall be installed under the same terms and conditions as provided in other applicable ordinances of the city.

(16) All public improvements shall comply with all buildings and material requirements of the applicable ordinance of the city.

(17) Underground utilities including telephone and electric systems are required within the limits of the planned development. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission and City Council find such exceptions will not violate the intent of character of the development.
(Ord. 81-6-1, passed 6-2-1981)

§ A-156 PERMITS.

(A) *Building permits.*

(1) No building or structure shall hereafter be erected or structurally altered until a building permit shall be issued by the Zoning Administrator stating that the building or structure and use of land comply with the regulations of this appendix and all building and health laws and ordinances of the city.

(2) All applications for building permits shall be accompanied by a plot plan, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots in relation to adjoining streets and lot lines, location of well, septic tanks and seepage field, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plot plans shall be kept in the office of the Zoning Administrator.

(3) Applications for building permits shall be accepted at City Hall, and stamped by city personnel indicating the date the application was received. Within 30 calendar days from the city's receipt of the completed application for a building permit, the Zoning Administrator (or the person temporarily responsible for the Zoning Administrator's duties) shall:

(a) Thoroughly investigate the application with respect to the city's zoning ordinances;

(b) Either:

1. Issue a building permit allowing said applied-for construction by:

a. Personally delivering the permit to the applicant; or

b. Sending the permit to the applicant, by certified mail from the city post office.

2. Issue a written denial for a building permit, stating the ordinance(s) and subsection(s) therein that constitute the basis of the applicant's failure to meet zoning requirements for said denial. The denial shall be delivered in the same manner as in subsection (A)(3)(b)1. above.

(c) Proof of delivery of either item in subsection (A)(3)(b)2. above shall be retained by the zoning official issuing said item, and all records relating to a permit application shall be similarly retained and available for inspection, within seven calendar days of a written request for said inspection; and

(d) In the event of the absence of a Zoning Administrator, or person temporarily responsible for the Administrator's duties, or said Administrator or person willfully fails to perform the duties outlined above in the required period of time, the City Clerk shall be empowered to issue building permits. This empowerment of the City Clerk shall not be construed as a limitation on the City Council's ability to levy penalties or fines on individuals for violations of this appendix.

(4) Notwithstanding the foregoing, no building permit shall be issued for construction unless or until the lot or parcel upon which such construction is proposed has been platted in a final plat approved by the city under the provisions of App. B of the code of ordinances of the city and there are no applications pending that have not received final approval of the city to amend or re-plat the property.

(B) *Certificate of compliance.*

(1) No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of compliance has been issued by the Zoning Administrator. The certificate of compliance shall be issued only after the Zoning Administrator makes a finding that:

(a) The building or structure has been erected or structurally altered in conformance with the provisions herein and other health and building laws and in accordance with a building permit; and

(b) The lot or parcel of land upon which the building or structure has been constructed is the subject of a final plat approved by the City Council. No certificate of compliance shall be issued if an application for platting, re-platting or amending a prior plat is pending and has not been finally approved by the city in conformance with the provisions of App. B of the code of ordinances of the city.

(2) Certificates of compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection and alterations of such building have been satisfactorily completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies furnished on request to any person having a proprietary or tenancy interest in the building affected.

(C) *Certificate of continued occupancy of non-conforming uses.*

(1) Certificates for the continued occupancy of non-conforming uses existing at the time of passage of this appendix, or made non-conforming by this appendix shall state that the use is a non-conforming one and does not conform with the provisions of this appendix. The Zoning Administrator shall notify the owners of the property being used as a non-conforming use and shall furnish said owner with a certificate of occupancy for such non-conforming use.

(2) Upon the change of ownership of property which has been classified as a non-conforming use, the buyer of such property must obtain a certificate of ownership and a non-conforming permit for such non-conforming use from the Zoning Administrator prior to the commencement of his or her occupation of the property. Such buyer shall pay all prescribed fees for the issuance of such certificate. A non-conforming certificate will expire six months after date of issuance unless property is used within the six-month period.

(D) *Use permit.* No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the Zoning Administrator. No such use permit shall be issued to make such change unless it is in conformity with the provisions herein and amendments hereto, hereafter duly enacted.

(E) *Continuance of existing uses.* Nothing herein shall prevent the continuance of the present lawful occupancy or lawful use of any existing building or zoning lot, except as may be necessary for the safety of life and property and except as provided herein.

(F) *Satellite receiver permits.* For dish-type satellite receiver permits, the applicant need only submit a plot plan indicating exact location. Permits are only required for dish-type satellite receivers 40 inches in diameter or larger. No fee shall be required.
(Ord. 81-6-1, passed 6-2-1981; Ord. 91-5, passed 3-5-1991; Ord. 99-30A, passed 6-29-1999; Ord. 2000-8, passed 4-18-2000; Ord. 2006-11, passed 7-5-2006; Ord. 2011-02, passed 2-1-2011)

§ A-157 FEES.

Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations and for appeals to the Zoning Board of Appeals shall be established by action of the City Council from time to time. Such fees shall be paid to the City Clerk who shall give a receipt therefor and account for same at regular intervals to the City Council. A copy of the existing fee schedule as amended from time to time shall be attached to the Zoning Ordinance of the city, as amended.
(Ord. 81-6-1, passed 6-2-1981; Ord. 98-02, passed 2-17-1998; Ord. 2003-23, passed 11-4-2003)

§ A-158 PENALTIES.

A violation of any section of this appendix shall constitute a petty offense. If that violation continues, it shall constitute a separate offense subjecting the violator to separate prosecutions for said violation.
(Ord. 81-6-1, passed 6-2-1981)

§§ A-159—A-164 RESERVED.

ARTICLE XVI. AMENDMENTS

§ A-165 PETITION FOR AMENDMENT.

(A) The City Council, the city's Planning Commission and other governmental bodies may apply for an amendment in the text herein, and in the accompanying zoning map made a part hereof. Any petition for an amendment by a private party shall be accompanied by a filing fee as established by the City Council, which fee shall be deposited with the city and no part shall be returnable to the petitioner.

(B) The petition for amendment shall state the property location for which the amendment is requested, the name of the property owner and a statement describing the amendment requested.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2011-03, passed 2-1-2011)

§ A-166 REVIEW OF PETITION.

The regulations imposed and the zoning districts created hereunder may be amended by ordinance, but no such amendment shall be made by the City Council without public notice and without a public hearing before the Planning Commission of the city. The Planning Commission shall hold the public hearing and forward its recommendations to the City Council within 45 days of the date the petition was submitted to the Planning Commission unless it is withdrawn by the petitioner.
(Ord. 81-6-1, passed 6-2-1981)

§ A-167 NOTICE OF PUBLIC HEARING.

The Planning Commission of the city shall cause notice of public hearing of petitioner's application to be given in the following manner:

(A) By publishing notice of the time and place of such public hearing at least once, not more than 30 days and not less than 15 days before the hearing in one or more newspapers published in the city or if no newspaper is published therein, then in one or more newspapers with a general circulation in the city;

(B) By causing said notice to contain the particular location for which the amendment is requested, as well as a brief statement describing the proposed amendment; and

(C) By notifying such property owners, groups or organizations as it deems desirable of the proposal.
(Ord. 81-6-1, passed 6-2-1981)

§ A-168 WRITTEN PROTEST.

In the event of written protest against the proposed amendment, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district, filed with the City Clerk, such amendment shall not be passed by the City Council, except by the favorable vote of two-thirds of all the elected members of the City Council.
(Ord. 81-6-1, passed 6-2-1981)

§§ A-169—A-174 RESERVED.

ARTICLE XVII. INTERPRETATION AND SEPARABILITY

§ A-175 INTERPRETATION AND SEPARABILITY.

(A) In interpreting and applying the provisions herein, they shall be held to be the minimum requirements for the promotion of the safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this appendix to interfere with, abrogate, annul or repeal any ordinances, rules or regulations previously adopted, and not in conflict with any of the provisions herein or which shall be adopted, pursuant to law relating to the use of buildings or premises, nor is it intended to

interfere with or abrogate or annul any easements, covenants or other agreements between parties; except that, where this appendix imposes a greater restriction upon the use of land, buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by such other ordinances or such other easements, covenants or agreements, the provisions herein shall control.

(B) It is hereby declared to be the intention of the City Council of the city that the several provisions of this appendix are separable, in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this appendix to be invalid, such judgement shall not affect any other provision of this appendix not specifically included in said judgement; and

(2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this appendix to a particular property, building or other structure, such judgement shall not affect the application of said provision to any other property, building or structure not specifically included in said judgement.
(Ord. 81-6-1, passed 6-2-1981)

§§ A-176—A-184 RESERVED.

ARTICLE XVIII. LEGAL STATUS PROVISIONS

§ A-185 INTERPRETATION.

(A) *Minimum requirements.* The provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

(B) *Relationship with other laws.* Where the conditions imposed by any provision herein upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision herein or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

(C) *Effect of existing agreements.* This appendix is not intended to abrogate any easement, covenant or any other private agreement; provided that, where the regulations of the ordinance are more restrictive (or impose higher standards or requirements) than such easement, covenants or other private agreements, the requirements herein shall govern.
(Ord. 81-6-1, passed 6-2-1981)

§ A-186 SEPARABILITY.

It is hereby declared to be the intention of the city that the several provisions of this appendix are separable, in accordance with the following.

(A) If any court of competent jurisdiction shall adjudge any provision of this appendix to be invalid, such judgement shall not affect any other provisions not specifically included in this judgement.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this appendix to a particular property, building, or other structure, such judgement shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgement.
(Ord. 81-6-1, passed 6-2-1981)

§ A-187 EFFECTIVE DATE.

This appendix shall be in full force and effect from and upon its passage, approval and publication as required by law.
(Ord. 81-6-1, passed 6-2-1981)

APPENDIX B: SUBDIVISIONS

APPENDIX B: SUBDIVISIONS

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ARTICLE I. GENERAL PROVISIONS

§ B-1 TITLE.

This appendix may be cited as “The 2009 Land Subdivision Ordinance of the City of Petersburg, Illinois”.
(Ord. 2009-03, passed 4-7-2009)

§ B-2 JURISDICTION.

The subdivision jurisdiction of the city shall include all land within the corporate limits of the city and all unincorporated land within one and one-half miles of the corporate limits of the city.
(Ord. 2009-03, passed 4-7-2009)

§ B-3 PURPOSE.

It is the purpose of this appendix to promote growth and development and to regulate and control the division of land within the subdivision approval jurisdiction of the city in order:

(A) To provide for the legal and orderly division of land by requiring proper description, documentation and recording of subdivided land; and

(B) To promote growth of the community which protects the public health and safety and provides essential public services to existing and future residents.
(Ord. 2009-03, passed 4-7-2009)

§ B-4 SEVERABILITY.

If any section, provision or portion of this appendix is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the appendix shall not be affected by that decision.
(Ord. 2009-03, passed 4-7-2009)

§ B-5 PLAT; WHEN REQUIRED.

(A) It shall be unlawful for a subdivider of land within the subdivision jurisdiction of the city to do any of the following without submitting a plat for approval by the city in accordance with applicable laws of the state and the provisions of this appendix: subdivide land into lots, blocks, streets, alleys or public open space, to make improvements upon such subdivided land or transfer title to any such subdivided land.

(B) The provisions of this appendix shall not apply and no plat is required in any of the following instances. See §§ 0.01 et seq. of the Plats Act, 765 ILCS 205/0.01 et seq.:

(1) The division or subdivision of land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access;

(2) The division of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access;

(3) The sale or exchange of parcels of land between owners of adjoining and contiguous land, except where the transfer results in the creation of an additional buildable lot;

(4) The conveyance of parcels of land or interests therein for the use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;

(5) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;

(6) The conveyance of land owned for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(7) Conveyances made to correct descriptions in prior conveyances;

(8) The sale or exchange of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on 7-17-1959 and not involving any new streets or easements of access. If a division for which an exemption is claimed pursuant to this subsection (B)(8)

results in one part being greater than five acres and the other part being less than five acres, then the subsequent division of the part greater than five acres shall qualify for the exemption set forth in subsection (B)(9) of this section; and

(9) The sale of a single lot less than five acres from a tract of five acres or larger when a survey is made by a state-registered land surveyor; provided, however, that, this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on 10-1-1973.

(C) A tract survey shall be required for a division or subdivision of land for which no plat is required under subsection (B) above. All tract surveys shall be subject to approval by the Zoning Administrator and recording in accordance with the applicable provisions of this appendix.

(D) (1) Where a subdivider proposes subdivision of a tract of land into no more than two lots either or both of which is five acres or less, the City Council, upon recommendation by the Planning Commission, may vote by resolution to waive application of the provisions of this appendix to such subdivision or land if the following conditions are met.

