CITY OF SULLIVAN

ORDINANCE NO. 01-07

AN ORDINANCE ADOPTING A REVISED CODE OF ORDINANCES FOR THE CITY OF SULLIVAN, ILLINOIS

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SULLIVAN, ILLINOIS THIS 14TH DAY OF MAY, 2001

Published in book form by authority of the Mayor and the City Council of the City of Sullivan, Moultrie County, Illinois this 14th day of May, 2001.
ORDINANCE NO. 01-07

AN ORDINANCE ADOPTING A REVISED CODE OF ORDINANCES FOR THE CITY OF SULLIVAN, MOULTREY COUNTY, ILLINOIS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SULLIVAN, MOULTREY COUNTY, ILLINOIS, THAT:

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

[SEE EXHIBIT “A” FOLLOWING]

SECTION 2: Severability of Provisions. Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 3: Effective. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

SECTION 4: Passed this 14th day of May, 2001 by the City Council of the City of Sullivan, Moultrie County, Illinois, and deposited and filed in the office of the City Clerk in said City on that date.

/s/ Floyd Buckalew
FLOYD BUCKALEW, CITY CLERK
SULLIVAN, ILLINOIS

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Signed by the Mayor of the City of Sullivan, Moultrie County, Illinois, this 14th day of May, 2001.

/s/ Richard Dunscomb
RICHARD DUNSCOMB, MAYOR
SULLIVAN, ILLINOIS

ATTEST:

/s/ Floyd Buckalew
FLOYD BUCKALEW, CITY CLERK
SULLIVAN, ILLINOIS

(SEAL)
CITY CLERK’S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF MOULTRIE
CITY OF SULLIVAN

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

In witness whereof, I have set my hand and affixed the Corporate Seal of the City of Sullivan, Illinois, this 14th day of May, 2001.

/s/ Floyd Buckalew
FLOYD BUCKALEW, CITY CLERK
SULLIVAN, ILLINOIS

(SEAL)
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EXHIBIT ‘A’

CHAPTER 1

ADMINISTRATION

ARTICLE I - GENERAL CODE PROVISIONS

DIVISION I - TITLE

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

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

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

1-1-4 CODE ALTERATION. It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.
Any person having in his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Clerk. Said Code books, while in actual possession of officials and other interested persons shall be and remain the property of the City and shall be returned to the office of the Clerk upon termination of office or separation of duties.

1-1-5 JURISDICTION. Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the City. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the City to regulate such particular acts outside the corporate limits.

1-1-6 - 1-1-7 RESERVED.

DIVISION II - SAVING CLAUSE

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

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

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

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

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

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

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF MOULTON ) ss. CITY CLERK'S OFFICE
CITY OF SULLIVAN )

I, Floyd Buckalew, City Clerk of the City of Sullivan, Illinois, do hereby certify that the following Municipal Code of Ordinances of the City of Sullivan, Illinois of 2001, published by authority of the City Council were duly passed by the City Council of the City of Sullivan, Illinois, signed by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the City of Sullivan, Illinois, this ________ day of ________________, 2001.

FLOYD BUCKALEW
CITY CLERK
CITY OF SULLIVAN

(SEAL)

1-1-13 - 1-1-14 RESERVED.
DIVISION III - DEFINITIONS

1-1-15  CONSTRUCTION OF WORDS. Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-16  RULES OF CONSTRUCTION AND DEFINITIONS. In the construction of this Code, and of all Ordinances, the rules and definitions set out in this Section shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter of the context of such section may be repugnant thereto.

(A) Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out. In the interpretation and application of any provision of this Code, it 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.

“AGENT”, as used in this Code shall mean a person acting on behalf of another.

“CODE” OR “THIS CODE” shall mean the “Revised Code of Ordinances of the City of Sullivan, Illinois”.

“COMPUTATION OF TIME”. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the tie, but the day on which such proceeding is to be held shall not be counted. Where the day on which an act is to be done or a proceeding held falls on a Sunday or a legal holiday, said act shall be done or proceeding held on the next regular business day. Time shall mean Central Standard Time, except when the State of Illinois is on Daylight Savings Time and then it shall mean Central Daylight Savings Time.
“CORPORATE LIMITS”. The term “corporate limits” shall mean the legal boundaries of the City of Sullivan.

“COUNCIL – CITY COUNCIL” shall be construed to mean the City Council of the City of Sullivan.

“COUNTY”. The words “the county” or “this county” shall mean the County of Moultrie 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.

“EMPLOYEES” shall mean the following: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words “of the City”.

“FEE” as used in this Code shall mean a sum of money charged by the City for carrying on of a business, profession or occupation.

“FISCAL YEAR”. The “fiscal year” for the City shall begin on May 1st of each year and end on April 30th of the following year. (See 65 ILCS Sec. 5/1-1-2(5))

“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.

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

“KNOWINGLY” imports only a knowledge that the facts exist which bring the act or mission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

“LICENSE” as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

“MISDEMEANOR” shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

“MONTH”. The word “month” shall mean a calendar month.
“NEGLECT”, “NEGLIGENCE”, “NEGLIGENT” AND “NEGLIGENTLY” import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

“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.

“NUISANCE” shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the City or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

“NUMBER”. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

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

“OCCUPANT” as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

“OFFENSE” shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

“OFFICERS AND EMPLOYEES”. Whenever reference is made in this Code to a City Officer or employee by title only, this shall be construed as though followed by the words “of the City of Sullivan” and shall be taken to mean the officer or employee of this City having the title mentioned or performing the duties indicated.

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.

“OFFICERS GENERALLY”. Whenever any officer is referred to by title, such as “City Clerk”, “Chief of Police”, “Mayor”, etc., such reference shall be construed as if followed by the words “of the City of Sullivan”.

“OFFICIAL TIME”. Central Standard Time shall be the official time for the transaction of City business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced one (1) hour. All clocks and other
Timepieces in or upon public buildings or other premises maintained by or at the expense of the City shall be set and run at the official time prescribed by this paragraph.

“OPERATOR” as used in this Code shall mean the person who is in charge of any operation, business or profession.

“OWNER”. The word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

“PERSON” shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word “person” is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

“PERSONAL PROPERTY” shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

“PRECEDING, FOLLOWING”. The words “preceding” and “following” mean next before and next after, respectively.

“PROPERTY”. The word “property” shall include real and personal property.

“REAL PROPERTY” shall include lands, tenements and hereditaments.

“RETAILER” as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

“SHALL”. The word “shall” is mandatory.

“SIDEWALK”. The word “sidewalk” shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

“SIGNATURE OR SUBSCRIPTION” includes a mark when the person cannot write.

“STATE” OR “THIS STATE” unless otherwise indicated shall mean the “State of Illinois”.

[Supplement No. 24; 01-01-18]
“STREET”. The word “street” shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the City and shall include all areas thereof embraced between the property lines and dedicated to the public use.

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

“TENSE”. Words used in the past or present tense include the future as well as the past and present.

“WILLFULLY” when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

“WRITTEN” AND “IN WRITING” may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. (See 65 ILCS Sec. 5/1-1-2)

1-1-17 CATCHLINES. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content 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.

1-1-18 - 1-1-19 RESERVED.
DIVISION IV - PENALTY

1-1-20 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than Seventy-Five Dollars ($75.00) nor more than Seven Hundred Fifty Dollars ($750.00) for any one (1) offense.

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than Seventy-Five Dollars ($75.00) nor more than Seven Hundred Fifty Dollars ($750.00) for any one (1) offense, but may not be confined except by provisions of the Juvenile Court Act of the State of Illinois.

(C) Whoever commits an offense against the City or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another, would be an offense against the City, is punishable as a principal.

(E) All municipal ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated.

(F) A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as but not limited to the picking up of litter in parks or along public highways or the maintenance of public facilities. (See 65 ILCS Sec. 5/1-2-1)

1-1-21 CERTIFIED COPY OF CODE ADMISSIBLE INTO EVIDENCE. Any copy of the Municipal Code or any copy of any addition, amendment or supplement thereto adopted, published and certified according to law, shall be received in evidence in all courts and administrative tribunals for the purpose of proving the Ordinances therein contained with like effect and for the same purpose as the original ordinances would be received.

1-1-22 PROCEDURE FOR COLLECTION OF FINES, FORFEITURES, PENALTIES AND COSTS. All fines, forfeitures, penalties and costs imposed against any person by this Code or by any of the ordinances of the City for the breach thereof, not payable under the provisions of any other ordinance of the City, may be recovered before the Judge of the Circuit Court of Moultrie County by action in the name of the City, and judgments may be rendered thereon and collected by execution or other process, and such fines, forfeitures and penalties, when collected, shall be paid over to the Treasurer for the use of the City, on demand of the Treasurer. In all actions for the violation of this Code or any ordinance, the first process shall be a summons, supported by a proper and legal affidavit signed by the complainant, where an arrest on view is not made or a warrant is not issued.
1-1-23  PROCEDURE FOR AFFIDAVIT, COMPLAINT ARREST AND HEARING FOR VIOLATORS. Whenever any person shall make complaint in writing, verified by affidavit, to a judge of the Circuit Court of Moultrie County, and shall therein state that this Code or any ordinance of the City has been violated, and that the complainant has reasonable grounds for believing that the person charged in such complaint with such violation is guilty thereof, such Judge may issue in the first instance, a warrant for the arrest of the person so charged; and any person so charged and arrested upon such warrant, shall without unnecessary delay, except as hereinbefore provided, be taken before the Court issuing such warrant, to be tried for the alleged violation. In all cases, continuances may be granted, bail taken, or commitments made as are provided for in the case of arrests as hereinbefore provided.

A) All officers making arrests shall appear at the trial before the Court and shall procure all necessary evidence in their power and furnish a list of all witnesses, either to the Court or to the City Attorney.

B) In all cases where any person or persons shall be convicted of a breach of the ordinances of said City and adjudged to pay a fine, forfeiture or penalty by the verdict of a jury, or if a defendant or defendants in any such action waive a jury trial and is or are adjudged to pay a fine, forfeiture or penalty by a Judge of the Circuit Court of Moultrie County, said Judge may order as a part of the judgment that the defendant or defendants stand committed to the County Jail, there to remain until such fine, forfeiture, penalty and costs shall be fully paid or otherwise legally discharged, provided that no such fine shall exceed Seven Hundred Fifty Dollars ($750.00) and no such imprisonment shall continue for a longer period than six (6) months for any one (1) offense.

C) Commitment of any person as provided in this Code, shall be by process under the hand of any Judge of the Circuit Court of Moultrie County which shall have made the order for such commitment.

D) In every case where the trial for a breach of this Code or of any of the ordinances shall be by jury, the amount of the fine, forfeiture, penalty or punishment, the limits of which are provided for by this Code or by any ordinance, shall be assessed or fixed by the jury, if they shall find the defendant guilty; and any Judge of the Circuit Court of Moultrie County before whom the same shall be tried by jury, shall record the verdict on his docket and render judgment in accordance therewith for the amount of the fine, forfeiture, punishment or penalty so assessed or fixed by the jury, and the costs of suit. If the jury shall return a verdict of “not guilty”, such Judge shall record the same and order that the defendant, if held in custody, be discharged.

E) “Changes in Venue” and “Appeals from Judgments” in all cases arising under this Code or any ordinance shall be allowed before any Judge of the Circuit Court of Moultrie County, the same to be taken and granted in the same manner and with like effect as in other actions of debt before such Court, under the laws of this State. The same proceeding and practice shall be observed before such Court to whom changes of venue are taken, and the same powers may be exercised by them as are provided for in this Code.