(a) The City Council determines that the intent and purposes of this appendix will not be violated by waiver of such requirements.

(b) Public water is available.

(c) No street dedication or access easement is necessary;

(d) The subdivider presents to the City Council certification from the appropriate jurisdiction that an adequate entrance exists or that an entrance permit may be obtained.

(e) The existing street access has curbs and sidewalks or there are no existing or planned curbs and sidewalks within 1,200 feet of the land to be subdivided.

(f) Public sanitary and storm sewers are available if within the city limits.

(g) The subdivider proposes to subdivide or re-subdivide existing tracts into two or more lots where each newly created lot has built thereon a separate building erected at least ten years prior to the submittal of the proposal; provided that, each newly created lot has access to a dedicated public street and, further that, such a division does not create new non-conforming uses or structures.

(2) Minor subdivisions shall be subject to the tract survey requirements established by this appendix.
(Ord. 2009-03, passed 4-7-2009)

§ B-6 RULES AND DEFINITIONS.

(A) Unless otherwise expressly stated, the following words shall, for the purpose of this appendix, have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this appendix shall be construed to have its legal definition.

(1) The present tense includes the future tense, and vice versa.

(2) The masculine gender includes the feminine and neuter.

(3) The singular includes the plural, and vice versa.

(4) The use of the word ***DAY*** or ***DAYS*** refers to calendar days.

(5) The word ***SHALL*** is always mandatory; the word ***MAY*** is always discretionary.

(B) For the purpose of this appendix, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public way used primarily as a service access to the rear or side of a property which abuts on a street.

AS BUILT PLANS. Final plans and engineering specifications showing any changes from the construction plans for a particular improvement and indicating in detail how the project was constructed. Such plans shall show all public facilities as built on the surface and underground, both on public property and on easements and shall also indicate all private utility locations that are known. Details shown include: sanitary and storm sewers; manholes; invert grades; benchmarks; location of sanitary sewer laterals; street inlets; hydrants; general flow of surface water; and grades for drainage swales on the lot. The ***AS BUILT PLANS*** shall bear the seal of a registered professional engineer certifying that construction was completed in conformance with the plans and specifications.

BLOCK. A tract of land bounded by streets, or by a combination of streets, parks, railroad rights-of-way, bodies of water, corporate city limits or lines of demarcation.

CITY CLERK. The City Clerk of the City of Petersburg, Illinois.

CITY ENGINEER. A licensed professional engineer or engineering firm appointed to that title by the Mayor or any licensed professional engineer or engineering firm retained by the city to consult on a particular development or project.

COLLECTOR STREETS. Streets penetrating neighborhoods collecting traffic from local streets and channeling it into the arterial street system. A minor amount of through traffic may be expected, but ***COLLECTOR STREETS*** primarily provide land access service and carry local traffic movements within residential neighborhoods and commercial and industrial areas.

CONSTRUCTION PLANS. The drawings prepared in the manner and containing the data, documents and information required by ***CONSTRUCTION PLANS***.

COUNTY. The County of Menard, Illinois.

COUNTY CLERK. The Clerk of Menard County, Illinois.

COVENANTS. Private obligations or restrictions applicable to lots within a subdivision or development and running with the land pursuant to a recorded instrument.

CUL-DE-SAC. A permanent street with a single access point that ends in a turnaround and cannot be further extended without taking property not dedicated as a street. A ***CUL-DE-SAC*** begins at its point of intersection with a street with multiple access points.

DEDICATE. To transfer ownership of land, either in fee simple or a partial interest to the public, for a public use. For a ***DEDICATION*** to be completed, it must be accepted by the relevant public body.

DRAINAGE COURSE. A natural watercourse, swale, depression or ditch through which surface waters and storm waters drain.

EASEMENT. A right of use enjoyed by a private party or the public over the property of another. The legal title and all other rights associated with ownership are retained by the property's owner.

EXISTING TOWNSHIP HIGHWAY. Any public road in a township which is owned and maintained by the township.

FINAL PLAT. The map of a subdivision prepared in the manner and containing the data, documents and information required by this appendix.

FIRE DEPARTMENT. The City of Petersburg Fire Department and any Fire Protection District, the territory of which encompasses land to be subdivided under the provisions of this appendix.

FLAG LOT. A lot located behind another lot or parcel with access to a public street only by a narrow strip of land extending from the buildable area of the lot to the street.

FLOODPLAIN. Special flood hazard area as determined by the Federal Emergency Management Agency based on 100-year flood.

LOCAL STREETS. Streets which primarily provide direct access to abutting land and access to major or minor arterial streets and roadways or collector streets and which do not satisfy the definition of a major or minor arterial street or roadway or collector streets. ***LOCAL STREETS*** offer the lowest

level of mobility and are generally shorter and narrower than other types of streets. Service to through traffic is deliberately discouraged.

LOCATION MAP. A preliminary drawing or map of a proposed subdivision containing the data and information required by this appendix.

LOT. A tract within a subdivision marked by the subdivider as a numbered tract to be offered as a unit of land for sale or transfer of ownership.

MAJOR ARTERIAL STREETS AND ROADWAYS. High volume traffic corridors serving major activity centers and allowing for travel over a long distance on a single roadway. Service to abutting land is subordinate to the provision of travel service to major traffic movements. ***MAJOR ARTERIALS*** are normally spaced on a one-mile grid pattern and may include expressways.

MINOR ARTERIAL STREETS AND HIGHWAYS. Streets and roadways which interconnect with and augment the major arterial street system and provide travel on a single roadway over a moderate distance at a somewhat lower level of travel mobility than major arterials. ***MINOR ARTERIALS*** provide land access and distribute travel to geographic areas smaller than those identified with major arterials.

MINOR SUBDIVISION. Any subdivision of land into two or fewer lots (counting the original tract from which the lots are created) which front along a public road.

OFFICIAL PLAN or ***PETERSBURG LAND DEVELOPMENT PLAN.*** Any current Comprehensive Plan, developed and adopted by the city.

OWNER. The person(s), entity(ies), trust(s) or corporation(s) in which is vested legal title to a particular property. Where this appendix requires that the name of an ***OWNER*** be listed, and the property in question is owned by a trust or corporation, in addition to providing the name of the entity property owner, the names of all beneficiaries of a trust or the names of all directors and officers of a corporation must be disclosed.

PAVEMENT WIDTH. The distance from the edge of the pavement to the edge of the pavement, but not including curb and gutter.

PERSON. An individual, partnership, association, firm, trust, club, institution, company, corporation or other legal entity recognized under the laws of the state.

PLANNING COMMISSION or ***COMMISSION.*** The Petersburg Planning Commission established by the city.

PLAT. A map of a specific area showing the locations and boundaries of parcels of land subdivided into lots, including public improvements, prepared in accordance with the provisions of this appendix.

PRELIMINARY PLAN. A plan of a proposed subdivision or greater area prepared in the manner and containing the data, documents and information required by this appendix.

PRIVATE STREET. A purported street, way or strip of land reserved for the use of a limited number of persons or purposes and which is not a publicly dedicated street.

PUBLIC CROSSWALK. A ten-foot right-of-way through the interior of a block in which a sidewalk meeting the construction standards of this appendix is built.

PUBLIC IMPROVEMENT. Any street, road, highway, sanitary sewer, storm sewer, drainage way, water main, sidewalk, parkway or other facility which the city or other governmental unit owns, maintains and operates or which is created by a subdivider with the intent that it will be dedicated, accepted, owned and maintained by the city or other governmental unit.

PUBLIC STREET. A street owned and maintained by a governmental body.

RECORD. To file a final plat or tract survey approved by the city with the county's Recorder of Deeds.

RIGHT-OF-WAY. A strip of land which has been dedicated in fee simple to a public body for streets, alleys and other public improvements as determined by the public body.

SANITARY SEWER. A constructed conduit connected with a system for the treatment and disposal of sanitary waste that is designed to carry liquids and solids associated with domestic sewage other than storm water to the city's sanitary sewer treatment plant.

SETBACK. The distance between any structure on a lot and a boundary line of the lot closest to that structure.

SKETCH PLAN. A general layout of a proposed subdivision prepared in the manner and containing the information required by this appendix.

STORM SEWER. A constructed conduit for carrying only storm water to a drainage course.

STORM WATER. Water from roof downspouts, basement footing perimeter drains and yard drains, as well as surface runoff.

STUB STREET. An incomplete or dead end street located in a proposed subdivision that is to be developed in stages and the completion of which is demonstrated in the preliminary plan for the subdivision as a whole.

SUBDIVIDER. Any or all owners, agents or persons controlling land who commence or are required by this appendix or state law to commence proceedings under this appendix by submitting

location and sketch maps to the Planning Commission Office or by making land improvements in the form of buildings, drives and utilities, but not necessarily involving the actual division of land.

SUBDIVISION or ***SUBDIVISION OF LAND.*** The:

(a) Division of land into two or more parts, any of which is less than five acres in size (see § B-5(B) for exemptions); and

(b) Dedication of streets or easements of access.

SUPERINTENDENT OF HIGHWAYS. The county's Superintendent of Highways.

SURETY. A bonding agency that is qualified to do business in the state.

THROUGH LOT. Any lot which is not a corner lot and which adjoins two streets that are parallel or within 45 degrees of being parallel to each other.

TOWNSHIP HIGHWAY COMMISSIONER. The Township Highway Commissioner for the township in which the subdivision is located.

TRACT SURVEY. A land survey made by a state professional land surveyor, complying with the requirements of § 1 of the Plat Act, 765 ILCS 205/0.01, as now or hereafter amended, and § 9-55 of the Property Tax Code, 35 ILCS 200/9-55, as now or hereafter amended. ***TRACT SURVEYS AND PLATS*** shall be prepared consistent with the county's GIS coordinate system and final versions as recorded shall be submitted electronically in AutoCAD format.

TRAFFIC-CONTROL DEVICE. Any sign, signal, marking or device placed on or adjacent to a street or highway by authority of the city, the state's Department of Transportation or the county's Superintendent of Highways.

WATER DEPARTMENT. The Water Department of the city.

ZONING ADMINISTRATOR. The Zoning Administrator of the city.
(Ord. 2009-03, passed 4-7-2009)

§ B-7 DUTIES OF ZONING ADMINISTRATOR.

(A) The Zoning Administrator of the city shall be primarily responsible for administering this appendix.

(B) The Zoning Administrator shall:

(1) Receive all plats and other documents for filing with the city;

(2) Require that the proper number of plats and other documents as required by this appendix are filed by the subdivider;

(3) When required, provide timely and proper notice to all interested parties;

(4) Collect all fees, bonds or other evidence of security required by this appendix;

(5) Pay all such fees over to the Treasurer of the city;

(6) Verify, prior to the approval and signing of any final plat, that all necessary fees, bonds and other evidence of security have been paid or provided by the subdivider; and

(7) Perform additional duties as required by the Planning Commission or City Council.

(C) (1) The Zoning Administrator shall further be required to designate a representative of the city to fulfill his or her duties in the event the Zoning Administrator will be unavailable to fulfill those duties and to provide notice of the name and contact information for such designee.

(2) In addition to these general duties, the Zoning Administrator shall have all other duties required by this appendix or any other ordinance.
(Ord. 2009-03, passed 4-7-2009)

§ B-8 OUTLINE OF SUBDIVISION REVIEW PROCESS.

	# of Prints	*Reviewed By*	*Fees*	*Deadline for Filing*
Preliminary plan	11	Planning Commission, City Council	$250, plus $10 per lot	None
Construction plans	5	City Engineer	Inspection fee: 6% of estimate construction costs	30 days before submission of final plat
Final plat	8	Planning Commission, City Council	$250	1 year after approval of preliminary plan
Tract survey	2	Zoning Administrator	$100	180 days

(Ord. 2009-03, passed 4-7-2009)

§§ B-9—B-19 RESERVED.

ARTICLE II. FILING PROCEDURE

§ B-20 APPLICABILITY.

When a subdivider is required to submit a preliminary plan and/or a final plat of subdivision for review, such submission must comply with the requirements of § B-21 of this appendix.
(Ord. 2009-03, passed 4-7-2009)

§ B-21 GENERAL SUBMISSION REQUIREMENTS.

(A) The subdivider shall either:

(1) Submit 11 prints of required documents and any supporting data to the Zoning Administrator; or

(2) Submit two prints accompanied by an electronic version of required documents and any supporting data to the Zoning Administrator in an electronic format approved by the Zoning Administrator.

(B) All printed documents submitted to the Zoning Administrator must be printed on sheets up to 24 inches by 36 inches with matching lines if two or more sheets are necessary and shall have a scale no greater than 100 feet to one inch. All dimensions shall be to the nearest foot.

(C) If the subdivider submits only paper prints of the required documents, the Zoning Administrator shall retain one print on file, shall retain one print to be made available for review by the public and interested parties, shall submit one print to the City Engineer, City Council, Street Superintendent, Water-Sewer Superintendent and shall distribute the remaining five prints to the members of the Planning Commission. If the subdivider submits the required documents electronically, the Zoning Administrator shall retain one print on file, shall retain one print to be made available for review by the public and interested parties and shall submit electronic copies to the City Engineer and Planning Commission for review.

(D) The subdivider shall be responsible for satisfying all requirements of §§ 0.01 et seq. of the Plat Act, 765 ILCS 205/0.01 et seq., and all other applicable state laws and shall be responsible for providing any notice or documents to other governmental entities as required by such laws.
(Ord. 2009-03, passed 4-7-2009)

§ B-22 EXTENSIONS OF PERIODS FOR REVIEW.

Upon agreement of the subdivider, any period of review by the City Council, Planning Commission or City Engineer established by this appendix may be extended.
(Ord. 2009-03, passed 4-7-2009)

§§ B-23—B-34 RESERVED.

ARTICLE III. PRELIMINARY PLAN

§ B-35 PURPOSE.

The preliminary plan is intended to provide a detailed layout of the proposed subdivision showing the location of public improvements, lots, drainage and open space areas.
(Ord. 2009-03, passed 4-7-2009)

§ B-36 SUBMISSION REQUIREMENTS.

(A) The preliminary plan shall be consistent with the current zoning district classification of the property.

(B) Information to be shown on the preliminary plan shall include:

(1) The title under which the proposed subdivision is to be recorded; the names and addresses of the engineer, registered land surveyor, subdivider and owner of the tract with the name and address of the contact person to whom any notice is to be sent;

(2) North point, scale and date of preparation and any revisions;

(3) A notation stating "Preliminary Plan - Not to be Recorded by Recorder of Deeds";

(4) Total acreage of the area to be subdivided;

(5) Location of all present property lines and section lines;

(6) The location of all streets, watercourses and other existing features within the area to be subdivided and within 200 feet of the site;

(7) Location and dimensions of existing buildings and their proposed disposition;

(8) The existing utilities, drainage courses and culverts including the location and size of water mains, sanitary sewers and storm sewer outlets within the area to be subdivided and on the adjacent land;

(9) Contours referring to the NGVD 29 United States Geological Survey datum with intervals of two feet or less unless a greater interval is required because of terrain;

(10) The elevation of the 100-year floodplain if any portion of the land to be subdivided would be submerged by a 100-year flood. Adequate buildable area shall be provided above the elevation of the 100-year floodplain;

(11) Current lot numbers, locations and boundaries;

(12) Proposed location of sewer mains (may be shown on a supplemental sheet) sanitary sewers and storm sewer outlets;

(13) The proposed storm drainage system including preliminary drainage computations when detention or retention is likely to be needed (may be shown on a supplemental sheet). An assessment of long term erosion, sedimentation and runoff changes caused by the subdivision should be included;

(14) Proposed location of water mains and fire hydrants;

(15) Location, width (to the nearest foot) type of road surface and grade of all proposed streets, alleys and their associated rights-of-way;

(16) Proposed lot numbers, locations and boundaries;

(17) Location and width to the nearest foot of all utility easements. The subdivider shall determine the correct location of all easements to be shown on the preliminary plan from the utility companies;

(18) The location and boundaries of areas to be reserved for public use;

(19) The minimum setback requirements for the appropriate zoning district;

(20) Proposed staging of final plats if more than one final plat will be submitted. Such explanation of proposed staging shall include an explanation of traffic, utilities and other factors which would determine the sequence of development with the least impact on existing residents of the city;

(21) Draft of subdivision covenants;

(22) If the subdivision requires road access to a state, county or township road, written approval for such access by the state's Department of Transportation, the county's Highway Department or the township's Road Commissioner;

(23) Proposed location of street lights and signs;

(24) Proposed location of sidewalks; and

(25) Proposed location of curbs and gutters.
(Ord. 2009-03, passed 4-7-2009)

§ B-37 PRELIMINARY PLAN SUBMISSION, PUBLIC HEARING AND NOTICE.

(A) The subdivider shall submit the preliminary plan to the Zoning Administrator for review in accordance with the review process established by this appendix and accompanied by a filing fee of $250, plus $10 per lot. All copies of the preliminary plan shall be signed by a professional engineer licensed in the state and a registered land surveyor.

(B) (1) Upon receipt of a preliminary plan, the Zoning Administrator shall:

(a) Set a date for a public hearing on the preliminary plan to be held before the Planning Commission no less than 30 days after the date of receipt of the preliminary plan; and

(b) Within three days of receipt of such preliminary plan, provide notice of such plan, the date of public hearing on the plan and the availability of the plan documents for review to the following entities:

1. The president of the relevant school board;

2. The relevant fire department or fire protection district;

3. The city's Police Chief;

4. The city's Street Superintendent; and

5. The city's Water and Sewer Superintendent.

(2) Notice provided to the president of the school board must be sent via certified mail, return receipt requested.
(Ord. 2009-03, passed 4-7-2009)

§ B-38 PLANNING COMMISSION REVIEW AND RECOMMENDATION.

(A) The Planning Commission shall hold a public hearing upon the proposed preliminary plan. The Planning Commission shall consider and vote to make a recommendation of approval or disapproval to the City Council with respect to the preliminary plan at a public meeting held within 90 days after the

preliminary plan is filed with the Zoning Administrator. Failure of the Planning Commission to make a recommendation within 90 days shall constitute a negative recommendation to the City Council.

(B) The Planning Commission shall recommend approval of the preliminary plan if the Planning Commission finds that the plan meets all the requirements of this appendix. The Planning Commission's recommendation of approval or disapproval shall be transmitted in writing to the subdivider and to the City Council at or before the regularly scheduled City Council meeting next following the Planning Commission's decision.

(C) If the Planning Commission recommends approval of the preliminary plan, a certification of approval signed by the Chair of the Planning Commission shall be affixed to all prints and all prints of the preliminary plan or electronic versions of the plan held by the Planning Commission members shall be forwarded to the City Council for review. Such certification must state that approval of the preliminary plan does not constitute final plat approval and that the plan is not to be recorded.

(D) If the Planning Commission votes to recommend disapproval of the preliminary plan, the Planning Commission shall state any non-compliance with this appendix and shall include an explanation of any non-compliance with this appendix in its written recommendation to the subdivider and City Council. If the Planning Commission votes to recommend disapproval of a preliminary plan, the subdivider may submit an amended plan for review by the Planning Commission before the Planning Commission's recommendation of disapproval is submitted to the City Council for review if the subdivider indicates his or her intent to submit such amended plan at the meeting at which the Planning Commission votes to recommend disapproval. Any such indication by the subdivider constitutes agreement of the subdivider to extend the period of review of the preliminary plan by the Planning Commission and the City Council as provided herein. Such amended plan must be submitted to the Planning Commission within 14 days after the Planning Commission votes to recommend disapproval of the preliminary plan in accordance with the submission requirements provided in § B-21 of this appendix and notice of the filing of the amended plan shall be provided as required by § B-37 of this appendix. No additional filing fee shall be required. The Planning Commission shall review and vote upon the amended plan at a public meeting held within 30 days after receipt of such amended plan and shall provide notice of its recommendation in accordance with the requirements of this section.
(Ord. 2009-03, passed 4-7-2009)

§ B-39 CITY COUNCIL REVIEW.

(A) The City Council shall, at a regularly scheduled meeting held within 30 days after receipt of the Planning Commission's recommendation, vote upon a resolution to approve or disapprove the preliminary plan. Failure of the City Council to act upon the preliminary plan within 30 days shall constitute disapproval. The subdivider may appear and be heard at such meeting.

(B) If the City Council votes to approve the preliminary plan, a certification of approval signed by the Mayor and City Clerk shall be affixed to all prints of the preliminary plan. One such certified print shall be returned to the subdivider and one such print shall remain on file with the Zoning Administrator.
(Ord. 2009-03, passed 4-7-2009)

§ B-40 VALIDITY OF PRELIMINARY PLAN.

(A) The preliminary plan shall be valid for a period of one year after City Council approval, except as provided in subsection (B) below. If a final plat is not submitted within one year after City Council approval of the preliminary plan, the preliminary plan shall be deemed invalid and resubmission of the preliminary plan for review in accordance with this appendix shall be required.

(B) If the subdivision is to be developed in stages, the preliminary plan shall remain valid until the final plat for the last stage of development is submitted; provided that:

(1) The preliminary plan includes a description of the intended stages of development; and

(2) The final plat for the first stage is submitted within one year of preliminary plan approval.
(Ord. 2009-03, passed 4-7-2009)

§§ B-41—B-54 RESERVED.

ARTICLE IV. CONSTRUCTION PLANS

§ B-55 PURPOSE.

Construction plans are intended to show the design of public improvements for the subdivision so that a determination can be made as to whether city standards for engineering, construction and installation of public improvements are met and whether the improvements are compatible with existing public improvements in and adjacent to the location of the proposed subdivision.
(Ord. 2009-03, passed 4-7-2009)

§ B-56 SUBMISSION REQUIREMENTS.

(A) Construction plans shall be submitted on sheets not larger than 24 inches by 36 inches and to a scale of not more than 100 feet to one inch.

(B) Construction plans shall include the following information:

(1) Cover sheet showing the location of the development; scales and symbols that are used in the plans; index of sheets; summary of quantities; appropriate space for approval of the City Engineer; and the signature and seal of a professional engineer licensed in the state;

(2) North arrow and bench marks with their elevations noted. Benchmarks shall be referenced to mean sea level NAVD datum as determined by the United States Geological Survey;

(3) Plan sheets showing the locations of all existing streets, right-of-way lines, sanitary sewers, storm sewers, sidewalks, street lights, electric, gas and other utility lines, drainage ditches, easements, rear lot drainage, direction of storm drainage flow, survey monuments, water mains and lines, fire hydrants, and any other appurtenance or structure that might influence design considerations;

(4) Profile sheets indicating the existing ground line and proposed grades and elevations for all proposed streets, storm sewers, sanitary sewers, drainage structures, drainage ditches and rear lot drainage. Elevations shall be referenced to the United States Geological Survey datum;

(5) Typical sections of proposed streets showing the right-of-way lines, proposed pavement widths, pavement thickness, base thickness, sub-base thickness, subgrade, crown, curbs and gutters, sidewalks and design data;

(6) Diagrams showing the design details of manholes, inlets, catch basins, curbs and gutters, drainage structures and any other structure or appurtenance to be constructed, based upon and referencing the latest edition of *Standard Specifications for Road and Bridge Construction* published by the Illinois Department of Transportation;

(7) Computations and design specifications demonstrating the function of storm sewers, special structures and pavement in relation to fire flow when required;

(8) Detailed description of erosion control measures to be taken during construction;

(9) Drainage and detention plans for each watershed that is affected by the construction of that final plat, including any watershed that is only partially affected by the proposed subdivision construction. When a subdivider anticipates that the subdivision will be completed in stages involving multiple final plats, provisions shall be made in the construction plans if necessary for temporary detention works for each plat as each plat is built until all drainage works for the entire subdivision are completed;

(10) Shop drawings, mix designs and material submitted by the subdivider's contractor(s);

(11) Proof of application for an access permit from the county's Highway Department or the state's Department of Transportation when access to a county or state highway is necessary;

(12) Proof of application for a permit required under § 404 of the Clean Water Act, 33 U.S.C. § 1344, if any dredging, rip rapping, fill work or similar activities will be conducted in or around streams and other bodies of water;

(13) State Environmental Protection Agency permits for sanitary sewer and water main construction, if required;

(14) Proof of acquisition of a state or county access permit or § 404 Clean Water Act permit, if applicable; and

(15) Any other specific additional information as may be requested by the City Engineer.
(Ord. 2009-03, passed 4-7-2009)

§ B-57 CONSTRUCTION PLAN REVIEW PROCESS.

(A) After receiving approval of the preliminary plan and no later than 30 days prior to submission of the final plat for review, the subdivider shall either submit:

(1) Five print sets of construction plans to the Zoning Administrator; or

(2) Submit two prints accompanied by electronic versions of all construction plan documents and any supporting data to the Zoning Administrator.

(B) (1) If the subdivider submits only paper prints of the required documents, the Zoning Administrator shall retain one print on file, which print shall be made available for review by the public and interested parties, and shall submit one print each to the City Engineer, City Council, the City Street Superintendent and the City Water and Sewer Superintendent.

(2) If the subdivider submits the required documents electronically, the Zoning Administrator shall retain one print on file for review and shall submit electronic copies to the City Engineer, City Street Superintendent and City Water and Sewer Superintendent.