1-1-24 - 1-1-25 RESERVED.
DIVISION V - CAFETERIA COURT

1-1-26 CAFETERIA COURT FOR MINOR VIOLATIONS. Any person accused of a violation of any of the designated articles and sections of the Municipal Code may settle and compromise the claim against him or her for such violation by paying to the City at the City Building, 2 W. Harrison Street, Sullivan, Illinois, the minimum fine designated therein within seven (7) days of the time the ticket was issued by a police officer for such alleged offense. A receipt shall be issued for all money so received, and such money shall be thereafter promptly turned over to the City Treasurer to be used in the manner provided for the disposition of fines for such violations. The members of the Police Department are hereby authorized to issue ordinance violation tickets notifying the offender of such violation, and are hereby authorized to refrain from instituting a prosecution for the alleged offense involved. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear and pay such penalty to the Municipality within the designated period of time such fines may be paid. Unless a lesser minimum fine is established for any violation of the articles and sections of the Municipal Code governed by these provisions, a fine of One Hundred Dollars ($100.00) shall be assessed for a first offense if paid under the terms and conditions of this Section. A fine of Two Hundred Fifty Dollars ($250.00) shall be assessed for a second offense. A fine of Five Hundred Dollars ($500.00) shall be assessed for a third offense. A fourth subsequent offense committed within one (1) year of the initial offense shall not be permitted to be disposed of under the terms and conditions of this Division. (Ord. No. 06-24; 09-25-06)

1-1-27 TICKET FORM. The Police Department shall establish the format of the ticket for Cafeteria Court.

1-1-28 APPLICABILITY. The provisions of this Division shall apply to all chapters, articles and divisions of this Municipal Code as noted in those laws.

1-1-29 PENALTIES; ADDITIONAL COSTS. Whenever in this Code, or any ordinance of the City, any act is prohibited or made or declared to be unlawful or a misdemeanor or a violation of such Code, or whenever in such Code the doing of any act is required or the failure to do any act is declared unlawful or a misdemeanor or a violation of such Code, in addition to the specific penalty provided therefor, all court costs, which shall include all costs incurred by the City in prosecuting any said cause, and shall also include the fees of the prosecuting attorney of the City, shall be recoverable from anyone convicted of a violation under this Code. This Section shall be applicable to all ordinance violations.
DIVISION VI - UTILITIES - CUSTOMER REGULATIONS

1-1-30 CONTRACT FOR UTILITY SERVICES.
   (A) Customer Accepts Service. The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with utility services from the City and every person, company or corporation, hereinafter called a “customer” who accepts and uses City utility services shall be held to have consented to be bound thereby. These regulations are applicable to water, sewer, gas and electric utilities.
   (B) Not Liable for Interrupted Service. The Departments shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefore.
   (C) Using Services Without Paying. Any person using utility services from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.
   (D) Destroying Property. Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the utility systems, or erecting signs on the property of the Departments without permissions shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code.
   (E) Service Obtained by Fraud. All contracts for utilities services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person’s or firm’s name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation, and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.
   (F) Failure to Receive Bill. Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should a Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.
   (G) Request to Discontinue Service. Services shall have been deemed to have been supplied to any property connected to the Utility Systems during a month unless the customer notifies the City prior to the first day of the new billing month in which the services are to be discontinued.
   (H) Billing; Utility Shut-off Process.  
      (1) All bills for utility services shall be due and payable upon presentation. If a bill is not paid within twenty (20) days of the billing date a penalty equal to five percent (5%) of the total account balance due shall be added thereto. This penalty shall be in addition to the charges heretofore established for the

[Supplement No. 24; 01-01-18]
utility services, and said penalty will start on the twenty-first (21st) day from the date of said bill. Appendix “U” entitled Billing and Disconnection Policy is hereby included as part of these regulations.

(2) Any customer who fails to pay the utility bill within twenty-one (21) days of presentation shall have a notice mailed to their billing address which states the total amount due and date of disconnection if not paid in full.

(3) Customers receiving said notice may come to the City Utility Office to sign a Payment Arrangement, showing the date payment will be made in full. Payment Arrangements will only be permitted to customers who have a positive payment history, or who have upheld past Payments Arrangements. The City reserves the right to deny Payment Arrangements.

(4) Customers failing to pay their utility bill in full by the date of disconnection, who have also not signed a Payment Arrangement, will be disconnected on said date.

(5) Once utility services have been disconnected the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of Fifty Dollars ($50.00) for the reconnection of utilities.

(6) Reconnection of utilities will only be done by City Departments Monday through Friday between the hours of 8:00 A.M. and 3:30 P.M. Payment of disconnected utilities from 3:30 P.M. to 5:00 P.M. will result in reconnection on the next working day.

(7) If a personal check provided for payment of disconnected utilities is returned for any reason, the account will be considered unpaid. The utility service will again be immediately disconnected until a cash payment of past due amounts is paid, plus a Twenty-Five Dollar ($25.00) returned check fee and Fifty Dollar ($50.00) reconnection fee.

1-1-31 CONSUMER LISTS. It is hereby made the duty of the Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

1-1-32 LANDLORD - TENANT. The City requires that a form be signed by the Landlord, the Tenant, and a City Representative, giving the Tenant permission to have the utilities put in Tenant’s name. Said form shall be provided by the City, a copy of which is attached as Appendix “EE”.

[Supplement No. 24; 01-01-18]
1-1-33 ESTIMATED CHARGE. Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the previous three (3) months usage. If no record of the previous three (3) months exists, then it shall be the duty of the Clerk for said Department to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

1-1-34 NO FREE UTILITY SERVICE. No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

1-1-35 UTILITY DEPOSITS.

(A) Property Owner. A Utility deposit shall be paid to the Treasurer by any applicant before any utilities will be turned on to any premises. The deposit shall be retained by the City until the user discontinues utilities use from the City at which time the deposit will be returned to the user, provided however, that said user shall have a good payment record, making all monthly payments timely. The deposit amounts for the various utility services are as follows:

1. Electric, $75.00
2. Gas, $75.00
3. Water and Sewer, $75.00
4. Electric with electric heat, $150.00

(Ord. No. 13-5; 03-25-13)

(B) Security for Payment - No Interest. The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn no interest on the deposit.

(C) Liability for Deposit. The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before utility services shall be made available to the tenant-occupied premises. In the case a portion of the deposit is used as aforesaid, the tenant or owner of the premises shall immediately deposit with the City Clerk an amount sufficient to bring the deposit to the established rate of deposit.

(Ord. No. 13-5; 03-25-13)

1-1-36 REGISTRATION OF RENTAL PROPERTY. All rental property shall be registered with the City with the name of the Landlord to provide an index of rental properties and the owners thereof. Said registration will be in a form provided by the City, a copy of which is attached as Appendix “FF”.

1-1-37 NOTIFICATION OF LANDLORD. The City will notify the Landlord when Landlord’s Tenant’s utility bill becomes delinquent.

(Ord. No. 12-9; 05-14-12)
ARTICLE II - COMMISSIONERS

DIVISION I - GENERALLY

1-2-1 COMPOSITION AND GENERAL POWERS. The City Council shall consist of the Mayor and four (4) Commissioners, elected to an office, in conformity with this Code and State Law governing elections in cities and shall have such powers as are granted by the Illinois Compiled Statutes. The officers shall be nominated and elected to the specific office of Commissioner of Accounts and Finances, Commissioner of Public Health and Safety, Commissioner of Streets and Public Improvements, and Commissioner of Public Property. The electors of the City shall, at each general municipal election, elect one (1) person to each such specific office. The term of office shall be for four (4) years or until their successors are elected and have qualified. (See 65 ILCS Sec. 5/4-3-4)

(A) Reports. Every Commissioner, officer, assistant and employee shall, from time to time, as required by law or ordinance or when requested by the Council or whenever he shall deem necessary for the good of the public service, report to the Council in writing respecting the business or work of his department, subordinate department, bureau or office, or matters connected therewith.

(B) Department Heads Agents of Council. All Commissioners or superintendents of departments and officers are the agents of the Council only, and all their acts shall be subject to review and to approval or revocation by the Council. (See 65 ILCS Sec. 5/4-3-1 et seq.) (See Section 1-2-27) (Ord. No. 91-14; 02-22-91)

1-2-2 VACANCIES - APPOINTMENT. A vacancy occurs in the office of City Commissioner by reason of resignation, failure to elect or qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office or removal from office, or removal of residence from the City.

If a vacancy occurs in any of these offices, the remaining members of the Council, within thirty (30) days thereafter, shall appoint a person to fill the vacancy for the balance of the unexpired term or until the vacancy is filled by interim election pursuant to Section 5/3.1-10-50 of the Illinois Compiled Statutes, and until the successor is elected and has qualified. (See 65 ILCS Sec. 5/4-3-4)

1-2-3 MEETINGS. The regular stated meetings of the City Council shall be held in the City Hall Building on the second (2nd) and fourth (4th) Mondays in each month at 7:00 P.M. during Central Standard Time and Daylight Savings Time. If a regular stated meeting falls upon a legal holiday, the meeting shall be held at the regularly scheduled time and place unless the City Council at the next prior meeting thereto shall determine to reschedule the meeting until the next secular day. Public notice of regular meetings and rescheduled meetings shall be given in accordance with the Open Meetings Act. (See 5 ILCS Sec. 120/1 et seq.)
1-2-4 SPECIAL MEETINGS. Special meetings of the City Council may be called by the Mayor or any two (2) Commissioners by giving at least forty-eight (48) hours notice thereof, by delivering to them personally, written or printed notices of the time of such meeting at the residences of the Commissioners; such notices shall be served by mail, by the Chief of Police or his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the City Hall and shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. The notice shall be provided to such news media in the same manner as said notice is given to the Mayor and members of the City Council, provided such news media has given the City an address within the City at which such notice may be given. (See 65 ILCS Sec. 5/4-5-12 and 5 ILCS Sec. 120/2.02 and 120/2.03)

1-2-5 QUORUM. At all meetings of the City Council, three (3) members of the City Council shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel absentees to attend any regular or special meeting by a written citation to be signed by the Mayor and two (2) Commissioners issuing the same, and may be served by any official authorized to serve process within the City by reading the same to such absentees. (See 65 ILCS Sec. 5/4-5-12)

1-2-6 POWER TO BORROW MONEY. The City Council may, whenever the interests of the City require it, borrow money on the credit of the City for corporate purposes, and issue bonds therefore, in such amounts and form, and upon such conditions as it shall prescribe but shall not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate to exceed seven and one-half (7 ½) per centum on the value of the taxable property in the City, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debts as it falls due, and also to pay and discharge the principal thereon within twenty (20) years after contracting the same.

1-2-7 VERBATIM RECORDING OF CLOSED MEETINGS. (A) A verbatim record of all closed meetings of the City Council shall be kept in the form of an audio recording. The City Council shall provide the recording device and only one recording device will be allowed. Individuals shall not be allowed to bring their own recording device to closed meetings.
(B) The City Clerk, or his or her designee if he or she is unavailable, will be responsible for operating the recording device for all closed meetings of the City Council. Each committee of City Council shall designate in writing the individual responsible for recording closed meetings and submit such designation to the City Clerk.

(C) The City Clerk shall maintain the audio tapes in a safe and secure location under lock and key. Access to non-released tapes shall be limited to the Mayor and City Clerk unless otherwise directed in writing by the governing body of the City Council. Individuals allowed access shall sign a log indicating the date and time they listened to a particular tape. Individuals allowed access shall listen to a tape only under supervision. No copies of any non-released tape shall be made.

(D) The verbatim record of a closed meeting may be destroyed eighteen (18) months after the completion of the meeting if the City Council approves the destruction of the particular recording and if it approves written minutes for the particular closed meeting that contain the following, as required by Section 2.06 of the Open Meetings Act:

1. the date, time and place of the meeting;
2. the members of the public body recorded as either present or absent; and
3. a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(E) The City Clerk shall, on a periodic basis, but not less frequently than quarterly, inspect the recordings to check their quality and completeness, and report on any problems to the City Council.

(F) Unless the City Council has determined that a recording no longer requires confidential treatment, or otherwise consents to disclosure, the verbatim recordings of closed meetings made pursuant to Paragraph (A) above shall not be either open for public inspection or subject to discovery in any administrative proceedings other than one brought to enforce the provisions of the Open Meetings Act. In a civil action brought to enforce the provisions of the Open Meetings Act, a recording will be made available to the court for in camera examination for the purpose of determining whether a violation of the Open Meetings Act exists. In the case of a criminal proceeding, a recording will be made available to the court for in camera examination for the purpose of determining what portion, if any, must be made available to the parties for use as evidence in the prosecution. (Ord. No. 04-06; 03-04)

1-2-8 - 1-2-12  RESERVED.
DIVISION II - COMMISSIONER DUTIES

1-2-13 DEPARTMENTS. The Executive and Administrative powers, authority and duties of the City Council, are vested and divided among the following five (5) major departments, as follows:

(A) Department of Public Affairs
(B) Department of Accounts and Finances
(C) Department of Public Health and Safety
(D) Department of Streets and Public Improvement
(E) Department of Public Property

1-2-14 DUTIES. The City Council, by Ordinance:

(A) shall determine the powers of and duties to be performed by each department and shall assign them to the appropriate departments.
(B) shall prescribe the powers and duties of officers and employees and may assign officers and employees to one (1) or more of the departments;
(C) may require an officer or employee to perform duties in two (2) or more departments, and;
(D) may make such rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City.