(C) The City Engineer shall, within 30 calendar days after all items of information required by § B-56 of this appendix have been submitted, review the construction plans and notify the subdivider in writing of the Engineer's approval of the plans or of any changes that must be made before approval will be granted.

(D) (1) Where the City Engineer notifies the subdivider that changes to construction plans will be required prior to approval, the subdivider shall submit revised plans to the City Engineer within 14 days of receipt of such notice.

(2) The City Engineer shall inform the subdivider of the number of sets of revised plans to be submitted.

(3) The City Engineer shall complete his or her review of any revised plans within 14 calendar days of receipt of such revised plans, unless the subdivider agrees to an extension of the period of review.

(E) Approval of construction plans shall be granted only if the City Engineer determines that the construction plans comply with the requirements and standards imposed by this appendix and all other applicable construction and design standards. The City Engineer shall certify his or her approval in writing to the subdivider and the Zoning Administrator. Any changes to the approved construction plans are subject to review and approval by the City Engineer and must be certified in accordance with this section prior to construction of such changes.
(Ord. 2009-03, passed 4-7-2009)

§§ B-58—B-69 RESERVED.

ARTICLE V. FEES, CONSTRUCTION AND BONDING OF PUBLIC IMPROVEMENTS

§ B-70 COMMENCEMENT OF CONSTRUCTION.

No subdivider shall begin construction of any public improvements until construction plans have been approved in accordance with § B-57 of this appendix. Construction must begin within one year of approval of the construction plans. Failure to commence construction within one year shall result in expiration of approval of the construction plans and the subdivider shall be required to resubmit construction plans for review in accordance with the requirements of §§ B-56 and B-57 of this appendix.
(Ord. 2009-03, passed 4-7-2009)

§ B-71 NOTIFICATION OF CONSTRUCTION.

The City Engineer shall be notified at least ten days before construction of public improvements begins. Construction shall begin only after approval of construction plans and payment of the review and inspection fee as set forth in § B-72 of this appendix. It shall be a violation of this appendix for any subdivider to begin construction or development of any public improvements within a subdivision prior to approval of construction plans by the City Engineer. Whenever construction stops for 72 hours or more, the Zoning Administrator shall be notified at least 48 hours prior to resuming construction.
(Ord. 2009-03, passed 4-7-2009)

§ B-72 REVIEW AND INSPECTION FEES.

(A) Before starting construction of any public improvements, the subdivider shall be assessed and shall deposit with the Zoning Administrator for the city an amount equal to 6% of the estimated construction cost as approved by the City Engineer for all public improvements to be constructed or installed in the subdivision (including, but not limited to, grading, drainage, roadway, sidewalk, sewer, waterline, lighting, curb and gutter and other improvements which are to be dedicated to public use or which benefit the subdivision generally) as approved by the City Engineer. One-sixth of said assessment (an amount equal to 1% of the total construction cost) shall be retained by the city.

(B) The remainder of the fee required by this section (an amount equal to 5% of the total construction cost) is intended to reimburse the city for charges incurred by the city for engineering costs connected to the review and inspection of the preliminary plan, construction plans and final plat and the construction of the public improvements. In the event that the engineering expenses incurred by the city are in excess of the amount initially paid by the subdivider, the city shall bill the subdivider for the difference, and such amount shall be paid by the subdivider prior to approval by the city of the final plat. If the cost of inspection services is less than the 5% cash deposit, the unused balance shall be refunded to the subdivider by the city when all improvements have been accepted by the city and final billing rendered by the City Engineer.

(C) The 6% fee requirement may be adjusted to a greater or lesser amount upon recommendation of the City Engineer and approval by the City Council. All filing fees previously paid to the city by the subdivider in relation to a particular subdivision shall be credited toward the fee required by this section for that subdivision.
(Ord. 2009-03, passed 4-7-2009)

§ B-73 INSPECTION OF CONSTRUCTION.

(A) *Appointment of foreperson.* The subdivider shall designate a foreperson or superintendent to oversee all phases of construction and the name and phone number of such designated foreperson or superintendent shall be provided to the Zoning Administrator prior to commencement of any construction. Such designated foreperson or superintendent shall be present at the site of any construction at all times such construction is occurring. Any change in the designated foreperson or superintendent or his or her contact information must be reported to the Zoning Administrator immediately. If the foreperson or superintendent will not be available at the construction site for any period of time while construction is occurring, the subdivider shall designate an alternative foreperson or superintendent who shall be present during such construction and available for contact by the city. The subdivider shall notify the Zoning Administrator of the name and contact information for any such alternative foreperson or superintendent.

(B) *Inspection by city representative.*

(1) All construction of required public improvements shall be periodically inspected by the City Engineer, the City Street Superintendent, the City Water and Sewer Superintendent or another designated representative of the city. The Engineer's charges resulting from any re-inspection of any required improvement found to be faulty or not in accordance with the approved plans and specifications shall be paid by the subdivider in addition to the inspection fee required by this appendix. All public improvements must be approved by the City Engineer before they can be accepted by the city and the City Engineer or another representative of the city must provide written approval of each phase of construction before the next phase can begin.

(2) The testing of any concrete, asphalt, soil, other materials or workmanship shall be done at the direction of the city and at the expense of the subdivider.

(C) *Review and approval of test results.* The subdivider shall submit to the City Engineer for approval, test results for sanitary sewer, water main, pavement, gutter, sidewalk and grading. No construction of public improvements may be accepted by the city until such test results are approved.
(Ord. 2009-03, passed 4-7-2009)

§ B-74 SECURITY FOR PUBLIC IMPROVEMENTS.

(A) Prior to commencing construction of any public improvements, security in an amount equal to 125% of the estimated construction costs of such public improvements as determined by the City Engineer (including, but not limited to, grading, drainage, roadway, sidewalk, sewer, waterline and other improvements which are to be dedicated to public use or which benefit the subdivision generally) shall be deposited with the Zoning Administrator. The form and sufficiency of security shall be subject to the approval of the City Attorney and the City Engineer.

(B) Security may be in the form of a cash bond, a surety bond issued by a commercial surety licensed to do business in the state, or an irrevocable letter of credit or letter of commitment issued by a bank, savings and loan association, surety or insurance company. Security shall not be in a form that expires prior to acceptance of the public improvements by the city.

(C) (1) The bond or letter of credit shall by its terms secure payment of not only the cost of construction of the public improvements, but also of any additional review and inspection fees charged by the City Engineer and imposed by the city pursuant to § B-72 of this appendix.

(2) Notwithstanding that a subdivider has satisfied the security requirements of this section, the subdivider shall nevertheless be liable for the actual completion of such improvements, whether or not the security amount is adequate to complete such improvements.

(D) The security shall remain in effect until it is released by the City Council upon receipt of written certification of the City Engineer as to the completion and approval of the public improvements. All public improvements shall be completed within two years from the date of approval of such security. If public improvements have not been completed within said two-year period, the subdivider shall forfeit the security in the amount necessary for the city to complete the public improvements in accordance with the standards and requirements of this appendix, plus administrative costs.
(Ord. 2009-03, passed 4-7-2009)

§ B-75 APPROVAL OF CONSTRUCTION OF PUBLIC IMPROVEMENTS.

(A) Dedication of public improvements shall not be accepted until the City Engineer approves the construction of such improvements in writing to the City Council and the subdivider and certifies that the construction of all public improvements, including those not intended for dedication to the city, but generally benefitting the subdivision, complies with the approved construction plans and satisfies the standards and requirements of this appendix and all other applicable standards.

(B) Within 30 days after completion of all public improvements and before the City Engineer may approve construction of public improvements, the subdivider shall submit the following to the City Engineer:

(1) Two copies of all "as built" plans within 30 days of completion of all public improvements, except where construction is completed by the city, in which case as built plans must be supplied to the City Engineer by all contractors hired to work on the project;

(2) A signed statement from a professional engineer licensed in the state stating that the public improvements have been observed during construction and installed to the specifications shown on the construction plans, unless construction is completed by the city, in which case such certification shall be supplied by the City Engineer; and

(3) Security for all completed public improvements. Such security shall meet the requirements of § B-74 of this appendix; except that, such security shall remain in effect for one year and shall be in the amount of 10% of the total construction cost as determined by the City Engineer of those public improvements.

(C) The City Engineer shall approve construction of all public improvements upon receipt of all required submissions from the subdivider, inspection of the construction of such public improvements (including any repairs or corrections) and determination that such construction complies with the approved construction plans and all other applicable standards.
(Ord. 2009-03, passed 4-7-2009)

§ B-76 ACCEPTANCE OF PUBLIC IMPROVEMENTS.

(A) (1) Upon receipt of written notice of the City Engineer's approval, the subdivider shall execute and deliver to the city a dedication and bill of sale for said public improvements.

(2) Upon receipt of that document the City Council may by resolution accept the dedication and bill of sale and, upon such acceptance, shall record the dedication and resolution with the Recorder of Deeds of the county.

(B) (1) In areas within the city's jurisdiction, but outside the city's corporate limits, the developer is responsible to ensure that the standards and requirements of relevant other governmental entities are met and to obtain acceptance of the dedication of public improvements falling within the exclusive jurisdiction of such entities.

(2) The city's acceptance of public improvements falling within the city's exclusive jurisdiction does not constitute acceptance of any public improvements falling within the exclusive jurisdiction of any other governmental entity.

(C) Upon recordation of the dedication and bill of sale and resolution of acceptance, the city shall release any security held by the city for completion of public improvements that has not been forfeited in accordance with the provisions of this appendix.
(Ord. 2009-03, passed 4-7-2009)

§ B-77 EFFECT OF FINAL ACCEPTANCE.

The final acceptance by the city of public improvements and recordation thereof shall constitute acceptance by the city of title to and maintenance responsibilities for the public improvements, subject to the requirements imposed by this appendix. Any contractor's warranties in effect with respect to the public improvements shall be deemed assigned by the subdivider to the city upon acceptance by the city. No acceptance by the city of public improvements shall be deemed to be acceptance by the city of maintenance responsibility with respect to drainage swales or common areas within the subdivision. The city's acceptance of public improvements falling within the city's exclusive jurisdiction does not constitute acceptance of any public improvements falling within the exclusive jurisdiction of any other governmental entity.
(Ord. 2009-03, passed 4-7-2009)

§§ B-78—B-89 RESERVED.

ARTICLE VI. FINAL PLAT

§ B-90 PURPOSE.

The final plat is intended to provide the final and accurate location of lots, monuments, improvements and property dedicated to public use.
(Ord. 2009-03, passed 4-7-2009)

§ B-91 SUBMISSION REQUIREMENTS.

(A) The final plat need not cover the entire preliminary plan area. It may cover only the portion which the subdivider presently wishes to record and develop in accordance with the staging approved with the preliminary plan.

(B) The final plat submission shall include the following information on the plat and accompanying documents.

(1) *Final plat*.

(a) The name of the owner and subdivider;

(b) North point, scale and date of preparation and latest revisions;

(c) Boundary lines for the subdivision with accurate distances and angles;

(d) General land legal description of the plat with total acreage;

(e) The locations, dimensions and boundaries of all lots designated by numbers and the locations dimensions and boundaries of other grounds designated by names and numbers;

(f) The location of all survey monuments and their descriptions;

(g) The location of all easements for public use, services or utilities. Easements shall include anchor space for pole lines;

(h) An accurate outline of any portions of the subdivision intended to be dedicated for public use;

(i) Outlines of all proposed streets including their widths and names;

(j) The line of departure of one street from another;

(k) The names and widths of any adjoining streets;

(l) All dimensions, linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, easements and other areas for public or private use. Linear dimensions shall be given to the nearest one-one-hundredth of a foot;

(m) Radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners;

(n) If applicable, a note on the final plat stating: "Approval of this final plat by the City of Petersburg does not constitute a guarantee that well water is of adequate quantity or quality for residential needs or that a suitable sewage disposal system can be constructed on each lot". Any guarantees are the subdivider's responsibility;

(o) A statement indicating whether or not any part of the plat is located in a special flood hazard area or the 100-year floodplain as identified by the Federal Emergency Management Agency;

(p) A notation stating any setbacks required by covenants if the setbacks are different from those of the appropriate zoning district; and

(q) A notation stating that "Approval of this plat of subdivision does not constitute acceptance of the public improvements established herein. See Chapter 5, § 26, of the Petersburg Subdivision Ordinance for procedures addressing acceptance of public improvements".

(2) *Accompanying documents*. The following documents shall accompany the final plat:

(a) Written approval of construction plans from the City Engineer;

(b) A copy of any required access permit from the state or the county's Highway Department, as applicable;

(c) The certificate of a registered state land surveyor attesting to the accuracy of the survey and the location of all monuments shown. The certificate may be filed as a supplement to the final plat;

(d) Notarized acknowledgment of the plat by the owner or a duly authorized attorney, including identification of any required school district or other unit of local government required by law. This item may be a separate document or on the plat itself;

(e) Certification by subdivider of perpetual maintenance of drainage areas and common areas;

(f) Exhibit showing the location of wells and seepage field areas (must be large enough to accommodate two seepage fields) on each lot;

(g) Any covenants or restrictions applicable to the subdivision;

(h) A signed statement of a professional engineer licensed in the state and the owner of the land or his or her duly authorized attorney as required by § 2 of the Plat Act, 765 ILCS 205/2; and

(i) Copy of a certificate from the county's Clerk indicating that no delinquent taxes against the subdivision property are outstanding.
(Ord. 2009-03, passed 4-7-2009)

§ B-92 SUBMISSION AND NOTICE.

(A) The subdivider shall submit an original print of the final plat, an electronic copy in CAD or other format acceptable to the Zoning Administrator, and prints of the final plat to the Zoning Administrator for review in accordance with the review process established by this appendix, accompanied by a filing fee of $250, plus, if it has not already been paid, the review and inspection fee established pursuant to § B-72 of this appendix. A final plat shall be reviewed only after approval of the preliminary plan by the City Council and approval of the construction plans by the City Engineer.

(B) Upon receipt of a final plat, the Zoning Administrator shall:

(1) Set a date for a public hearing on consideration of the final plat to be held before the Planning Commission no later than 30 days after the date of receipt of the final plat; and

(2) Provide notice of submission of the final plat and the Planning Commission hearing to those entities described in § B-37(B) of this appendix.
(Ord. 2009-03, passed 4-7-2009)

§ B-93 PLANNING COMMISSION REVIEW AND RECOMMENDATION.

(A) The Planning Commission shall consider and vote to make a recommendation of approval or disapproval to the City Council with respect to the final plat at a public meeting held within 30 days after all of the required final plat documents have been filed with the Zoning Administrator. Failure of the Planning Commission to make a recommendation within 30 days shall constitute a negative recommendation to the City Council.

(B) The Planning Commission shall recommend approval of the final plat if the Planning Commission finds that the plat meets all the requirements of this appendix. The Planning Commission's recommendation of approval or disapproval shall be transmitted in writing to the subdivider and to the City Council at or before the regularly scheduled City Council meeting next following the Planning Commission's decision.

(C) If the Planning Commission recommends approval of the final plat, a certification of approval signed by the Chair of the Planning Commission shall be affixed to all prints and all prints of the preliminary plan or electronic versions of the plat held by the Planning Commission members shall be forwarded to the City Council for review.

(D) If the Planning Commission finds that the final plat does not meet the requirements of this appendix, the Planning Commission shall specify its disapproval in writing to the subdivider and the City Council and state the non-compliance found. The final plat and all related documents shall be forwarded to the City Council for review.
(Ord. 2009-03, passed 4-7-2009)

§ B-94 CITY COUNCIL REVIEW.

(A) A written recommendation from the Planning Commission shall be required before the City Council may consider approval of a final plat. The City Council shall, at a regularly scheduled meeting held within 60 days after receipt of the Planning Commission's recommendation, vote upon a resolution to approve or disapprove the final plat. Failure of the City Council to act upon the final plat within 60 days shall constitute disapproval. The subdivider may appear and be heard at such meeting.

(B) The final plat of subdivision may be approved by resolution of the City Council only after the following have occurred:

(1) All construction work is completed, or security is given, for construction of drainage and detention works for all watersheds affected by the final plat; and

(2) Either all construction of public improvements within the subdivision has been completed and written approval of such construction obtained from the City Engineer or adequate security for construction of all public improvements, consistent with the requirements of this appendix, has been obtained from the subdivider.

(C) If the City Council votes to approve the final plat, a certification of approval signed by the Mayor and City Clerk shall be affixed to all the original final plat and all prints. The original final plat shall be returned to the subdivider and one print shall remain on file with the Zoning Administrator.
(Ord. 2009-03, passed 4-7-2009)

§ B-95 RECORDING THE FINAL PLAT.

When the final plat has been approved by the City Council and signed by the Mayor and the City Clerk, the original shall be recorded in the office of the Recorder of Deeds of the county. Recording shall be made by, and at the sole expense, of the subdivider. If the final plat is not recorded within 12 months after approval by the City Council, the plat must be resubmitted to the Planning Commission to determine if any changes in the final plat are needed to meet the requirements of this appendix as now

or hereafter amended. No title to any lots shall be conveyed, nor shall any building permit be issued or any construction of any structure within the subdivision begin until the original final plat of subdivision approved by the City Council is recorded.
(Ord. 2009-03, passed 4-7-2009)

§§ B-96—B-109 RESERVED.

ARTICLE VII. SITE SUITABILITY AND PUBLIC IMPROVEMENT DESIGN STANDARDS AND SPECIFICATIONS

§ B-110 SUBDIVISION SITE SUITABILITY.

(A) *Essential utilities and public services.* Land proposed to be subdivided shall have essential utilities and public services available within a reasonable distance and time period. Land to which these essential utilities and services will not be so provided prior to occupancy shall be deemed unsuitable for subdividing. Essential utilities and services and criteria for determining if they can adequately be provided shall include the following.

(1) *Sewage disposal.* Sanitary sewer service must be currently available at the proposed subdivision site or it must be shown that the City Council has determined that sanitary sewer service will be available to the site within one year. If sanitary sewer service will not be available within one year, the proposed site shall be deemed unsuitable for subdividing unless it can be shown that adequate private sewage systems can be provided.

(2) *Fire protection.* There must be a public road providing adequate access for emergency vehicles to the site. Further, there must be available a system of water mains or other source of water adequate for firefighting purposes.

(3) *Streets.*

(a) The suitability of existing streets for access to the proposed subdivision and/or for incorporation into the proposed subdivision's street system shall also be considered. A street may be considered suitable if:

1. The street is constructed of all-weather material (e.g., concrete, asphalt, oil mat);

2. The paved area is at least 24 feet wide with a road bed 28 feet wide; and

3. The street has positive drainage.

(b) If a proposed street or proposed use of an existing street fails to satisfy all of the criteria set forth in subsection (A)(3)(a) above, the City Engineer, a representative of the Fire Department and the Zoning Administrator shall make a recommendation as to whether the street is suitable for the proposed development and, if deemed unsuitable, shall recommend improvements to be undertaken to make it suitable.

(4) *Police protection.* In determining the suitability of land for subdivision purposes, the distance that police would have to travel to respond to a call for service shall be considered.

(B) *Other requirements.* Land proposed to be subdivided must meet the following requirements.

(1) The development shall not be located in a 100-year floodplain or flood prone area.

(2) The development shall not be located in any environmentally sensitive area unless the subdivider can show that environmental impacts can and will be mitigated prior to development.

(3) The site shall be of a shape, size and terrain so that usable lots and streets in conformance with this appendix can and will be created.

(4) The development shall not significantly conflict with existing use of adjacent property (waste water treatment plants, power plants, major industrial plants, landfills, certain agricultural uses and the like) unless it is shown that factors which cause the conflict can and will be mitigated prior to development.

(5) The development shall not cause major off-site impacts and problems relating to, but not limited to, streets, drainage water system and parks. If it is determined by the Planning Commission that major off-site impacts will result prior to development, the subdivider shall mitigate the portion of the impact caused by the subdivision.

(6) When soils in the area to be developed have severe limitations for building site development or sanitary facilities as determined by the Natural Resources Conservation Service, the subdivider shall submit information indicating how these limitations will be addressed.

(7) Installation of electric, gas, cable and other applicable utility lines and infrastructure to each building site within the subdivision must be available.
(Ord. 2009-03, passed 4-7-2009)

§ B-111 CONSTRUCTION STANDARDS.

(A) Unless stated otherwise in this appendix, all construction of public improvements shall be performed in accordance with the latest revised edition of:

(1) The latest edition of *Standard Specifications for Road and Bridge Construction* published by the Illinois Department of Transportation; and

(2) The latest edition of *Standard Specifications for Water and Sewer Main Construction in Illinois*, published by the Illinois Society of Professional Engineers.

(B) If a subdivider faces a construction issue for which standards are not provided by either of the above-referenced works, the subdivider shall seek and abide by the determination of the City Engineer. Where installation of any utility infrastructure, including water and sewer lines, requires that lines be installed under roadways or other public improvements, such lines shall be installed prior to construction of such public improvements.
(Ord. 2009-03, passed 4-7-2009)

§ B-112 RIGHT-OF-WAY OF STREETS.

(A) The minimum width of a street right-of-way (R-O-W) shall not be less than the following:

Alley	20 feet R-O-W
Collector street	60 feet R-O-W
Existing road district	80 feet R-O-W
Local street	50 feet R-O-W
Major arterial	110-210 feet R-O-W
Minor arterial	80-100 feet R-O-W

(B) Additional rights-of-way may be required as determined by the City Engineer for drainage, slope, maintenance or other reasons not directly related to street classification.

(C) For subdivisions that adjoin existing streets, additional rights-of-way shall be dedicated, as needed based on the determination of the City Engineer, to meet the above requirements.
(Ord. 2009-03, passed 4-7-2009)

§ B-113 STREET DESIGN.

The following requirements shall be incorporated into the design of all streets.

(A) *Vertical alignment grades.* The maximum grade on a major or minor arterial shall be 5%. The maximum grade on all other streets shall be 8%. The minimum grade on all streets shall be 0.40%. All street grades shall be subject to the approval of the City Engineer.

(B) *Horizontal alignment.*

(1) *Horizontal curves.* When a centerline deflection angle is greater than one degree, the following curves shall be required in the street: major and minor arterials and collector streets shall have a minimum centerline radius of 300 feet and a minimum length of curve of 100 feet; arterials and collectors having a design speed and/or expected posted speed greater than 30 mph shall be consistent with the latest revision of the horizontal curvature requirements of the latest edition of *A Policy on Geometric Design of Highways and Streets,* published by the American Association of State Highway and Transportation Officials, for the appropriate roadway classification; all other types of streets shall have a minimum centerline radius of 100 feet. The pavement in all cases shall be wide enough to allow the movement of a WB-50 design vehicle, as described in the latest edition of *Standard Specifications for Road and Bridge Construction* published by the Illinois Department of Transportation.

(2) *Intersections.* Intersections of major and minor arterials and collectors with roadways of the same classes shall not be closer than one-quarter of a mile from any other such functionally classed roadways' intersections. These intersections shall be located at the quarter mile grid points.

(3) *Street offsets.* Street centerline offsets shall not be less than 125 feet, unless otherwise warranted to the satisfaction of the City Engineer.

(4) *Curb corners.* All curb corners shall have a minimum radius of 25 feet.

(C) *Pavement standards.*

(1) All local and collector streets shall be installed in accordance with the following pavement standards.

(a) *Subgrade.* Twelve-inch lime stabilized soil per latest IDOT standard shall be employed within the street area.

(b) *Asphalt.*

1. Pavement alternatives.

a. *Alternative A.* If the subgrade is treated as in above, the pavement design will consist of four inches of bituminous concrete binder course, Class I (A Binder) and two inches of bituminous concrete surface course, Class I (Gradation of coarse aggregate to be CA 16).

b. *Alternative B.* If the subgrade is not lime treated, the pavement shall consist of five inches of bituminous concrete binder course, Class I (A Binder) and two inches of bituminous concrete surface course Class I (Gradation of course aggregate to be CA 16).

c. *Alternative C.* Class A-3 if oil and chip is used, must be designed for a 20-year period pursuant to the specifications of the Illinois Department of Transportation. See the state's IDOT *Design Manual* for a 20-year period.

2. All subgrades shall be inspected by the City Engineer and if deemed necessary by the City Engineer, proof-rolled prior to paving.

3. If the street is a minor arterial, the above binder and surface shall be increased to six inches and two inches for the lime-treated and eight inches and two inches respectively for the non-lime-treated subgrades.

(c) *Concrete.*

1. *Pavement alternative.*

a. Regardless if the subgrade is treated, a minimum of six inches of unreinforced portland cement concrete pavement according to§ 420 of the latest edition of *Standard Specifications for Road and Bridge Construction* published by the Illinois Department of Transportation. All transverse contraction joints shall be 15 feet and sealed per the latest edition of *Standard Specification for Joint and Crack Sealants, Hot Applied, for Concrete and Asphalt Pavements*, ASTM D6690-15, published by ASTM International.

b. If the street is a minor arterial, the pavement shall be increased to eight inches. All transverse contraction joints shall be 20 feet and sealed per the latest edition of *Standard Specification for Joint and Crack Sealants, Hot Applied, for Concrete and Asphalt Pavements*, ASTM D6690-15, published by ASTM International.