1-2-15 MAYOR - DUTIES. The Mayor shall be the Chief Executive and Administrative Officer of the City and shall be President of the Council and preside at its meetings. He shall supervise all Departments and report the Council for its action on all matters requiring attention in any department.

(A) He shall enforce the laws of the City and require the faithful performance of all administrative duties, and shall perform all duties which are prescribed by the laws of the State of Illinois or the City Ordinances, and shall take care that the laws and ordinances are faithfully executed.
(B) The Mayor from time to time may, and annually shall, give the Council information relative to the affairs of the City, and may recommend for the consideration, such measures as he believes expedient. In pursuance of this, the Mayor shall prepare and present to the Council an annual report of the City’s affairs, including a summary of reports of Department heads, and such other reports as the Council shall require.
(C) The Mayor has the power, either by himself or by any officer or person designated for the purpose by him, to investigate and examine, or inquire into the affairs or operation of any Department of the City, and he shall examine the grounds of all reasonable complaints made against any officer of the City, and to cause all violations or neglect of duty of any officer to be promptly punished.
(D) He shall have power to employ consultants and professional counsel to aid in such investigations, examinations, or inquiries.
(E) He shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service by whomever prescribed.

(F) The Mayor shall have the power to set aside any action taken by a department head under his control, and may supersede him in the functions of his office.

(G) The Mayor has the power to direct any department to perform the work for any other department of the City.

(H) He has the power to designate such committees and the members thereof as he shall find necessary for the proper consideration of the problems of the City. Such committee shall meet at the request of the Mayor and shall make such recommendations on matters referred to them as they shall find necessary for the best interests of the City.

(I) The Mayor shall have the power to appoint competent, qualified officers and employees to the administrative service of the City under its jurisdiction, and shall have the power to dismiss, suspend and discipline, in accordance with the Municipal Code and the Laws of the State of Illinois, all officers and employees in the administrative service under his control.

(J) He shall also have the power to authorize a department head or officer responsible to him to appoint and remove subordinates serving under the department head or officer.

(K) He shall designate himself or some other officer or employee to perform the duties of any office or position in the administrative service under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.

(L) The Mayor shall have the power to administer oaths and affirmations upon all lawful occasions.

(M) The Mayor shall also be Commissioner of the Department of Public Affairs and as such shall perform the duties and exercise the powers now and hereafter to be assigned to such Department by City Ordinance or State Statute.

(N) As such, he shall have direct control of the City Police Department, to include the Chief of Police and all employees thereof.

(O) He shall also have direct control of the City Gas Department, its Superintendent and all employees thereof.

(P) He shall appoint the City Clerk, City Attorney and Chief of Police, subject, in each case, to the approval of the City Council, and he shall appoint and discharge all subordinate Policeman, Assistants or employees of any Department under his control, when, in his judgment, the efficient conduct of the City’s affairs shall demand it.

(Q) He shall also exercise all the powers and duties of the City Council not herein specifically delegated to other Departments or reserved to the City Council as a whole, either by City Ordinance or by the Statutes of the State of Illinois.

(R) The Mayor shall be endowed with police powers as herein provided by Ordinance. In addition to his other duties, the Mayor shall also hold the office of Liquor Control Commissioner and shall have the powers, functions and duties conferred and imposed on said office by the Liquor Control Code.

(S) The Mayor, subject to the approval of the City Council by a majority vote, shall have the power to appoint a Public Works Director as an employee of the City, and shall have the power to dismiss, suspend, and discipline said employee in accordance with the Municipal Code and the laws of the State of Illinois. Said employee shall have such powers and duties from time to time as prescribed by the Mayor and City Council. (Ord. No. 15-17; 10-26-15)
1-2-16  COMMISSIONER OF THE DEPARTMENT OF ACCOUNTS AND FINANCES. The Commissioner of the Department of Accounts and Finances shall have general supervision of the finances of the City, and shall recommend the expenditure and economics, appropriations and tax levies subject to the approval of the City Council and shall supervise the audit of all public accounts of the City.

(A) The Commissioner shall have direct control of the office of the City Treasurer.

(B) He shall appoint the City Treasurer, the Park Superintendent and the Director of the Sullivan Civic Center, subject in each case, to the approval of the City Council.

(C) All claims submitted to the City Council against the City shall first be audited and approved by the Commissioner and shall bear his signature or the signatures of not less than three (3) other members of the City Council before being considered by the City Council.

(D) He shall appoint and discharge all subordinate employees and assistants of these facilities or offices, when in his judgment the efficient conduct of the City's affairs shall demand it.

(E) The Commissioner shall also supervise all printing contracts and shall select an official newspaper as provided by the Statutes of the State of Illinois.

(F) The Commissioner shall have the authority to purchase or authorize the purchase or to contract for the purchase of any necessary machinery, material of supplies for the efficient conduct of said facilities or offices except where the outlay involved would require competitive bids on special occasions as provided for by this Chapter or by the Statutes of the State of Illinois.

(G) The Commissioner shall be Chairman of the Board of Control of Wyman Park and Taber Park and shall have general supervision of the same, appointing or discharging all employees, making purchases which, in his judgment are necessary for the best interest of Wyman Park, and enforcing all City Ordinances and rules established for the park, subject to the approval of the City Council.

(H) He shall have supervision and control over the Civic Center.

(I) The Commissioner shall be Vice-President of the Council, and in case of vacancy in the office of Mayor, or the absence, or inability of the Mayor, shall perform the duties of Mayor.

(J) He shall have control and supervision of the City Building.

1-2-17  COMMISSIONER OF THE DEPARTMENT OF PUBLIC HEALTH AND SAFETY. The Commissioner of the Department of Public Health and Safety shall be the Health Commissioner for the City and shall appoint the City Health Officer, subject to the approval of the City Council.

(A) He shall also represent the City in all matters affecting Public Health, and shall have all the powers and duties resting in a Board of Health for the City.

(B) The Commissioner shall also have supervision of the Water and Sewer Department of the City.
(C) He shall appoint the Superintendent of Potable Water Production and the Superintendent of Water Distribution and Water Reclamation of the City, subject to the approval of the City Council, and shall appoint and discharge all subordinate employees of said Department when, in his judgment, the efficient conduct of the affairs of said Department shall demand it.

(D) The Commissioner shall have the authority to purchase or authorize the purchase or to contract for the purchase of any necessary machinery, material, or supplies for the efficient conduct of said department except where the outlay involved would require competitive bids on special occasions as provided for by this Chapter or by the Statutes of the State of Illinois.

1-2-18 COMMISSIONER OF THE DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS. The Commissioner of the Department of Streets and Public Improvements shall have direct supervision of all matters affecting the streets, alleys, sidewalks and storm sewers of the City.

(A) He shall appoint a Superintendent of the Street Department, subject to the approval of the City Council.

(B) The Commissioner shall have the authority to purchase or authorize the purchase or to contract for the purchase of any necessary machinery, material, or supplies for the efficient conduct of said Department except where the outlay involved would require competitive bids on special occasions as provided for by this Chapter or by the Statutes of the State of Illinois.

(C) The Commissioner shall also employ or discharge any other subordinate employees of the Department when in his judgment the efficient conduct of the affairs of the Department shall demand it.

(D) The Commissioner shall have supervision of all matters referring to storm sewerage.

(E) He shall approve in writing all applications for building permits or applications for permits to move buildings over City streets, except those which may bear the signed approval of not less than three (3) other Commissioners of the City, before same may be presented to the City Council for approval.

(F) The Commissioner shall also be ex-officio Commissioner of Public Works in and for the City.

1-2-19 COMMISSIONER OF THE DEPARTMENT OF PUBLIC PROPERTY. The Commissioner of the Department of Public Property shall have general supervision of all matters affecting the City Electric Department and shall appoint a Superintendent for the department, subject to the approval of the City Council.

(A) The Commissioner shall also appoint or discharge any subordinate employee of the Electric Department when, in his judgment the efficient conduct of the affairs of the department shall demand it.
(B) The Commissioner shall have the authority to purchase or authorize the purchase or to contract for the purchase of any necessary machinery, material, or supplies for the efficient conduct of said Department except where the outlay involved would require competitive bids on special occasions as provided for by this Chapter or by the Statutes of the State of Illinois.

1-2-20 - 1-2-21 RESERVED.

DIVISION II - RULES OF THE CITY COUNCIL

1-2-22 RULES OF THE COUNCIL. The following rules of order and procedure shall govern the deliberations and meetings of the City Council. (65 ILCS 5/3.1-40-15)

(A) Order of Business. The order of business shall be as follows:

(1) Call to order by presiding officer.
(2) Pledge of Allegiance.
(3) Roll Call.
(4) Consent Agenda.
(5) Report of Commissioners.
(6) Report of City Administrator, SCED Director, or other appointed City officers.
(7) New or unfinished business.
(8) Comments from public in attendance.
(9) Closed session meeting (if necessary).
(10) Adjournment.

All questions relating to the priority of business shall be decided by the chair without debate, subject to appeal.

(Ord. No. 17-20; 07-10—17)

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

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

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

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

(D) Comments from Public in Attendance. Members of the public shall be permitted to address the City Council during a designated portion of each regular or special meeting to comment on any matters of business under consideration by the City. No person shall address the City Council without having first secured the recognition of the Mayor. Each member of the public addressing the City Council shall be limited to three (3) minutes for his or her presentation, unless authorized to receive additional time by the consent of a majority of the City Council present.

[Supplement No. 24; 01-01-18]
Members of the Council, upon recognition by the Mayor, shall have the privilege of questioning speakers during the “public comments” portion of the agenda. Any time spent during questioning by members of the Council shall not be deducted from the three (3) minute time limit for comment permitted to each speaker. No member of the Council, including the Mayor, is required to interact with the public in attendance, to respond to any comment, or answer any questions brought forward. The City Clerk shall be designated as official timekeeper and shall be responsible for notifying the Mayor when the allotted time for each speaker has expired. Each member of the public addressing the Board shall be expected to conform to conventional standards of decorum and shall refrain from making insulting or vituperative remarks toward or about any member of the City Council, any employee or officer of the City, or any member of the audience. Only the Mayor shall have the authority to request that a speaker suspend his or her remarks for exceeding the prescribed time limit or for any other reason, such as a violation of the aforementioned standards of decorum.

Other than during the designated period provided for public participation, the City Council shall follow the prepared agenda. The members of the Council shall enter into the discussion of agenda items in a manner which permits other members of the Council, City staff, and members of the public to hear the proceedings of the Council, but shall refrain from interaction with members of the public during business sessions. The Mayor may, at his or her discretion, call on members of the public for information which may assist the Council in consideration of any agenda item. (Ord. No. 17-20; 07-10-17)

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

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

[No member shall speak longer than ten (10) minutes at any one time, except by consent of the Council; and in closing debate on any question, as above provided, the speaker shall be limited to five (5) minutes, except by special consent of the Council.]

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

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

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

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

[Supplement No. 24; 01-01-18]
(I) **Division of Questions.** If any question under consideration contains several distinct propositions, the members, by a majority vote of the members present may divide such question.

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

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

(L) **Precedence of Motions.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

1. To adjourn to a day certain.
2. To adjourn.
3. To take a recess.
4. To lay on the table.
5. The previous question.
6. To refer.
7. To amend.
8. To defer or postpone to a time certain.
9. To defer or postpone (without reference to time.)
10. To defer or postpone indefinitely.

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

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

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

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

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

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

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

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided two-thirds (2/3) of the members vote therefor.
A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

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

A motion to postpone indefinitely shall not open the main question to debate.