2. *Pavement design.*

a. All major arterial pavements shall be designed for a 20-year period in accordance with the requirements contained in the latest, revised edition of the latest edition of *Standard Specifications for Road and Bridge Construction* published by the Illinois Department of Transportation. The minimum requirements listed in the tables of the *Design Manual* shall govern at all times.

b. An Illinois bearing ratio of 3.0 (IBR = 3.0) shall be used in pavement design unless the subdivider's engineer submits soil tests justifying a different IBR.

c. Vehicular traffic volumes and vehicle classification percentages used in the design shall be approved by the City Engineer.

(2) In all cases, the minimum street will govern if the above major arterial design is less.

(D) *Pavement width.*

(1) All streets shall be improved with pavements to an overall width in accordance with the following general guidelines, which are subject in every case to the discretion of the city.

Type of Street	***Pavement Width (edge to edge)***
Collector street	30 feet minimum
Local street	30 feet minimum
Major arterial	40 feet minimum and as required by IDOT
Minor arterial	32 feet minimum

(2) The minimum pavement width shall be 30 feet from the edge of pavement to edge of pavement, not including the curb and gutter. Variations in pavement width may be granted by the Planning Commission based upon anticipated traffic volumes and parking demand. The appropriate pavement width shall be determined by the Planning Commission and the City Engineer. If the Planning Commission authorizes a pavement width narrower than the above stated minimum, the subdivider shall install "no parking" signs at his or her expense.

(E) *Curb and gutter.*

(1) The standard curb and gutter required adjacent to flexible pavement shall be a mountable type constructed of portland cement concrete with the following dimensions: 24 inches wide, eight inches thick on the front face (pavement side), ten inches thick on the back face, seven inches thick at centerline (flow line) and a ten-inch radius in the flow line. The curb and gutter adjacent to concrete pavement, if poured monolithically, may be limited to the thickness of the pavement.

(2) In subdivisions proposed to have streets with an anticipated daily traffic volume of 2,500 or more, a barrier type curb and gutter similar to Type B6.18 as described in the latest edition of *Highway Standards*, published by the Bureau of Design and Environment of the Illinois Department of Transportation shall be used. A barrier type curb and gutter shall also be required in any location at which the City Engineer determines such curb and gutter are necessary.

(F) *Pavement crown.* The minimum crown used on all pavements shall be one-quarter inch per foot measured from the edge of the pavement to the centerline of the street.

(G) *Cul-de-sac streets.* Local streets that are also cul-de-sac streets shall be no more than 600 feet long unless necessitated by topography, in which case they shall be no longer than 1,000 feet unless provision is made for an interim turnaround with a radius sufficient to accommodate emergency vehicles and/or a median entrance. A turnaround shall be provided at the closed end having an outside roadway diameter of at least 86 feet edge to edge of pavement and a street right-of-way diameter of 110 feet. No obstructions shall be permitted in the cul-de-sac turnaround. A cul-de-sac street over 1,000 feet in length must be equipped with a special flushing hydrant.

(H) *Stub streets.* Access shall be provided to adjoining property not yet subdivided. Stub streets in the location of any proposed streets shall be extended by dedication to the boundary of such unsubdivided property. At the end of all temporary stub streets, a barricade meeting the provisions of the latest edition of the *Illinois Manual on Uniform Traffic Control Devices*, published by the Division of Highways of the Illinois Department of Transportation shall be installed by the subdivider. Stub streets in excess of 250 feet shall be provided with a temporary cul-de-sac with an outside roadway diameter of at least 90 feet. The type of construction shall be determined by the City Engineer. The subdivider shall dedicate a temporary easement to the appropriate street authority in the amount needed in excess of the normally required right-of-way for the temporary turnaround. When the street is extended, the extra turnaround pavement shall be removed and curb, gutters, and sidewalks shall be constructed in accordance with the requirements of this appendix by the subdivider who constructed the temporary stub street or by the individual who subsequently extends the street.

(I) *Multiple access.* Any area of development containing 20 or more single-family lots (or equivalent population) shall be served by two functioning points of access. Where higher densities of development are proposed, a divided type entrance roadway may be constructed with a median of adequate width to ensure continued emergency access lanes on one side. Depending on location and height of nearby poles or trees, the required median width shall range between 12 and 30 feet. This type of roadway construction is intended to accommodate higher density developments and not to increase the overall length of a cul-de-sac.

(J) *Restriction of access.* When a subdivision or a portion of it adjoins a major or minor arterial, no lot shall have direct access to the arterial. Such adjoining lot shall have adequate depth for screen planting on the portion of the lot contiguous to the major or minor arterial.

(K) *Street names, street signs and house or building numbers.*

(1) All proposed subdivision street names must be approved by the Zoning Administrator and streets shall be named so as to be consistent with and not duplicative of the names of existing city streets.

(2) Street name signs shall be erected at all intersections within the city's jurisdiction at the expense of the subdivider and shall comply with the specifications of the the latest edition of the *Illinois Manual on Uniform Traffic Control Devices*, published by the Division of Highways of the Illinois Department of Transportation.

(3) The subdivider shall notify the local post office and the county's Emergency Telephone System Board of the number and location of lots created by the subdivision. The subdivider shall establish address numbers. All address numbers must be approved by the Zoning Administrator.

(M) *Alleys.* Alleys are not recommended in residential subdivisions unless deemed necessary by the Planning Commission.

(N) *Ramps.* Where sidewalks cross a barrier type curb and gutter as described in subsection (E) above, ramps shall be constructed to accommodate the handicapped. These ramps shall be constructed to the lines and grades established by the latest edition of the *Bureau of Design and Environment Manual* published by the Division of Highways of the Illinois Department of Transportation, the latest edition of the *Illinois Manual on Uniform Traffic Control Devices*, published by the Division of Highways of the Illinois Department of Transportation, and § 41-6 of the latest edition of the *Bureau of Local Roads and Streets Manual,* published by the Division of Highways of the Illinois Department of Transportation. Inlets for storm drainage shall not be located so that a pedestrian way will be interrupted by the inlet grates. The City Engineer may also require a subdivider to install such ramps in any other location he or she deems necessary.

(O) *Typical street section.* (Appendix B).

(P) *Medians and islands.*

(1) Where medians or islands are proposed they shall be constructed with barrier curbing. All medians and islands shall be the responsibility of the subdivider and/or a subdivision association to maintain. Any signs placed in the median shall comply with the provisions of the city's Zoning Ordinance regulating signs.

(2) The subdivider or subdivision association may landscape medians or islands. Ground cover may not exceed a maximum height of 12 inches. Any additional living plant material must be maintained to allow visibility across, over or through medians and islands at a height of three to ten feet above the adjacent roadway pavements.

(Q) *Fire protection.* Roadways shall have an all-weather driving surface (minimum oil and chip) with 20 feet of unobstructed width. Where a bridge is required to be used as a part of the most direct fire truck access route, it shall have a minimum vertical clearance of 13 feet, six inches and be constructed and maintained to carry the live loads imposed by fire trucks.
(Ord. 2009-03, passed 4-7-2009)

§ B-114 LOT AND BLOCK DESIGN.

(A) *Size of lots.* Lots shall conform to the minimum size requirements of the applicable zoning jurisdiction in which the subdivision is located; except that, when private sewage disposal systems are to be used anywhere within the subdivision, subdivision lots utilizing such systems shall be a minimum of 20,000 square feet.

(B) *Lot arrangement.*

(1) Side lot lines shall be at right angles to straight street lines or substantially radial to curved street lines unless otherwise approved by the Planning Commission.

(2) Each lot shall front upon a public street and there shall be no private streets within a subdivision.

(3) Flag lots are prohibited unless the Planning Commission determines that such lots create no public health or safety problems or additional burden in providing municipal services.

(4) Through lots shall be permitted only when access is prohibited to one street as described in § B-113(J) of this appendix.

(5) All lots shall contain sufficient buildable area and comply with all applicable requirements of the city's Zoning Ordinance.

(C) *Sizes of blocks.* Blocks shall not be less than 400 feet, nor more than 1,200 feet, in length measured along the greatest dimension of the enclosed block area. In blocks over 800 feet in length, the Planning Commission may require one or more public crosswalks with a right-of-way of not less than ten feet in width to extend entirely across the block at locations deemed necessary at intervals not closer than 400 feet.

(D) *Survey monuments.* All survey monuments shall be located and be made of the appropriate material as required by state law.

(E) *Lot grading.*

(1) Trees that cannot be saved, stumps, boulders and similar items shall be removed from all subdivision lots.

(2) All grading in the subdivision shall be related to the topography of the surrounding area.

(3) All building lots shall be graded or have natural slopes that will properly allow surface drainage to flow away from the principal structures to be located on the lot.

(4) Grading in the subdivision shall provide alternate drainage ways for the purpose of carrying water away from homes and preventing damage during periods of heavy rainfall.
(Ord. 2009-03, passed 4-7-2009)

§ B-115 EROSION AND SEDIMENT CONTROL.

(A) During construction of public improvements, measures shall be taken to control erosion and sedimentation to ensure that sediment will not be transported from the site by a storm event of two-year frequency or less. The erosion and sediment control plan shall include measures to stabilize and protect disturbed areas, keep runoff velocities low, retain sediment on site and protect disturbed areas from runoff. The location, type and configuration of controls such as swales, berms, dams, sediment basins and release mechanisms shall be included with the construction plans.

(B) Temporary or permanent soil stabilization measures, whichever is applicable, shall be applied within 15 days after final grading to all areas where the soil has been disturbed or the vegetative cover removed. Seeding mixtures and rates, types of sod, method of seed bed preparation, expected seeding dates, type and rate of lime and fertilizer application and kind and quantity of mulch for temporary or permanent vegetative control measures shall be included with the construction plans.
(Ord. 2009-03, passed 4-7-2009)

§ B-116 UTILITY EASEMENTS; LOCATION OF UTILITIES.

(A) *Utility easements.*

(1) Utility easements shall be provided along front, rear or side lot lines for the purpose of erecting and maintaining one or more of the following facilities: water main; storm sewers; sanitary sewers; surface drainage; gas mains; underground electric lines; telephone lines; cable television; and other such utilities reasonably required for an urban structure.

(2) Easements shall be a minimum of ten feet in width. A particular utility line may be located within the street right-of-way if an applicable utility provider so desires and appropriate permits have been obtained.

(3) Alternate locations for various utilities shall be decided upon by the appropriate utility companies, subject to the approval of the City Engineer. In no case shall streets, permanent buildings or other human-made improvements that obstruct surface drainage be placed on rear or side lot easements.

(4) It is the responsibility of the subdivider to notify all utility companies in writing when the land to be developed has been graded in accordance with the construction plans and is ready for installation of a given utility.

(B) *Location of utilities.*

(1) Utilities (sewers, electric lines, telephone lines, cable, fiber optic, water lines and gas lines), whenever possible, shall be located in the public right-of-way or front lot easement in the following manner: water and electric lines shall be located on the south and east sides of the adjacent street; sanitary sewer and gas lines shall be located on the north and west sides of the adjacent street.

(2) All underground utilities crossing a roadway will be installed and terminated at each lot prior to road construction and construction.

(3) Storm sewers and electric lines shall not be placed in the rear of a lot, except with the approval of and in the manner determined by the City Engineer.
(Ord. 2009-03, passed 4-7-2009)

§ B-117 SURFACE WATER DRAINAGE.

(A) All subdivisions shall be developed with adequate surface drainage. Surface water drainage improvements shall consist of storm sewers and/or open channels, inlets, catch basins and manholes designed and constructed to conform with standards established by the City Engineer and shall adequately drain the area being developed, including drainage from other areas which naturally drain into or through the areas being developed. Inlets and/or catch basins shall be spaced so that water will not flow overland more than 500 feet and shall be located so that in no case will water be required to flow across a street. Water shall not be retained outside the center ten feet of any drainage utility easement. Inlets covered by a metal grate shall have a grate of a type that will not be hazardous to a bicyclist or a wheelchair.

(B) If, as the result of subdivision development, surface water is or will be deposited in existing roadside ditches in quantities exceeding their capacity prior to approval acceptance of the relevant roads, ditches and culverts, the subdivider shall improve the ditches and replace culverts as needed to handle the flow.

(C) Unless an exception is recommended by the City Engineer based upon engineering evidence presented by the subdivider, storm sewers which will drain 20 acres or less for residential development shall be designed and constructed to adequately manage water flows as indicated below:

Major and minor arterials	25-year storm frequency
All other areas	10-year storm frequency

(D) (1) It shall be the responsibility of the subdivider to provide grade control for rear lot drainage to each lot owner. Swales are not public works and shall not be dedicated to and accepted by the city; nevertheless, no construction surety shall be fully released and the public improvements dedicated to the city shall not be accepted until the City Engineer has approved the swales in the subdivision. The City Engineer will not approve any swale until adequate turf and/or grass has been established at the elevations set forth in the construction plans. Upon approval by the City Engineer, it shall be the lot owner's responsibility to maintain the drainage course and to keep it free from features that restrict natural drainage. All swales less than 1% in grade shall have either of the following:

(a) An eight-inch minimum underdrain pipe that allows water seepage as indicated on the drawing entitled "Detail of Yard Underdrain" attached hereto as Appendix A-5; or

(b) A portland cement concrete swale, five inches thick, as indicated on the drawing entitled "paved ditch detail" attached to this appendix as Appendix A-6.

(2) End sections shall employ a grated cover, except no such cover shall be required on an underdrain pipe 36 inches or larger.

(E) The controlled release and storage of excess storm water runoff shall be required in combination for all of the areas indicated on the preliminary plan.

(1) The controlled release of storm water runoff shall not exceed the release or discharge rate which existed at the site prior to development. This rate shall be known as the pre-developed discharge rate. In the case of multiple discharge locations, no location shall discharge at a rate higher than the pre-developed discharge rate for that location under any set of conditions. The controlled release rate in any case shall not exceed the rated capacity of the existing natural downstream outlet channel or storm sewer system as determined by the City Engineer. The rate at which storm water runoff is transported into a designated storage area may be as determined by the design engineer and is unrestricted.

(2) A natural or surface channel system shall be designed with adequate capacity to convey the storm water runoff from all tributary upstream areas through the development. This by-pass channel shall be designed to carry the peak rate of runoff from a 50-year storm assuming all storm sewers are blocked and that the upstream areas are fully developed and have been saturated with antecedent rainfall. No habitable structures shall be constructed within this channel, however, streets and parking or playground areas and utility easements shall be considered compatible primary uses.

(3) (a) Storm water runoff capacity of detention facilities and discharge rates from such facilities shall be calculated by analyzing volume and rate of runoff during pre- and post-development conditions for the ten-year and the 100-year recurrence intervals.

(b) Storage capacity and discharge rates shall be based on the maximum calculated volume and peak flow of storm waters, respectively.

(c) Storage facilities shall be designed using the National Resource Service (NRSC) method of calculating runoff discharge rate and total volume of storage. The rational method of calculating runoff may be used for subdivisions less than 20 acres.

(d) The storage volume shall be provided for the fully developed watershed that is tributary to the area designated for detention purposes. The control structure for discharge shall maintain the release rate at or below the rate established in subsection (E)(3)(a) above for all rainfall events of 100-year or less frequency.

(4) (a) Detention reservoirs or bottom storm water storage areas shall be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by occasional or intermittent flooding. A method of carrying the low flow through these areas shall be provided in addition to a system of drains, and both shall be provided with a positive gravity outlet to a natural channel or other storm sewer facility with adequate capacity. The combination of storage of the water from a 100-year storm and the design release rate shall not result in a storage duration in excess of 72 hours. Maximum depths of planned storm water storage shall not exceed four feet unless the City Engineer determines that the existing natural ground contours and other conditions will allow greater storage depth, which shall be approved by the City Engineer. Minimum grades for turf areas shall be 0.6% and maximum slopes shall be 10%. Storage area side slopes shall be kept as close to the natural land contours as practical and a 10% slope or less shall be used whenever possible. If slopes greater than 10% are necessary to meet storage requirements or area restrictions, approval shall be obtained from the City Engineer, and suitable erosion control shall be provided in addition to any other protection required to ensure public health and safety.

(b) Outlet control structures shall be designed as simply as possible and shall require little or no maintenance and/or attention for proper operation. Each storm water storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100-year return frequency storm occurs. The emergency overflow facility shall be designed to function without maintenance and/or attention and shall become part of the natural or surface channel system described in a preceding paragraph. Hydraulic calculations shall be submitted to substantiate all design features. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health and safety. Storm water runoff velocities shall be kept to a minimum and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive fences shall be kept to a minimum and shall be used only as a last resort when no other method is feasible.

(5) Retention reservoir or wet bottom storm water storage areas shall be designed with all of the items required for detention reservoir storage areas except that a low flow conduit and a system of drains with a positive gravity outlet shall not be required. However, the retention reservoir or storage area shall comply with the following additional conditions.

(a) Water surface area shall not exceed one-tenth of the tributary drainage area.

(b) Shoreline protection shall be provided to prevent erosion from wave action.

(c) Minimum normal water depth shall be four feet. If fish are to be used to keep the pond clean, a minimum of one-fourth of the pond area shall be a minimum of ten feet deep.

(d) Facilities shall be available, if possible, to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.

(e) Control structures for storm water release shall be designed to operate at full capacity with only a minor increase in the water surface level. Hydraulic calculations shall be submitted to the City Engineer to substantiate all design features.

(f) Aeration facilities to prevent pond stagnation shall be provided, if deemed necessary by the City Engineer. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with construction plans. Agreement for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the City Engineer and Planning Commission.

(6) Where developments form only a portion of the watershed or contain portions of several watersheds, the requirements for providing storage shall be based upon that proportion of the area being developed as compared to the total watershed tributary to the storage area. Compensating storage will be acceptable whenever it is justified and feasible. As a watershed is developed with a series of storm water storage facilities, due consideration will be given for calculations of the allowable release rate and capacity of the natural or surface channel system as described in § B-114(E)(2) of this appendix.

(7) Where development of a property presents the threat of flooding or damage by flash flood runoff to downstream residents, the facilities for storm water runoff control shall be constructed prior to any earthmoving or drainage construction on the project site.

(8) The construction of the storm water control systems shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide certain benefits to the surrounding properties, negotiations for public participation in the cost of such development may be feasible.

(9) Retention and maximization of the ground water recharge capacity of the area being developed is encouraged. Design of the storm water runoff control system as provided in § B-114(E)(4) of this appendix shall give due consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and/or roofed over. The use of natural gravel deposits for the lower portions of storm runoff storage areas, the flattening of drainage slopes and the retention of existing topography are samples of possible recharge methods.

(10) During the construction phase of land development, facilities shall be provided by appropriate stock-pile design, to prevent the erosion and washing away of the earth. Silting of downstream areas shall be prevented through the strategic use of silting basins, sodding of runoff channels and by limiting the period of time during which the earth is stripped of vegetation.

(11) Final engineering plans shall show complete details for all items covered in this section. Engineering plans, specifications and all calculations for storm water runoff control and storm sewers shall be submitted for review and approval as part of the construction plan submittal or as part of the site plan submittal for large scale developments.
(Ord. 2009-03, passed 4-7-2009)

§ B-118 BACKFILL OVER UNDERGROUND UTILITIES.

(A) Where an underground utility is to be placed in an area which has a permanent type street or sidewalk surface, or upon which such a surface is to be constructed within a period of one year, the backfill above the utility or in case of sewers, above the top of the granular cradle, to the level of the bottom of the permanent type pavement shall be made. This material must be used in all areas where utility trenches cross the pavement sub grade except in areas which will be lime treated or areas where rock will be used to stabilize the sub grade. The backfill shall be IDOT CA-6 or CA-7 crushed stone. Boiler slag will not be permitted.

(B) As an alternate, the use of “flowable fill” will be permitted. This mix shall consist of a lean concrete mix with no less than 50 pounds of cement per cubic yard, 200 to 600 pounds of fly ash, 2,000 to 3,000 pounds of fine aggregate and 35 to 65 gallons of water. Minimum 28-day compressive strength shall not be less than 150 psi.
(Ord. 2009-03, passed 4-7-2009)

§ B-119 SIDEWALKS.

Concrete sidewalks at least four feet wide and four inches thick shall be constructed on both sides of each street at least four and one-half feet from and at least four inches above the backs of the curbs. Sidewalks shall be located one foot inside the street right-of-way. Sidewalks shall also be constructed along all streets bordering the subdivision. All sidewalks along arterials and minor arterials shall be five feet wide. All sidewalks at corner lots shall be extended out to the gutter(s) either by a common extension at the center or by continuing at right angles to the gutter.
(Ord. 2009-03, passed 4-7-2009)

§ B-120 SEWAGE DISPOSAL.

(A) *Sanitary sewers*. Sanitary sewer service shall be used within all subdivisions where such service is currently available. Where a subdivision is located within the service area of a public sanitary sewage system, sanitary sewers shall be constructed throughout the entire subdivision in such a manner as to serve adequately each building lot.

(B) *Installation specifications.*

(1) Public sanitary sewers shall be located in the north or west boulevard (between curb and sidewalk) within the street right-of-way or in a 15-foot easement behind the sidewalk within the building setback area. Parallel sewer lines along the street may be used. Sanitary sewers shall not be located in the rear yard.

(2) Under no circumstance shall the entrance of storm water or ground water to the sanitary sewers be permitted.

(3) All sanitary sewer collection and disposal systems shall comply with the ordinances of the city, the policies of the city's Water-Sewer Department and the requirements of the state's Environmental Protection Agency.

(4) Sanitary sewers shall be eight feet to ten feet deep or construction of a pumping station will be required.

(C) *Construction materials.*

(1) Sanitary sewer pipes and materials used by the subdivider must be deemed acceptable by the city's Water-Sewer Department and shall consist of:

(a) Polyvinyl chloride (PVC) composite sewer pipe conforming to the latest edition of *Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) and Poly(Vinyl Chloride) (PVC) Composite Sewer Piping,* ASTM D2680-01, published by ASTM International, with solvent weld or gasketed joints;

(b) PVC sewer pipe conforming to the latest edition of *Standard Specification for Type PSM Poly(Vinyl Chloride) (PVC) Sewer Pipe and Fittings,* ASTM D3034-15e1, published by ASTM International, type PSM for sizes four-inch through 15-inch, and ASTM F-679 for sizes 18-inch through 27-inch. Minimum acceptable standard dimension ratio shall be 35; or

(c) All field tiles encountered during construction shall be reconnected and/or rerouted.

(2) All sanitary sewers shall be inspected in a manner approved by the City Engineer and copies of all reports and/or images obtained through such inspection shall be provided to the city. Note: all sanitary laterals will be marked by using a two-inch by four-inch (painted orange) board four feet above the ground to denote location of service lines.

(D) *Private sewage disposal systems.*

(1) If sanitary sewer service is not currently available but the City Council determines that sewer service will be available within a reasonable period, the land may be deemed suitable for subdividing if:

(a) The subdivider shall install the lines and other infrastructure necessary to provide sanitary sewer service to each building site within the subdivision; and

(b) On-site sewage disposal facilities will be provided until such time as sewer service is made available by the city.

(2) On-site sanitary disposal systems shall be installed in accordance with §§ 1 et seq. of the Private Sewage Disposal Licensing Act, 225 ILCS 225/1 et seq., and Private Sewage Disposal Code, 7 Ill. Adm. Code 905. Sufficient area shall be provided within each lot to accommodate two seepage fields.
(Ord. 2009-03, passed 4-7-2009)

§ B-121 WATER SUPPLY.

(A) *Water service installation.* The subdivider shall install the lines and other infrastructure necessary to provide water service to each building site within the subdivision.

(B) *Public water supply.*

(1) Where available, all lots within a proposed subdivision shall be served by a state Environmental Protection Agency approved public water supply.

(2) Private wells may be permitted for developments outside the city if the subdivider can demonstrate that it is not feasible to extend water mains to the land proposed to be subdivided. As a minimum guideline, the extension of 120 feet, plus or minus, of water main per lot of the preliminary plan shall be deemed feasible. This distance shall be measured between the nearest existing suitable public water main and the proposed development. Mains within the development shall not count toward this extension footage. Private wells shall be constructed according to the Illinois *Water Well Pump Installation Code*, 77 Ill. Adm. Code 925.

(C) *Water supply construction.* Water mains not less than six inches in diameter shall be constructed throughout the entire subdivision. Larger diameter pipes may be required by the city to provide for future transmission needs, in which case, the city shall pay any additional costs.

(D) *Fire protection.* Every water supply system shall be designed in such a manner as to provide an area fire flow meeting the requirements established by the Fire Department and the latest edition of *Guide for Determination of Needed Fire Flow*, published by the Insurance Services Office. A minimum

of 1,000 gallons per minute with a residual pressure of 20 pounds per square inch shall be required. Fire hydrants with shut-off valves at each hydrant shall be installed throughout the entire system at maximum intervals of 600 feet or less as required by the Fire Department. All fire hydrants shall be three nozzle hydrants with threads as specified by the Fire Department and shall have flow characteristics similar to those of a five and one-quarter inch hydrant valve.
(Ord. 2009-03, passed 4-7-2009)

§ B-122 ELECTRICITY DISTRIBUTION.