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

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

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

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

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

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

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

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

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

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

(V) **Adoption of Robert’s “Rules of Order Revised”.** The rules of parliamentary practice comprised in the latest published edition of Robert’s “Rules of Order Revised” shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Council.
Temporary Suspension of Rules - Amendment of Rules. These rules may be temporarily suspended by a vote of two-thirds (2/3) of the corporate authorities entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of two-thirds (2/3) of all the corporate authorities entitled by law to be elected.

Censure of Members - Expulsion of Members. Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Council, or who does not obey the order of the City Council or the order of the Chair shall be, on motion, censured by a majority vote of the members present, or expelled by a two-thirds (2/3) vote of all members elected. (65 ILCS 5/3.1-40-15)

The City Clerk shall forward all papers to the appropriate City officers as early as practicable after reference to said officers shall be made by the Council.

Any one of the foregoing rules may be altered or amended at any regular or special meeting of the City Council, provided notice has been given in writing at least one (1) meeting previous and these rules, or any of them, may be suspended at any such meeting by majority of the City Council voting for the same.

ELECTRONIC ATTENDANCE AT PUBLIC MEETINGS.

A member of the City Council may participate and vote electronically at public meetings, including Council meetings and Committees of the Whole, if the member is unable to physically attend because of: (1) personal illness or disability; (2) employment purposes or business related to the City; (3) family or other major emergency. In order for such participation to be valid, the member must provide notice sufficiently in advance of the meeting for the City to be able to provide the technical means necessary to fulfill such a request. The Council may deny a member's electronic attendance request by a two-thirds (2/3) vote if the request does not meet one of the above criteria. A member may vote on motions and issues coming before the body, but his or her vote shall not count towards a quorum.

The purpose of this Section, electronic participation means participation by telephone, video, or internet connection as provided by rules adopted by the council consistent with the provisions of Public Act 94-1058 amending the Illinois Open Meetings Act, ILCS 120/7. The electronic participation shall not be valid unless it provides means for the member to hear and participate in the discussion preceding any action of the Council.

For the purposes of this Section, the Mayor shall be treated as a member of the Council and accorded the same rights of electronic participation.

Electronic Participation Rules. The corporate authorities hereby adopt the Electronic Attendance at Meetings Rules attached hereto. The Mayor and Council retain the right to change or modify these rules at their discretion, provided such changes are in accordance with the Public Act 94-1058, or as hereafter amended. Upon adoption, the attached rules shall become a part of the City Council procedures.

(Ord. No. 16-23; 12-13-16)
DIVISION IV - ORDINANCES

1-2-24  ORDINANCES.

(A)  Attorney.  It shall be the duty of the City Attorney to prepare such ordinances as may be required and requested by the City Council.

(B)  Passage by Yeas and Nays - Record.  The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the City or for the expenditure or appropriation of its money, and all other cases at the request of any member and entered on the journal of its proceeding and the concurrence of three (3) of the members elected to the City Council shall be necessary for the passage of any such ordinance or proposition.  (65 ILCS 5/4-5-12)

(C)  Inspection.  Every ordinance or resolution appropriating any money, or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise, right, or license to occupy or use the streets, alleys, highways, bridges, viaducts, public property, or public places in the Municipality for any purpose, shall remain on file with the Municipal Clerk for public inspection, in the form in which it is finally passed, at least one (1) week before the final passage thereof.

(D)  Approval and Veto.  All ordinances passed by the City Council shall, before they take effect, be deposited in the office of the City Clerk, and the Mayor shall sign the same.

(E)  All ordinances shall have a number assigned using the last two digits of the year followed by a dash and the number of the ordinance with the number one being the first ordinance of the year.  Resolutions will use the same system except that the first resolution of the year will be “A”.  Each resolution shall have the alphabet letter assigned to the resolution.

1-2-25  RESERVED.
DIVISION V - GENERAL PROVISIONS

1-2-26 CORPORATE SEAL.
(A) The Seal provided by the Council, being circular in form shall consist of the words, “City of Sullivan, Illinois, Incorporated December 21, 1872” and “Seal” in the exterior circle, and the figures of a “locomotive and tender” in the interior circle of the seal.

Such seal shall be and hereby is established and declared to be the seal of the City. (See 65 ILCS Sec. 5/2-2-12)

(B) The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the City and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the City Clerk who shall be the legal custodian. (See 65 ILCS Sec. 5/3.1-35-90)

1-2-27 ELECTIONS.
(A) Election Procedure. The provisions of the Illinois Compiled Statutes, Chapter 10 and Chapter 65, Section 5/4-3-1 concerning municipal elections shall govern the conduct of the City elections.

(B) Inauguration. The inauguration of newly elected City officials shall occur at the first regular or special meeting of the City Council in the month of May following the general municipal election in April. (See 65 ILCS Sec. 5/3.1-10-15)

1-2-28 MUNICIPAL OFFICERS - REGULATIONS.
(A) Effect. The provisions of this Division shall apply alike to all officers and employees of the City regardless of the time of creation of the office or position or the time of the appointment of the officer or employee.

(B) Qualifications; Appointive Office.
(1) No person shall be eligible for any appointive municipal office unless that person is a qualified elector of the Municipality or otherwise provided by law.

(2) The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed city treasurers, or to appointed city collectors (unless the City has designated by ordinance that the City Clerk shall also hold the office of collector). (See 65 ILCS Sec. 5/3.1-10-6)

(C) Bond. Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position. (See 65 ILCS Sec. 5/3.1-10-30)
(D) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the City. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the Municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-20** of this Code. He shall not receive his final check until his City Code Book and keys are turned over to the City Clerk. **(See 65 ILCS Sec. 5/3.1-10-35)**

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

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

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

(H) **Conservators of Peace.**

1. After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, Councilmen and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance 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 over night or Sunday in any safe place or until they can be brought before the proper court, and
   d. to exercise all other powers as conservators of the peace prescribed by the corporate authorities.

2. All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the Municipality. For that purpose, policemen have all the common law and statutory powers of sheriffs. **(See 65 ILCS Sec. 5/3.1-15-25)**

(I) **Oath.** Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed shall take and subscribe to the following oath:
“I, __________________________, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of __________________________ according to the best of my ability.”

The Mayor and the Clerk shall have the power to administer this oath or affirmation upon all lawful occasions.

(See 65 ILCS Sec. 5/4-1-1)
(See “Administration of Oaths”)

1-2-29 **RESIGNATION OF APPOINTED OFFICIALS.** Any officer of the City may resign from office. If such officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a City officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified. (See 65 ILCS Sec. 5/3.1-10-50)

1-2-30 **QUALIFICATIONS; ELECTIVE OFFICE.**
(A) A person is not eligible for an elective municipal office unless that person is a qualified elector of the Municipality and has resided in the Municipality at least **one (1) year** next preceding the election.
(B) A person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the Municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.
(C) A person is not eligible for the office of Commissioner unless that person has resided in the Municipality, as the case may be, at least **one (1) year** next preceding the election or appointment. (See 65 ILCS Sec. 5/3.1-10-5)

1-2-31 **BONDS OF CITY OFFICERS.**
(A) **Amount.** Bonds of City officers required under Illinois Compiled Statutes, Chapter 65, Section 5/4-4-2 shall be executed in the following penal sums:

<table>
<thead>
<tr>
<th>Office</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>City Treasurer</td>
<td>$2,900,000.00</td>
</tr>
<tr>
<td>City Commissioner</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Police Chief</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>City Clerk</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

(B) **Premium Payment by City.** The surety bonds required by law shall be paid by the City. (See 5 ILCS Sec. 270/1)
ADMINISTRATION 1-2-32

(C) **Surety.** The City Council shall not receive or approve any bond or security wherein the name of the City Council, any one of the Commissioners or any elected or appointed officer of the City appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the City Council or if any bondsman, after becoming such is elected or appointed to any City office, this Section shall not act as a release of any such obligation incurred.  *(See 65 ILCS Sec. 5/4-4-2)*

1-2-32 **LIABILITY INSURANCE.**

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

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

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

1-2-33 **BIDDING AND CONTRACT PROCEDURES.**

(A) **When Competitive Bidding Required.** Subject to the exceptions contained in this Section, work or public improvements not to be paid for in whole or in part by special assessment or special taxation as well as purchases of or contracts for supplies, materials and certain services shall be based upon competitive bidding.

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed Twenty-Five Thousand Dollars ($25,000.00), shall be purchased from the lowest responsible bidder, who meets bidding specifications after due notice inviting bids, unless competitive bidding is waived by a vote of four (4) of the five (5) Council members then holding office.
(C) **Notice Inviting Bids.** Notice inviting bids shall be published at least once in a newspaper with general circulation within the City. The City shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the City Hall.

(D) **Scope of Notice.** The newspaper notice required herein shall include a general description of the work to be performed and/or articles to be purchased, shall state where specifications may be secured, that all bids must be sealed, the date and time of day bids are due, the date and time of day bids shall be opened and the City building as the location where bids shall be filed and opened.

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

(F) **Bid Opening Procedure.**

1. **Sealed.** Bids shall be submitted sealed to the City and shall be identified as bids on the envelope.

2. **Opening.** Bids shall be opened in public at the time and place stated in the public notice.

3. **Tabulation.** A tabulation of all bids received shall be made by the City Council or by a City employee or other City designee, in which event, a tabulation of bids shall be furnished to the City Council not later than at its next regular meeting.

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

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

(I) **Award of Contract.**

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

2. **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder based on the bid that is in the best interest of the City to accept. In awarding the contract, in addition to price, the City Council shall consider:
   (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;
   (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
   (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
   (d) The quality of the performance of previous contracts or services;
   (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
   (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
   (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

(i) The number and scope of conditions attached to the bid.

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

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Twenty-Five Thousand Dollars ($25,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this Section for the award of formal contracts.

(1) All purchases of major equipment such as backhoe, end loader, mowers, etc. less than **Twenty-Five Thousand Dollars ($25,000.00)** shall be presented to City Council at the regular Council meeting for their review of said purchase.

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

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

(M) **Cooperative Purchasing.** The City shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. *(65 ILCS 5/4-5-11, 8-9-1 and 8-9-2)*

**1-2-34 SALARIES REGULATION.**

(A) **Elected.** No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.

(B) **Appointed.** No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased.

*(See 65 ILCS Sec. 5/4-6-1 and 5/4-6-2)*

**EDITOR’S NOTE:** The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance at least **six (6) months** prior to the general municipal election in which voting is held for those offices.
1-2-35 CLAIMS.
(A) Presentation. All claims against the City for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance, shall be filed with the Treasurer five (5) days prior to the City Council meeting. All such claims must be in writing and items shall be specified.
(B) Exception. This does not prohibit the City Council from passing on any claims not previously presented to the City Clerk if, in the opinion of the Council, justice to the claimant requires it.

1-2-36 FISCAL AND MUNICIPAL YEAR. The fiscal and municipal year of the City shall begin on May 1st of each year and shall end on April 30th of the following year. (See 65 ILCS Sec. 5/1-1-2)

1-2-37 EXPENSES - REIMBURSEMENT. Each member of the corporate authorities may receive reimbursement from the Municipality for expenses incurred by the member in attending committee meetings of the corporate authorities or for other expenses incurred by the member in the course of performing official duties. (See 65 ILCS Sec. 5/3.1-50-15(B))

1-2-38 OFFICIAL RECORDS. All official records, including the Corporate Seal, shall be kept in the City Hall.

1-2-39 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.
(A) Eligible employees shall mean all employees of the City, eligible under the Federal Act, except persons elected to office by popular election and also the City Treasurer and City Attorney.
(B) Withholdings from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid quarterly.

1-2-40 ILLINOIS MUNICIPAL RETIREMENT FUND.
(A) The City does hereby elect to participate in the Illinois Municipal Retirement Fund.
(B) **Special Tax.** The City includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the City's cost of participating in the Retirement Fund and appropriate therefrom funds to pay the cost of participation.

1-2-41 - 1-2-46 RESERVED.
ARTICLE III – APPOINTED OFFICERS

DIVISION I – CITY CLERK

1-3-1 APPOINTMENT. At the first regular meeting after the Mayor and Commissioners are elected and qualified, the Mayor shall appoint the City Clerk and fix the salary, subject to the approval of the City Council, for a term of four (4) years. The Clerk shall have the custody of all Ordinances, records, books and papers, belonging to the City, and of the said City Seal, except those papers and records particularly pertaining to a single department and necessary to be kept in the office of the Superintendent of such department, and except as otherwise provided by this Chapter and the Statutes of the State of Illinois. He shall attend all regular and special meetings of the City Council and shall keep a full record of these proceedings.

1-3-2 ORDINANCES. He shall record, or cause to be recorded, in a book kept for that purpose, all the laws and ordinances of the City, and shall cause to be published in such newspaper as may be ordered by the City Council, all ordinances required by law to be published as and when passed by the City Council, within ten (10) days after they shall have been approved by the Mayor, or from the time they shall have taken effect without his approval.

1-3-3 TRANSCRIPTS. The City Clerk shall furnish any person desiring same a transcript of all laws and ordinances and all acts or proceedings of the City Council and he shall be entitled to charge therefor at the same rate as is allowed by law to the Clerk of the Circuit Court of Moultrie County, Illinois for the transcript of the records and papers of his office or as is hereinafter provided by Ordinance, provided, however, that the City Clerk shall furnish free of charge all such transcripts, properly certified, as may be necessary for the use of the City.

1-3-4 BONDS. It shall be the further duty of the Clerk to record in the public records of the City, any and all bonds that are or may be required of any officer of said City, and shall also record all bonds that are given by any person obtaining a license from said City.

1-3-5 ELECTIONS. The Clerk shall perform all duties imposed upon him by the election laws governing any election held within the City.

1-3-6 LICENSE RECORDS. The Clerk shall also keep a record of all licenses issued, the price paid for the same, the date of issue, and the expiration thereof.
**1-3-7  EXPENSE REPORTS.** The Clerk is authorized to require all officers to submit statements of the condition and expenses of their respective offices or departments with any proposed Municipal improvements and the probable expense thereof, all unperformed contracts and the amount of all unexpended appropriations of the preceding year. In this report, he shall:

(A) Classify the different objects and purposes of the expenditure, giving, as nearly as may be, the amount required for each;
(B) Show the aggregate income of the preceding fiscal year, from all sources;
(C) Show the amount of liabilities upon which interest is to be paid;
(D) Show the bonds and debts payable during the year and when due and payable;
(E) Give such other information to the City Council as he deems necessary, so that the City Council may fully understand the demands on the Municipality for the current fiscal year.

**1-3-8  FISCAL SUPERVISION.** The Clerk shall exercise the general supervision over all of the officers of the City, charged in any manner with the receipt, collection or disbursement of the Municipal revenue or with the collection and return of the Municipal Revenue in the Treasury.

**1-3-9  ANNUAL REPORT.** The Clerk shall publish the annual account of the City Treasurer required to be filed by him at the end of each fiscal year, at least once in one (1) or more newspapers published in the Municipality, to be designated by the City Council.

**1-3-10  OFFICIAL OATH, BOND.** The City Clerk, before entering upon the duties of his office, shall take and subscribe the official oath prescribed by law and give a bond with at least two (2) good and sufficient sureties in the penal sum to be approved by the City Council, payable to the City, conditioned for the faithful performance of his duties as such Clerk, and for the payment into the City Treasury of all monies received by him belonging to the City, and for the performance of all such duties as now are, or may hereafter be prescribed by the Laws of the State of Illinois, or by the Ordinances of the City, said bond to be filed in the office of the City Treasurer and to be by him recorded and carefully preserved.

**1-3-11  SALARY.** The annual salary of the City Clerk shall be such amount as shall be fixed by ordinance of the City Council at the date of his appointment, for the term of his office, but such salary shall be payable in equal semi-monthly installments.

**1-3-12  VACANCY.** Any vacancy in the office of Clerk for any cause shall be filled by appointment of the Mayor, with the approval of the City Council, for the unexpired term.

1-3-13 - 1-3-14  RESERVED.
DIVISION II – CITY TREASURER

1-3-15 CITY TREASURER; APPOINTMENT. At the first regular meeting of the City Council after the Mayor and Commissioners are elected and qualified as such, the Commissioner of Accounts and Finances shall recommend and the Council shall elect by majority vote the City Treasurer, for the term of four (4) years. The City Treasurer so appointed before entering upon the duties of office, take and subscribe the official oath as prescribed by law, and give bond for the faithful performance of his/her duties, payable to the City, with duly qualified corporate surety company as surety thereon, in such amount as the Council shall by resolution determine, provided that the amount of his/her bond shall in no case be fixed at a less sum than the estimated taxes, special assessments, special taxes, license fees and receipts of the City from all sources for the current year, not less than one and one-half (1 ½) times the largest amount estimated by the City Council will be in his/her custody or control at any one time during the year for which said bond is given.

1-3-16 MONIES. The Treasurer shall receive all monies belonging to the City, and shall keep the books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the City Council. The Treasurer shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto. The Treasurer shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and upon what account paid, and shall also file copies of such receipts with the Clerk at the date of the monthly reports.

1-3-17 REPORT. The Treasurer shall, at the end of each and every month, and oftener if required, render an account under oath to the City Council or such officer as may be designated, showing the state of the treasury at the date of such account and the balance of money in the Treasury. The Treasurer shall also accompany such accounts with a statement of all monies received into the Treasury, and on what accounts, together with all warrants redeemed and paid by him/her; which said warrants, with any and all vouchers held by him/her, shall be delivered to the Clerk, and filed with his/her said account in the Clerk’s office upon every day of such settlement. The Treasurer shall return all warrants paid by him/her stamped or marked “Paid”. The Treasurer shall keep a register of all warrants redeemed and paid which shall describe each warrant, and show the date, amount, number, the fund from which paid, and the name of the person to whom and when paid.

1-3-18 DEPOSIT OF FUNDS. The Treasurer shall deposit all monies coming into his/her hands belonging to the Corporation in the First National Bank of Sullivan, Illinois or the First Mid Illinois Bank & Trust and Scott State Bank, Sullivan Branch, or such other place or places of deposit as shall be designated from time to time by City Ordinance, and it shall be the duty of the City Council, when necessary or when requested by the City Treasurer,
to designate another bank or banks or other depositories in which the funds and monies of the City, in the custody of the Treasurer, may be kept. The amount of such deposits in said bank or in any one bank, shall not exceed **seventy-five percent (75%)** of the capital stock and surplus of such bank, and the Treasurer shall not be discharged from the responsibility for any such finds or monies deposited in any bank in excess of such limitation.

**1-3-19  SEPARATE AND SEGREGATED.** The Treasurer shall keep all monies belonging to the Corporation in his/her hands separate and distinct from his/her own monies or other monies in his/her hands, and in separate and distinct accounts for the City funds, and he/she is hereby expressly prohibited from using, either directly or indirectly, the Corporation money or warrants in his/her custody and keeping, for his/her own use or benefit, or that of any other person or persons whomsoever; any violation of this provision shall subject him/her to immediate removal from office by the City Council, who are hereby authorized to declare said office vacant; in such case, his/her successor shall be appointed by the Commissioner of Accounts and Finances, subject to the approval of the City Council.

**1-3-20  REPORTS TO COUNCIL.** The Treasurer shall report to the City Council as often as required, a full and detailed account of all receipts and expenditures of the Corporation as shown by his books up to the time of said report; and he/she shall annually, by the end of October after the close of the preceding fiscal year, prepare and file with the City Clerk an account of all monies received and expenditures incurred during the preceding fiscal year. The Treasurer shall show in such account:

(A) all monies received by the City, indicating total amounts in the aggregate received in each account of the City with a general statement concerning the source of such receipts; provided, for the purposes of this Section, the term “Account” shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other person whose payments to the Municipality are credited to the genera; account;

(B) all monies paid out by the City, giving the name of each person to whom paid, on what account paid, and the total amount, in the aggregate, paid to each person from each such account;

(C) a statement showing the state of the City Treasury at the close of the fiscal year.

The report shall be filed with the City Clerk who shall publish the account at least once in one (1) or more newspapers published in the City, to be designated by the City Council. All warrants drawn upon the Treasurer shall be signed by the Mayor and countersigned by the City Clerk, stating a particular fund or appropriation to which the same is chargeable, and the person to whom payable; no money shall be otherwise paid and upon such warrant so drawn except as hereinafter provided. *(Ord. No. 02-01; 02-25-02)*
1-3-21  **DELINQUENT ASSESSMENTS.** It shall be the duty of the City Treasurer to take the proper steps and institute the proper proceedings as prescribed by the Statutes of the State of Illinois for the collection of any delinquent assessments remaining uncollected upon his said books. Any vacancy in the office of City Treasurer shall be filled by election by the City Council for the unexpired term, in the same manner as the original Treasurer was elected.

1-3-22 - 1-3-24 **RESERVED.**
DIVISION III - CITY ATTORNEY

1-3-25 CITY ATTORNEY; APPOINTMENT. At the first regular meeting of the City Council after the Mayor and Commissioners are elected and qualified as such, the Mayor subject to approval of the City Council, shall appoint a City Attorney for the term of four (4) years and fix his salary.

1-3-26 SERVICES OF ATTORNEY. The Attorney shall have full charge of the law affairs of the City, and shall be known as the City Attorney, or Corporation Counsel and shall receive reasonable fees for services rendered when, in his judgment, or in the judgment of the Mayor or the Council, the same are necessary or for the best interests of the City. The Attorney shall receive One Thousand Five Hundred Dollars ($1,500.00) annually as his retainer.

1-3-27 PROSECUTE FOR CITY. The City Attorney shall prosecute or defend on behalf of the City, in all cases in which the interests of the corporation or any officer thereof are involved; and the City Clerk shall furnish him with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceedings.

1-3-28 PREPARATION OF ORDINANCES. He shall, when required, advise the Council or any officer in all matters of law in which the interests of the corporation are involved, and he shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required of him by the Mayor, the Council, or any committee thereof.

1-3-29 JUDGMENTS. He shall direct executions to be issued upon all judgments recovered in favor of the City, and shall direct their prompt service. He shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the City therefore.

1-3-30 DEPARTMENT ADVISOR. He shall act as the legal advisor for the Water and Sewer Departments, for the Plan Commission and he shall perform the legal services required of the Departments and/or Boards and Commissioners.
1-3-31 **VIOLATIONS OF ORDINANCES.** He shall institute and prosecute an action in every case of violation of a City ordinance when instructed to do so by the Mayor or the City Council.

1-3-32 **PROSECUTION OF SUITS.** He shall not be required to prosecute any suit or action arising under the ordinances of the City when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable. (See 65 ILCS Sec. 5/3.1-30-5)

1-3-33 - 1-3-34 **RESERVED.**

**DIVISION IV - HEALTH OFFICER**

1-3-35 **APPOINTMENT; TERM.** At the first regular meeting of the City Council after the Mayor and Commissioners are elected and qualified as such, and annually thereafter, the Commissioner of Public Health and Safety shall appoint, for the term of four (4) years, a City Health Officer.

(A) He shall be a practicing physician in the City, and shall make written report thereof to the City Council.

(B) The Health Officer, so appointed, shall be ex-officio member of the Board of Health, in an advisory capacity, and shall be authorized to enforce all rules and regulations established by the Board of Health for the promotion of health and the suppression of disease. It shall be the duty of the City Health Officer to make all necessary inspections relating to health, and report his findings and recommendations to the Board of Health, and to establish necessary quarantines as authorized by said Board, and to assist and advise the Board in all matters relating to public health.

(C) The annual salary of such Health Officer shall be such amount as shall be fixed by resolution of the City Council at the date of his appointment, and provision may be made for the payment of such salary in an annual payment.

**DIVISION V - CITY ADMINISTRATOR**

1-3-36 **APPOINTMENT; TERM.** The Mayor, subject to the approval of the City Council by a majority vote, shall appoint a City Administrator who will serve in that office until said office shall become vacant for a reason, whereupon said vacancy shall be filled by appointment by the Mayor, with the approval of the City Council.

(A) **Qualifications.** He/she shall have a Bachelor's Degree from an accredited four-year college or university. He/she should have considerable knowledge of modern policies and practices of public administration, a working knowledge of municipal finance, human resources, public works, public safety, and community development. He/she should be able to prepare and analyze comprehensive reports and communicate effectively verbally and in writing. He/she should be able to establish and maintain effective working relationships with employees, city officials, and the public.