An underground electric distribution system shall be installed on utility easements along front lot lines. Transformers shall normally be placed on every other lot line on one side of the street with secondary conductors and distribution pedestals installed on the opposite side of the street. In some instances, transformers may be installed on both sides of the street. All primary and secondary cables shall comply with updated standards of the applicable service provider, subject to the approval of the City Engineer.
(Ord. 2009-03, passed 4-7-2009)

§ B-123 STREET LIGHTING.

(A) The subdivider shall plan for and provide adequate lighting of public streets within the subdivision in accordance with the standards and requirements of the applicable electric utility subject to the approval of the City Engineer.

(B) Street lights shall be provided with a maximum spacing of 300 feet and should be placed on poles made of concrete, steel, aluminum or other materials approved by the City Engineer, and connected by underground wiring.
(Ord. 2009-03, passed 4-7-2009)

§ B-124 PUBLIC AREAS AND OPEN SPACE.

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.
(Ord. 2009-03, passed 4-7-2009)

§ B-125 LANDSCAPE DEVELOPMENT.

(A) All unpaved or otherwise unimproved areas within the public rights-of-way or public use areas should be graded and seeded in an approved manner.

(B) Street trees should be provided by the subdivider along all streets where trees do not exist. The trees should be of a species suitable for local soil and climate conditions, adapted to street use and at least two and one-half inch caliper. At street corners, the trees should be located at a minimum of 25 feet from the intersection of the street right-of-way lines, otherwise they should be located so as not to interfere with utilities or sidewalks and placed 40 to 50 feet apart. The trees should be placed in the grass area between the curb and sidewalk, unless this space is less than six feet wide, in which case the trees should be planted on the lots.

(C) Informal planting of street trees in accordance with an approved landscape development plan may be permitted.

(D) All residential lots should have an appropriate cover of undisturbed existing vegetation, seeding, fresh cut sod, plugs or spot sod.
(Ord. 2009-03, passed 4-7-2009)

§§ B-126—B-139 RESERVED.

ARTICLE VIII. TRACT SURVEY

§ B-140 PURPOSE.

(A) Tract survey approval shall be required as set forth in § B-5 of this appendix.

(B) Tract survey approval is designed to ensure that all divisions of land comply with §§ 1 et seq. of the Plat Act, 765 ILCS 205/1 et seq., this appendix and applicable zoning regulations.
(Ord. 2009-03, passed 4-7-2009)

§ B-141 SUBMISSION AND REVIEW.

(A) When a tract survey is required by this appendix, the subdivider shall submit to the Zoning Administrator a land survey of the tract involved accompanied by certification from a professional state land surveyor, together with the surveyor's seal, attesting to the accuracy of the survey. The subdivider shall submit two copies of the required documents to the Zoning Administrator, accompanied by a fee of $100.

(B) The Zoning Administrator shall review the survey to ensure that it conforms to the requirements of this appendix and applicable zoning regulations. The owner shall be notified of tract survey approval or disapproval within five working days.

(1) *Disapproval.* If the Zoning Administrator finds that the tract survey does not meet the requirements of this code, the disapproval and non-compliance found shall be specified in writing. Disapproval by the Zoning Administrator may be appealed to the Planning Commission in writing within ten days of receipt of such disapproval. The Planning Commission shall consider the Zoning Administrator's decision of disapproval at a public meeting held within 30 days after receipt of the appeal. If the Planning Commission votes to uphold the Zoning Administrator's disapproval, the subdivider can further appeal the decision of the Planning Commission to the City Council under the same procedures as provided for appeal to the Planning Commission.

(2) *Approval.* If the Zoning Administrator finds that the tract survey does meet the requirements of this code, the signed certification of the Zoning Administrator's approval shall be affixed to the tract survey. The Zoning Administrator shall retain one copy of the approved tract survey on file.
(Ord. 2009-03, passed 4-7-2009)

§ B-142 RECORDING THE TRACT SURVEY.

After the tract survey has been approved, the original shall be recorded in the office of the Recorder of Deeds of the county. Recording shall be made by and at the expense of subdivider. If the tract survey is not recorded within 180 days of Zoning Administrator's approval, the approval shall be null and void.
(Ord. 2009-03, passed 4-7-2009)

§§ B-143—B-154 RESERVED.

ARTICLE IX. PROCEDURE AT PUBLIC HEARINGS; VARIATIONS; REVIEW OF ADVERSE DECISIONS; PENALTY; EFFECTIVE DATE; PUBLICATIONS

§ B-155 PROCEDURE AT PUBLIC HEARINGS.

The rules for conducting the public hearings provided for in this appendix shall be published by filing the same in the office of the City Clerk.
(Ord. 2009-03, passed 4-7-2009)

§ B-156 VARIANCE OF SUBDIVISION REQUIREMENTS.

(A) A subdivider may request a variance of the requirements of this appendix. Application for a variance shall be made in writing and submitted when the need for a variance becomes evident, but in no case later than the time the preliminary plan is reviewed by the Planning Commission. Variance applications shall clearly state the provisions to be varied and the reasons why the variance is needed.

(B) If, as a result of changes imposed by the Planning Commission at its preliminary plan review meeting, the subdivider desires a variance, it may be requested orally at that meeting.

(C) The Planning Commission shall recommend approval or disapproval of the requested variance by the City Council. Along with its recommendation, the Planning Commission shall transmit findings to the City Council as to whether the requested variance complies with the following requirements:

(1) The intent of this appendix is maintained;

(2) Extraordinary circumstances of topography, title, adjacent development or other circumstances not provided for in this appendix exist:

(3) The extraordinary circumstances will result in a hardship, not merely an inconvenience;

(4) The circumstances upon which the request for variance is based are not common to most other tracts of land;

(5) The circumstances upon which the request for variance is based are not the result of the subdivider's affirmative act or failure to act; and

(6) The purpose of a variation is not based exclusively on the desire to eliminate development costs at the expense of the public improvement standards as outlined in this appendix.

(D) When the City Council considers the preliminary plan it shall consider the requested variance. The City Council may, if it finds that the requirements of subsection (C) above are met, approve the plan with the requested variation; or it may require conditions to the variation if it believes the conditions are in the public interest; or it may in its discretion deny the variation and insist on the literal application of this appendix.
(Ord. 2009-03, passed 4-7-2009)

§ B-157 PENALTY.

Any subdivider who violates any of the provisions of this appendix shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed $750. Each day that a violation of this appendix continues shall constitute a separate and distinct offense and shall be punishable as such.
(Ord. 2009-03, passed 4-7-2009)

PARALLEL REFERENCES

References to Illinois Compiled Statutes
References to 1993 Code
References to Ordinances

REFERENCES TO ILLINOIS COMPILED STATUTES

ILCS Cites	*Code Section*
5 ILCS 70/0.01	1-2
5 ILCS 70/1.34	1-9
5 ILCS 120/1	6.5-14
5 ILCS 120/1 et seq.	2-219
5 ILCS 120/2.02	2-62
5 ILCS 150/1	2-5
5 ILCS 315/3	2-215
10 ILCS 5/1-3	2-215
10 ILCS 5/9-1.4	2-215
10 ILCS 5/9-3	2-215
30 ILCS 725/1.2	17-17
35 ILCS 115/3-5	13-55
35 ILCS 115/9	13-53
35 ILCS 120/1	13-40
35 ILCS 120/2	13-42
35 ILCS 200/9-55	B-6
40 ILCS 5/21-101 et seq.	2-27
40 ILCS 5/21-102.3	2-30
50 ILCS 45/1 et seq.	13-78
50 ILCS 220/0.01	Ch. 6
50 ILCS 705/1 et seq.	19-17
50 ILCS 740/1 et seq.	9-51
65 ILCS 5/1-2-1	1-8, 9.5-1
65 ILCS 5/1-2-3	1-1
65 ILCS 5/1-3-1	Ch. 6
65 ILCS 5/3-4-9	2-3
65 ILCS 5/3-9-4	19-9, 19-10, 9-13
65 ILCS 5/3-11-17	2-70
65 ILCS 5/3-14-3	2-18
65 ILCS 5/3.1	2-57
65 ILCS 5/3.1-10-15	2-58
65 ILCS 5/3.1-10-25	2-17, 2-60, 9-4
65 ILCS 5/3.1-15-10	2-43

ILCS Cites	*Code Section*
65 ILCS 5/3.1-20-45	2-58
65 ILCS 5/3.1-30-5	2-45, 19-2
65 ILCS 5/3.1-30-5 et seq.	22-1
65 ILCS 5/3.1-35-5	2-65
65 ILCS 5/3.1-35-20	2-43
65 ILCS 5/3.1-40-25	2-61—2-64
65 ILCS 5/3.1-40-30	2-44
65 ILCS 5/3.1-50-10	19-5
65 ILCS 5/8-11-1	13-39
65 ILCS 5/8-11-5	13-52
65 ILCS 5/10-3-1	19-5
65 ILCS 5/11-6-1	Ch. 6, 9-36
65 ILCS 5/11-6-2	Ch. 9
65 ILCS 5/11-8-2	Ch. 6
65 ILCS 5/11-8-5	9-1, 9-2
65 ILCS 5/11-10-1	13-66, 13-67
65 ILCS 5/11-10-1—11-10-3	13-68
65 ILCS 5/11-12-12	9.5-1
65 ILCS 5/11-12-4	17-11—17-14, 17-16
65 ILCS 5/11-12-5	17-17
65 ILCS 5/11-13-1 et seq.	App. A
65 ILCS 5/11-20-9	Ch. 5
65 ILCS 5/11-30-1	21-1, 21-2
65 ILCS 5/11-30-2	9.5-1
65 ILCS 5/11-30-8	9.5-1
65 ILCS 5/11-31-1 et seq.	Ch. 6
65 ILCS 5/11-31-2	9.5-1
65 ILCS 5/11-40-3	23-291
65 ILCS 5/11-60-1	13-11
65 ILCS 5/11-60-2	Ch. 14
75 ILCS 5/2-1	12-1
75 ILCS 5/3-1	12-8
75 ILCS 5/4-1	12-2
75 ILCS 5/4-1.1	12-3, 12-4
75 ILCS 5/4-4	12-4
75 ILCS 5/4-5	12-7
75 ILCS 5/4-6	12-5
75 ILCS 5/4-7	12-6, 12-9
75 ILCS 5/4-10	12-10
210 ILCS 1 et seq.	9.5-7
210 ILCS 115/1 et seq.	A-63

ILCS Cites	*Code Section*
225 ILCS 225/1 et seq.	24-75, 24-141.1, B-120
225 ILCS 320/3(1)	24-66.5
225 ILCS 454/1-1	6.5-44, 6.5-46
230 ILCS 15/0.01 et seq.	13-32, 13-37
230 ILCS 40/1 et seq.	13-22
235 ILCS 5/1-1	4-1, 4-23, 4-29
235 ILCS 5/1-1 et seq.	4-23
235 ILCS 5/1-3	4-1
235 ILCS 5/4-1	4-23, 4-24
235 ILCS 5/4-2	4-29
235 ILCS 5/6-1	4-27
235 ILCS 5/6-2	4-21, 4-22
235 ILCS 5/6-14	4-3
235 ILCS 5/6-21(a)	4-22
235 ILCS 5/7-1	4-21
235 ILCS 5/7-5	4-29
415 ILCS 5/1 et seq.	9.5-6
510 ILCS 5/1	5-15
510 ILCS 5/8	Ch. 5
510 ILCS 55/1	Ch. 5
625 ILCS 5/1-101.05	23-291
625 ILCS 5/1-101.05—1-220	23-2
625 ILCS 5/1-146	23-291
625 ILCS 5/11-201	Ch. 23
625 ILCS 5/11-205	23-56
625 ILCS 5/11-301	23-12
720 ILCS 5/12c-60	14-12
720 ILCS 5/16B	12-12
720 ILCS 5/16B-2.1	Ch. 12
720 ILCS 5/28-1(a)(3)—(a)(11)	4-22
720 ILCS 5/28-2	13-30
725 ILCS 5/100-1	19-10
765 ILCS 205/0.01	B-6
765 ILCS 205/0.01 et seq.	B-5, B-21
765 ILCS 205/1 et seq.	B-140
765 ILCS 205/2	9.5-8, B-91
775 ILCS 5/1-101 et seq.	Ch. 6.5
775 ILCS 5/2-105	6.5-27
775 ILCS 5/3-101 et seq.	Ch. 6.5
775 ILCS 5/7-108	Ch. 6.5
805 ILCS 5/1.01	4-21, 4-22

REFERENCES TO 1993 CODE

1993 Code	*2017 Code*
1-1	1-1
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