(B) **Powers and Duties.** The City Administrator, under and subject to the direction of the Mayor and City Council, shall be the chief administrator of the City and shall be responsible to the Mayor and City Council for the proper administration of the affairs of the City and policies adopted by the City Council:

1. He/she may appoint such assistants, department heads, or employees as are necessary for the proper functioning of the City, subject to the
approval by the Council, except that the City Administrator may not appoint those city officers, which are by statute required to be appointed by the Mayor or Commissioners.

(2) He/she shall plan, organize, direct, and coordinate the operations of all city departments consistent with the policies and goals established by the Mayor and City Council. He/she shall:

(a) Provide for the enforcement of all laws and ordinances;

(b) Work with the Mayor and the Clerk to create the agenda for and attend all meetings of the City Council. The City Administrator shall have the right to participate in the discussion of all matters but shall have no right to vote;

(c) Administer the personal rules and regulations as determined by the Employee Handbook, and bring any proposed changes to the City Council;

(d) Administer the conduct of all collective bargaining processes and recommend to the City Council the agreements for approval;

(e) Direct, supervise, and coordinate the activities of all City departments, and recommend to the City Council any actions to ensure all City business is accomplished efficiently and economically;

(f) Conduct, with the appropriate Council member, an annual review of department heads, and require those department heads to submit annual reviews of their subordinate employees;

(g) Investigate all complaints in relation to matters concerning the administration of the government of the City and services maintained by the public utilities in the City;

(h) Assist the City Treasurer in preparation of the City budget and inventory of City property;

(i) Evaluate City projects and programs, and recommend to the Council any modifications or improvements;

(j) Perform other duties as assigned by the Mayor or City Council as a whole; and

(k) Powers assigned to the City Administrator are not intended to diminish those powers otherwise assigned to another officer by statute or ordinance, including, but not limited to, the Mayor.

(C) **Residency.** The City Administrator must establish residence per the guidelines set in the Personnel Policy Handbook within six (6) months of his/her appointment as City Administrator.

(D) **Compensation.** The City Administrator shall receive such compensation as set from time to time by the City Council. The City Council may enter into an employment agreement which specifies in writing provisions, including but not limited to, establishing the level of compensation, specifying benefits, determining separation pay upon termination and other conditions of employment.

(E) **Removal.** The City Administrator may be removed in accordance with law and subject to the terms of the employment contract entered into by and between the Mayor, City Council, and City Administrator.

(F) **Bond.** The City Administrator shall furnish a bond in such amount and with such surety as may be approved by the Mayor and City Council; such bond to be conditioned upon the faithful performance of his/her duties. The cost of the bond shall be paid by the City. The bond of the City Administrator may be part of a blanket bond.

(Ord. No. 16-14; 09-12-16)
ARTICLE IV - SALARIES

1-4-1 ESTABLISHED. The Mayor and the City Commissioners shall be paid as compensation for their services salary, payable monthly as the Commissioners shall determine, in the sum hereinafter set forth opposite the designated office:

(A) Department of Public Affairs. Mayor: Eight Thousand Dollars ($8,000.00) per year. The Mayor shall receive an annual salary of Five Hundred Dollars ($500.00) as the City's Liquor Commissioner.

(B) Department of Accounts and Finance. Commissioner: Five Hundred Dollars ($500.00) per month.

(C) Department of Public Health and Safety. Commissioner: Five Hundred Dollars ($500.00) per month.

(D) Department of Streets and Public Improvements. Commissioner: Five Hundred Dollars ($500.00) per month.

(E) Department of Public Property. Commissioner: Five Hundred Dollars ($500.00) per month.

(See 65 ILCS Sec. 5/4-6-1)
ARTICLE V - STATE GIFT BAN ACT

1-5-1 ADOPTION OF ACT.
(A) The State Gift Ban Act (5 ILCS Sec. 425 et seq.) is hereby adopted as required by Section 83 of the Act (5 ILCS Sec. 425/83).
(B) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the City. All non-salaried appointed or elected officials are exempted from the Act and the provisions of this Article.

1-5-2 ETHICS OFFICER. To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS Sec. 425/35), the Mayor shall appoint an “ethics officer” of the City. The ethics officer’s duties shall be as provided in Section 35 of the Act.

1-5-3 STATE LEGISLATIVE ETHICS COMMISSION; COMPLAINTS. All complaints for violation of the Act and this Article shall be filed with the State legislative ethics commission (created by Section 45(a)(6) of the Act).

1-5-4 FUTURE AMENDMENTS TO STATE GIFT BAN ACT. Any amendment to the State Gift Ban Act (5 ILCS Sec. 425/1 et seq.) that becomes effective after the passage of this Article shall be incorporated into this Article by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the City.

1-5-5 FUTURE DECLARATION OF UNCONSTITUTIONALITY OF STATE GIFT BAN ACT.
(A) If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS Sec. 425/1 et seq.) unconstitutional in its entirety, then this Article shall be repealed as of the date that the Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. The Article shall be deemed repealed without further action by the corporate authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.
(B) If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS Sec. 425/1 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Article shall remain in full force and effect; however, that part of this Article relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City.

(Ord. No. 99-7; 05-10-99)
ARTICLE VI - ETHICS CODE

1-6-1 DEFINITIONS. For the purposes of this Article, the following terms shall be given these definitions:

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

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 3 of the Election Code (10 ILCS 5/315/3).

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

"Compensated Time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this 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" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

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

"Employee" means a person employed by the 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" means the City of Sullivan.

"Gift" means any gratuity, discount, entertainment, hospitality, loan forbearance or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.
“Leave of Absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

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

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

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

“Prohibited Political Activity” means:

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

(B) 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.

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

(D) 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.

(E) 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.

(F) 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.

(G) 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.

(H) 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.

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

(J) Preparing or reviewing responses to candidate questionnaires.
(K) Distributing, preparing for distribution or mailing campaign material on behalf of any candidate for elective office or for or against any referendum question.

(L) Campaigning for any elective office or for or against any referendum question.

(M) Managing or working on a campaign for elective office or for or against any referendum question.

(N) Serving as a delegate, alternate or proxy to a political party convention.

(O) Participating in any recount or challenge to the outcome of any election. “Prohibited source” means any person or entity who:

1. is seeking official action (a) by an officer or (b) by an employee, or by the officer or another employee directing that employee;
2. does business or seeks to do business (a) with the officer or (b) with an employee, or with the officer or another employee directing that employee;
3. conducts activities regulated (a) by the officer or (b) by an employee, or by the officer or other employee directing that employee; or
4. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

1-6-2 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 the 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 (1) in a position that is subject to recognized merit principles of public employment or (2) in a position that 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 Personal 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.

1-6-3  GIFT BAN.
(A) 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. Section 1-6-3 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 Seventy-Five Dollars ($75.00) 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. For the purposes of this Section, “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.

(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 there are customarily provided to others in similar circumstances.

(10) Intra-Governmental and Inter-Governmental Gifts. For the purpose of this Act “intra-governmental gift” means any gift given to an officer or employee from another officer or employee, and “inter-governmental gift” means any gift given to an officer or employee by an officer or employee of another governmental entity.

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

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than One Hundred Dollars ($100.00).

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.
(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 Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered or succeeded.

1-6-4 **ETHICS COMMISSION.**

(A) There is hereby created a commission to be known as the Ethics Commission of the City. The Commission shall be comprised of three (3) 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. No more than two (2) members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

(B) At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two (2) commissioners shall serve two (2) year terms, and the third commissioner shall serve a one (1) year term. Thereafter, all commissioners shall be appointed to two (2) year terms. Commissioners may be reappointed to serve subsequent terms.

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 (2) commissioners. A quorum shall consist of two (2) commissioners, and official action by the Commission shall require the affirmative vote of two (2) members.

(C) The Mayor, with the advice and consent of the City Council, may remove a commissioner in case of incompetence, 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 (10) 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 Section 25-1(c) of this Ordinance and refer violations of Section 1-6-2 or Section 1-6-3 of this Article 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.

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

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

(F) Within three (3) 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 within three (3) business days after receipt by the Commission. The notices of the respondent and the complaint 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.

(G) Upon not less than forty-eight (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 may be closed to the public to the extent authorized by the Open Meetings Act. 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 (7) business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Section 1-6-3 of this Article and there is a determination of probable cause, then the Commission’s notice to the parties shall include a hearing date schedule within four (4) 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.

If the complaint is deemed sufficient to allege a violation of Section 1-6-2 of this Article, 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.

(H) On the scheduled date and upon at least forty-eight (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.

(I) Within thirty (30) days after the date of 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 to the Mayor, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline and any fine imposed shall be a matter of public information.

(J) If the hearing was closed to the public, the respondent may file a written demand for public hearing on the complaint within seven (7) 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 fourteen (14) days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least forty-eight (48) hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven (7) 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.

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

(L) The Commission may fine any person who intentionally violates any provision of Section 1-6-3 of this Article in an amount of not less than One Thousand One Dollars ($1,001.00) and not more than Five Thousand Dollars ($5,000.00). 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 One Thousand One Dollars ($1,001.00) and not more than Five Thousand Dollars ($5,000.00). The Commission may recommend any appropriate discipline up to and including discharge.

(M) A complaint alleging the violation of this Act must be filed within one (1) year after the alleged violation.
1-6-5 PENALTIES.

(A) A person who intentionally violates any provision of Section 1-6-2 of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days, and may be fined in an amount not to exceed Two Thousand Five Hundred Dollars ($2,500.00).

(B) A person who intentionally violates any provision of Section 1-6-3 of this Article is subject to a fine in an amount of not less than One Thousand One Dollars ($1,001.00) and not more than Five Thousand Dollars ($5,000.00).

(C) Any person who intentionally makes a false report alleging a violation of any provision of this 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 three hundred sixty-four (364) days, and may be fined in an amount not to exceed Two Thousand Five Hundred Dollars ($2,500.00).

(D) A violation of Section 1-6-2 of this Article 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.

A violation of Section 1-6-3 of this Article 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 Section 1-6-2 of this Article is subject to discipline or discharge.

(Ord. No. 04-04; 03-22-04)
Electronic participation rules

Electronic attendance is allowed if a member is unable to physically attend because of:

- Personal illness or disability
- Employment purposes or business related to the City
- Family or other major emergency

A quorum of the members of the City Council must be physically present at the meeting. Electronic attendance does not count as a member being present for the calculations of a quorum.

A Council member attending through electronic means has the right to vote on all matters at the City Council meeting.

Electronic attendance must be requested by providing notice as soon as possible to the Clerk. If the request is not made sufficiently in advance of the meeting for the Clerk to provide the technical means necessary to fulfill the request, the Council may deny a member’s electronic attendance request by a two-thirds (2/3) vote.

The Clerk is responsible for setting up the connection and will determine the most appropriate means for the electronic participation. Electronic participation is possible via telephone, video, and/or an internet connection. The Clerk has the option to share Council meeting documents to the remote Council member through an internet connection. All documents and communication are subject to the Freedom of Information Act.

To avoid confusion and promote efficiency, if the Mayor is the member attending the meeting through electronic means, the Commissioner of Accounts and Finances will serve as the Presiding Officer for the meeting. If the Mayor and the Commissioner of Accounts and Finances aren’t able to physically attend the meeting, the Mayor may select a Pro Tem Presiding Officer for the meeting.

(Ord. No. 16-23; 12-12-16)
CHAPTER 3

ANIMALS

ARTICLE I – GENERAL REGULATIONS

3-1-1 SHORT TITLE. This Chapter shall be known and may be cited as the Animal Control Code. (See 510 ILCS 5/1)

3-1-2 DEFINITIONS. For the purposes of this Chapter, the following definitions are adopted and shall be used:

“ANIMAL” shall mean any animal, other than man, which may be affected by rabies. (See 510 ILCS 5/2.02)

“ANIMAL CONTROL WARDEN” means any person appointed by the Mayor and approved by the City Council to perform duties enforcing this Code or any animal control official appointed and acting under authority of the County Board. (See 510 ILCS 5/2.03)

“AT LARGE”. Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a responsible person.

“CAT” shall mean any feline, regardless of age or sex.

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

“DANGEROUS DOG”. “Dangerous dog” means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places. (See 510 ILCS 5/15(2))

“DEPARTMENT OF AGRICULTURE” means the Department of Agriculture of the State of Illinois. (See 510 ILCS 5/2.06)

“DOG”. "Dog" means all members of the family Canidae. (See 510 ILCS 5.211)

“HAS BEEN BITTEN” means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin. (See 510 ILCS 5/2.12)
“INOCULATION AGAINST RABIES” means the injection of an anti-rabies vaccine approved by the Department. (See 510 ILCS 5/2.13)

“LEASE” means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control. (See 510 ILCS 5/2.14)

“LICENSED VETERINARIAN”. “Licensed veterinarian” means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. (See 510 ILCS 5/2.15)

“OWNER”. For the purpose of this Code, the word "owner“ means a person having a right of property in a dog or cat or who keeps or harbors a dog or cat, or who has a dog or cat in his care, or who acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises occupied by him. (See 510 ILCS 5/2.16) (Ord. No. 10-05; 05-10-10)

“POUND”. “Pound” means any facility approved by the Administrator and licensed as such by the Department of Agriculture for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. (See 510 ILCS 5/2.18)

“REGISTRATION CERTIFICATE”. “Registration Certificate” means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Code. (See 510 ILCS 5/2.19)

“RESTRAINT”. A dog or cat is under “restraint” within the meaning of this Code if he is controlled by a leash; at "heel" beside a responsible person; within a vehicle being driven or parked on the streets; or within the property limits of his owner or keeper. (Ord. No. 10-05; 05-10-10)

“SHADE” shall mean protection from the direct rays of the sun during the months of June through September.

“SHELTER”, as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches (2") from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

“UNOWNED STRAY DOG OR CAT”. “Unowned stray dog or cat” means any dog or cat not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time and place, bear a current rabies inoculation tag issued pursuant to the provisions of this Code, by means of which, by reference to records of current registration certificates, the Administrator or his deputies or
assistants may determine the name and address of the owner or keeper thereof, or some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner or keeper thereof. (See 510 ILCS 5/2) (Ord. No. 10-05; 05-10-10)

“VICIOUS ANIMAL” shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

“WILD ANIMAL” shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state. (See 510 ILCS Sec. 5/24)

3-1-3  INJURY TO PROPERTY.
(A) Unlawful. It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

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

3-1-4  MANNER OF KEEPING.
(A) Pens, Yards, or Runs. All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

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

3-1-5  KEEPING BARKING DOGS AND CRYING CATS.
(A) Harboring. It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.
(B) **Petitions of Complaint.** Whenever any person shall complain to
the Police Department that a dog which habitually barks, howls or yelps or a cat which
habitually cries or howls is being kept by any person in the City, the Police Department
shall notify the owner of said dog or cat that a complaint has been received and that
the person should take whatever steps are necessary to alleviate the howling, yelping
or crying.

3-1-6 **CRUELTY TO ANIMALS PROHIBITED.**

(A) **Cruelty to Animals Prohibited.** It shall be unlawful for any
person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse
or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or
inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal,
whether such animal belongs to such person or to another, except that reasonable force
may be employed to drive away vicious or trespassing animals. Any unwanted animals
should be delivered to the County Animal Control Facility for proper disposal.

(B) **Food and Shelter.** It shall be unlawful for any person in charge
of any animal to fail, refuse, or neglect to provide such animal with food, potable water,
shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy,
cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel
or inhumane manner. The terms used in this section shall comply with **Section 3-1-2.**
*(See 65 ILCS Sec. 5/11-5-6)*

3-1-7 **EXHIBITING WILD OR VICIOUS ANIMALS.**

(A) It shall be unlawful for any person to keep or permit to be kept on
his premises any wild or vicious animal as described in this Chapter for display or for
exhibition purposes, whether gratuitously or for a fee. This section shall not be
construed to apply to zoological parks, performing animal exhibitions, or circuses.

(B) It shall be unlawful for any person to keep or permit to be kept any
wild animal as a pet, unless a permit is granted by the Department of Natural Resources of
the State of Illinois.

(C) It shall be unlawful for any person to harbor or keep a vicious animal
within the City. Any animal which is found off the premises of its owner may be seized by
any police officer or humane officer and upon establishment to the satisfaction of any Court
of competent jurisdiction of the vicious character of said animal, it may be killed by a police
officer or humane officer; provided, however, that this section shall not apply to animals
under the control of a law enforcement or military agency nor to animals which are kept for
the protection of property, provided that such animals are restrained by a leash or chain,
cage, fence, or other adequate means from contact with the general public or with persons
who enter the premises with the actual or implied permission of the owner or occupant.

(D) The licensing authority may issue a temporary permit for the keeping,
care, and protection of any infant animal native to this area which has been deemed to be
homeless.
3-1-8 HEALTH HAZARD. The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl, bird, or insect which shall be deemed to be a nuisance or pose a health hazard to the general public.  
(Ord. No. 12-10; 06-11-12)

3-1-9 LIMITATION ON NUMBER OF DOGS AND CATS KEPT.
(A) Nuisance. The keeping of an unlimited number of dogs and cats in the City for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created.

The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms “dog” and “cat” shall be construed as provided in Section 3-1-2.

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

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

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

3-1-10 ANIMALS, ETC. IN CITY.
(A) Certain Prohibitions. Except as otherwise provided in this Chapter no person shall keep within the City any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, rabbits, bees or beehives, or other livestock.

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

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

(Ord. No. 12-10; 06-11-12)

3-1-11 DISPOSITION OF LARGE ANIMALS. Should any officer or designated person upon call or upon his own initiative pick up a large animal such as a horse, cow or mule or any other animal not acceptable by any animal hospital or shelter, he is authorized to call a trucking firm or company. The firm shall convey the animal outside the corporate limits to one of the farms which has a working agreement with the City to handle such cases. The disposition of the animal in this case shall be handled in the same manner as though it were in an animal hospital or shelter.

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

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

3-2-2  DOGS AND CATS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.

(A) Each calendar year or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog or cat four (4) months or more of age shall cause such dog or cat to be inoculated against rabies. Such owner or keeper of such dog or cat shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog or cat.

(B) Every owner or keeper of a dog or cat, regardless of age, shall cause the dog or cat to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address and phone number, if any, of the owner or keeper of the dog or cat.  (Ord. No. 10-05; 05-10-10)

3-2-3  INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE. The inoculation of dogs or cats required by Section 3-2-2(A) shall be performed by a veterinarian duly licensed to practice his profession in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to the owner or keeper a metallic or other suitable tag to be attached to the collar or harness of the dog or cat, which tag shall also certify to the fact of the inoculation against rabies.  (Ord. No. 10-05; 05-10-10)

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

3-2-5  SPECIFICATIONS FOR TAG. The tag issued under the provisions of Section 3-2-3 shall be in such form as shall be determined by the Department of Agriculture.

3-2-6  EXHIBITION OF CERTIFICATE UPON REQUEST. At any reasonable time upon request of any member of the Police Department or City employee, the owner or keeper of any unmuzzled dog or a cat shall exhibit his certificate issued under the provisions of Section 3-2-3, showing the inoculation against rabies of any dog or cat owned or controlled by him.  (Ord. No. 10-05; 05-10-10)
3-2-7 RESTRANT OF DOGS OR CATS. The owner or keeper of a dog or cat shall keep the dog or cat under restraint at all times and shall not permit such dog or cat to be at large, off the premises of the property of the owner or keeper, unless the dog or cat is under complete control as defined in Section 3-1-2. (See 65 ILCS Sec. 5/11-20-9) (Ord. No. 10-05; 05-10-10)

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

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

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

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

(D) Any impounded dog or cat which shall not be redeemed within seven days shall be humanely destroyed or otherwise disposed of by the poundkeeper.

(E) The City Council may establish a reasonable fee by motion for each day that a dog or cat is housed in the pound. (See 510 ILCS Sec. 5/10) (Ord. No. 10-05; 05-10-10)

3-2-9 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT. In case of impounding and where the owner or keeper of such dog or cat is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog or cat and shall cite the owner or keeper of such dog or cat to answer charges of violation of this Chapter. (Ord. No. 10-05; 05-10-10)

3-2-10 OBSTRUCTING POUNDMASTER. Any person(s) who shall bring any dog or cat into the City for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the poundmaster or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any dog or cat therefrom without having first paid the fees herein specified, or any owner or keeper of any dog or cat who shall permit any dog or cat to run at large within the corporate limits of the City, upon conviction of any part of this Chapter shall be fined according to Chapter 1-Administration of this Code. (Ord. No. 10-05; 05-10-10)
3-2-11 IMPOUNDMENT OF DOGS OR CATS WHICH HAVE BITTEN PERSONS. Any dog or cat which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs or cats for ten (10) days. If, during that period, such dog or cat develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog or cat shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog or cat cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the ten (10) days no symptoms of rabies have developed in such dog or cat so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this Chapter; provided, however, that in case any dog or cat so impounded for biting a person shall have previously bitten any person, such dog or cat shall be humanely destroyed by the poundkeeper. After having been notified that his dog or cat has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled. (Ord. No. 10-05; 05-10-10)

3-2-12 IMPOUNDMENT. Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog or cat found running at large. (Ord. No. 10-05; 05-10-10)

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

3-2-14 CITY POUND DESIGNATED. The County Pound shall serve as the City Pound.

3-2-15 DISPOSITION OF DOGS OR CATS DEEMED NUISANCES. Any dog or cat which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog or cat shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code. (Ord. No. 10-05; 05-10-10)
3-2-16 **DANGEROUS DOG - FEMALE DOG AT LARGE.** It shall be unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to run at large within the limits of this City.

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

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

3-3-1 Definitions. As used in this Article, the following words shall have the following meanings and definitions:

(A) “Vicious dog” means:

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

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

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

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

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

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

(E) “Found to Be Vicious Dog” means:

1. that the County Veterinarian, Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in
paragraph (1) of Subsection (A) and, based on that finding, the County Veterinarian or an Animal Control Warden has declared in writing that the dog is a vicious dog or that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

3-3-2 **UNLAWFUL TO MAINTAIN.** It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

- **(A)** If it is necessary for the owner or keeper to obtain veterinary care for the dog or
- **(B)** To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

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

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

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

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

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

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

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

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

*(See also 510 ILCS Sec. 5/24)*
CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I - PLAN COMMISSION

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

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

4-1-3 TERM OF OFFICE. The members shall serve for a period of four (4) years. Three (3) members shall be appointed in 2001 and four (4) members in 2003. Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the Council deems it advisable, they may receive such compensation as provided by the City Council by appropriation.

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

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

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

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

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

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

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

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

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

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

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

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

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

  (A) To regulate and limit the height and bulk of buildings hereafter to be erected.
  (B) To establish, regulate and limit the building or setback lines on or along the street, traffic way, drive, parkway, or storm or flood water runoff channel or basin.
  (C) To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces, within and surrounding such buildings.
  (D) To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.
  (E) To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height, and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification), as may be deemed best suited to carry out the purpose of this Section.
  (F) To fix standards to which buildings or structures therein shall conform.
  (G) To prohibit uses, buildings, or structures incompatible with the character of such districts.
  (H) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Section.

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

ARTICLE II – RESERVED

(Ord. No. 04-23; 10-11-04)
CHAPTER 6
BUILDING CODE

ARTICLE I
BUILDING CODE ADOPTED

6-1-1 ADOPTION OF BUILDING CODE. A certain document, one (1) copy of which is on file in the office of the City Clerk of the City being marked and designated as "The International Building Code (2009)" as published by The Building Officials and Code Administrators International, Inc. be and is hereby adopted as the Building Code of the City for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Article with the additions, insertions, deletions and changes, if any, prescribed in Section 6-1-2 of this Article. (Ord. No. 12-9; 05-14-12)

6-1-2 ADDITIONS, INSERTIONS, AND CHANGES. The following sections are hereby revised as follows:
Section 100.1 (page 1, second line). Insert: City of Sullivan.
Section 103.4 (page 3, first line). Insert: November 1, 2000.
Section 114.3.1 (page 11, third line). Insert: See Schedule "A".
Section 117.4 (page 13, fifth, sixth and seventh lines). Insert: Offense, $750.00, "No".
Section 118.2 (page 13, fourth and fifth lines). Insert: "$50.00 or more than $750.00".
Section 123.3 (page 17, second line). Insert "$50.00".
Section 2906.1 (page 438, first, second and third lines). Insert: See Schedule "A".

6-1-3 RESIDENTIAL REAL ESTATE PERMITS.
(A) Permit Required. A building permit is required for all residential building construction in the City according to the regulations, provisions, penalties, conditions and terms of the International Building Code (2009): (Ord. No. 12-9; 05-14-12)

(1) The building permit procedure shall be as follows:
(a) Building permit application shall be issued by the Zoning Administrator.
(b) The application shall be returned to the City Building.
(c) The City Building Office shall issue a number for the application.
(d) A copy of the application goes to each of the Superintendents involved in the project, namely: gas, water & sewer, electric and street departments.

(e) The building permit shall be returned to the City Building within **two (2) working days**.

(f) The building permit shall be issued by the City Building Office with a number assigned and a collection of **Twenty-Five Dollars ($25.00)** for this permit.

(g) After a building permit is issued there shall be inspections of the electrical (rough-in and final), plumbing, (rough-in and final), structure, foundation, and footing systems, where applicable. In addition thereto, if there is slab-type construction, there shall be an additional inspection of below-slab plumbing and piping prior to covering with slab base material. The cost of each inspection is **Thirty Dollars ($30.00)** and shall be paid at the time the building permit is issued. *(Ord. No. 15-1; 02-09-15)*

(h) After each inspection is made for electrical, plumbing, structure, footing and foundation, and if applicable, under-slab plumbing, the reports shall be attached to the building permit. *(Ord. No. 15-1; 02-09-15)*

(2) Each Superintendent shall sign the application for Building Permit to show that they have reviewed the application. *(Attach a copy of Section 6-1-3 from City Code on permit procedure.)*

(3) The permit form is found in **Appendix “A”**.

(4) All easements shall be checked and complied with:
   - Electric - Section 11-2-5
   - Gas - Section 17-2-4
   - Water - Section 38-3-23
   - Sewer - Section 38-5-39

(B) **Residential Real Estate Structure Permit.** A structure permit is required for all residential real estate building construction in the City as a part of the Building Code, Chapter 6, Article 1 for the City.

(1) The Structure Permit Procedure shall be as follows:
   (a) The City Building Office shall issue the structure permit form.
   (b) The City Inspector shall make an inspection of the structure. *(A fee of **Thirty Dollars ($30.00)** is to be made for this inspection.) *(Check or payment made payable to the City of Sullivan.) The fee shall be paid along with building permit, plumbing, electrical and footing inspection fees.
   (c) The report of the City Inspector shall be attached to the permit form.
   (d) The permit form shall be returned with the inspection report attached to the City Building.
   (e) The Superintendents of the electrical, water & sewer, gas and street departments shall sign the form.
(f) Upon completion of the above, a number shall be assigned. The number assigned shall be building permit number for the project with the number followed by “S” for structure.

(2) The permit form is found in Appendix “A”. (Ord. No. 12-9; 05-14-12)

(C) Residential Real Estate Footing Permit. A footing permit is required for all residential real estate building construction in the City as a part of the Building Code, Chapter 6, Article I for the City.

(1) The Footing Permit Procedure shall be as follows:
   (a) The City Building Office shall issue the footing permit form.
   (b) The City Inspector shall make an inspection of footings before and after pouring. A fee of Thirty Dollars ($30.00) will be made for this inspection. A separate inspection will be made for the foundation before and after completion and a fee of Thirty Dollars ($30.00) will be made for this inspection. (Check or payment made payable to the City of Sullivan.) The fee shall be paid along with building, plumbing, electrical, and structure permits.
   (c) The report of the City Inspector shall be attached to the permit form.
   (d) The permit form shall be returned with the inspection report attached to the City Building.
   (e) The Superintendents of the electrical, water & sewer, gas and street departments shall sign the form.
   (f) Upon completion of the above, a number shall be assigned. The number assigned shall be the building permit number for the project with the number followed by “F” for footings.

(2) The permit form is found in Appendix “A”. (Ord. No. 12-9; 05-14-12)

(Ord. No. 07-30; 12-26-07)

6-1-4 COMMERCIAL AND INDUSTRIAL REAL ESTATE PERMITS.

(A) Permit Required. A building permit is required for all commercial and industrial building construction in the City according to the regulations, provisions, penalties, conditions and terms of the International Building Code (2009): (Ord. No. 12-9; 05-14-12)

(1) The building permit procedure shall be as follows:
   (a) The building permit application shall be issued by Zoning Administrator.
   (b) The application shall be returned to the City Building.
   (c) The City Building Office shall issue a number for the application.
(d) A copy of the application shall go to each of Superintendents involved in the project, namely: gas, water & sewer, electric and street departments.

(e) The building permit shall be returned to the City Building within two (2) working days.

(f) The building permit shall be issued by the City Building Office with a number assigned for this permit.

(g) After a building permit is issued there shall be inspections of the electrical (rough-in and final), plumbing, (rough-in and final), structure, foundation, and footing systems, where applicable. In addition thereto, if there is slab-type construction, there shall be an additional inspection of below-slab plumbing and piping prior to covering with slab base material. The cost of each inspection is Thirty Dollars ($30.00) and shall be paid at the time the building permit is issued. (Ord. No. 15-1; 02-09-15)

(h) After each inspection is made for electrical, plumbing, structure, footing and foundation, and if applicable, under-slab plumbing, the reports shall be attached to the building permit. (Ord. No. 15-1; 02-09-15)

(2) Each Superintendent shall sign the application for the Building Permit to show that they have reviewed the application. (Attach a copy of Section 6-1-4 from City Code on permit procedure.)

(3) The permit form is found in Appendix “KK”. (Ord. No. 12-9; 05-14-12)

(4) All easements shall be checked and complied with:
   Electric - Section 11-2-5
   Gas - Section 17-2-4
   Water - Section 38-3-23
   Sewer - Section 38-5-39

(B) Commercial and Industrial Real Estate Structure Permit. A structure permit is required for all commercial and industrial building construction in the City as a part of the Building Code, Chapter 6, Article I for the City.

(1) The Structure Permit Procedure shall be as follows:
   (a) The City Building Office shall issue the structure permit form.
   (b) The City Inspector shall make an inspection of the structure.
   (c) The report of the City Inspector shall be attached to the permit form.
   (d) The permit form with inspection report shall be returned to the City Building.
   (e) The Superintendents of the electrical, water & sewer, gas and street departments shall sign the form.
   (f) Upon completion of the above, a number shall be assigned. The number assigned shall be the building permit number for the project with the number followed by “S” for structure.

(2) The permit form is found in Appendix “KK”. (Ord. No. 12-9; 05-14-12)

(C) Commercial and Industrial Real Estate Footing Permit. A footing permit is required for all commercial and industrial real estate building construction in the City as a part of the Building Code, Chapter 6, Article I for the City.

(1) The Footing Permit Procedure shall be as follows:
The City Building Office shall issue the footing permit form.

The City Inspector will make inspections of footings before and after pouring. Separate inspections will be made for the foundation before and after completion.

The report of the City Inspector shall be attached to the permit form.

The permit form with inspection report attached shall be returned to the City Building.

The Superintendents of the electrical, water & sewer, gas and street departments shall sign the form.

Upon completion of the above, a number shall be assigned. The number assigned shall be the building permit number for the project with the number followed by “F” for footings.

The permit form is found in Appendix “KK”. (Ord. No. 12-9; 05-14-12)

Inspection Fees. Inspection fees for Commercial and Industrial real estate building permits under this Section shall be charged pursuant to the schedule of fees as found in Schedule “A” attached to this Chapter. (Ord. No. 07-30; 12-26-07)

DEMOLITION OF EXISTING STRUCTURE. A permit must be secured from the Zoning Administrator for any building demolition in the City.

The Demolition Permit Procedure shall be as follows:

1. The City Building issues the demolition permit form.
2. Permit form shall be submitted to the Zoning Administrator.
3. Zoning Administrator shall submit the permit to the gas, electric, and water and sewer superintendents to enable each superintendent to inspect the demolition site and mark the utilities in or adjacent to the structure, if applicable.
4. After inspection, the completed permit shall be returned to the City Building by the Zoning Administrator.
5. After inspection and approval, the permit shall be issued by the City and a fee of Ten Dollars ($10.00) shall be charged. If utilities need to be disconnected, the fee shall be Fifty Dollars ($50.00). (Check or payment made payable to the City of Sullivan.) (Ord. No. 12-9; 05-14-12)
6. Permit form is found in Appendix “GG”.
7. Upon completion of demolition, all utilities, to include gas, water and sewer, will be capped.

(Ord. No. 07-30; 12-26-07)
ARTICLE II
PLUMBING CODE

6-2-1  ILLINOIS PLUMBING CODE ADOPTED. The Illinois Plumbing Code/2004, is hereby adopted by the City of Sullivan, Illinois, for the purposes of establishing rules and regulations for the design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplied, storm water and sewage disposal in buildings, including permits and penalties and that the Illinois Plumbing Code/2004 has been and now is on file at the office of the City Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this article shall take effect and the provisions thereof shall be controlling within the corporate limits of the City. (Ord. No. 12-9; 05-14-12)

6-2-2  DEFINITIONS IN PLUMBING CODE.
(A)  Whenever the word "Municipality" is used in this Code, it shall be held to mean the City of Sullivan, Illinois.
(B)  Whenever the term "Corporate Counsel" is used in the Plumbing Code, it shall be held to mean the Attorney for the City of Sullivan, Illinois.

6-2-3  PERMIT REQUIRED. A building permit is required for all new construction of plumbing in the City as required in the Illinois Plumbing Code which establishes design and installation of plumbing systems. This Code is adopted by the City in Chapter 6, Article II, Section 6-2-1 in the Code book of the City.
(A)  Following are the steps for issuing a permit:
(1)  City Building issues permit form for new construction.
(2)  The City Inspector shall make an inspection of the plumbing system. (A fee of Thirty Dollars ($30.00) is to be made for this inspection, with the exception of commercial and industrial real estate, which shall be charged the fee stated in Schedule “A” attached to this Code.)
(3)  Report of the City Inspector shall be attached to the permit form.
(4)  Return permit form with inspection report to the City Building.
(5)  Superintendents of the Water and Sewer departments shall inspect and sign permit.
(6)  Upon completion of the above a number will be assigned. Number assigned will be building permit number for the project with number followed by “P” for plumbing.
(B) Permit Form is found in Appendix “A”. (Ord. No. 12-9; 05-14-12)

(C) Each Superintendent shall sign application for Building Permit to show that they have reviewed the application.

(D) Attach a copy of Section 6-2-3 from City Code on permit form.

(E) Applicant shall comply with Section 38-3-23 and Section 38-5-39 – Easement Required.
ARTICLE III

ELECTRICAL CODE

6-3-1 NATIONAL ELECTRICAL CODE ADOPTED. The National Electric Code, as published by the National Fire Protection Association, is hereby adopted by the City of Sullivan, Illinois for the purposes of establishing rules and regulations for electric installations, including permits and penalties and that the National Electrical Code, recommended by the National Fire Protection Association, being particularly the edition thereof, and the whole thereof of which not less than one (1) copy has been and are now on file in the Office of the City Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Article shall take effect and the provisions thereof shall be controlling in the electrical installations of all buildings and structures therein contained within the City.

6-3-2 DEFINITION IN ELECTRICAL.

(A) Whenever the word "Municipality" is used in this Code, it shall be held to mean the City of Sullivan, Illinois.

(B) Whenever the term "Corporate Counsel" is used in the Electrical Code, it shall be held to mean the Attorney for the City of Sullivan, Illinois.

6-3-3 PERMIT REQUIRED. An electrical permit is required for all electrical service in the City according to the Rules and Regulations of the National Electric Code that specifies permits and penalties. This Code is adopted by the City in Article III, Section 6-3-1 in the Code book of the City.

(A) Following are the steps for issuing a permit:

(1) City Building issues permit form for new construction.

(2) The City Inspector shall make an inspection of the electrical system. (A fee of Thirty Dollars ($30.00) is to be made for this inspection, with the exception of commercial and industrial real estate, which shall be charged the fee stated in Schedule "A" attached to this Chapter.) (Ord. No. 07-30; 12-26-07)

(3) Report of the City Inspector shall be attached to the permit form.

(4) Return permit form with inspection report attached to the City Building.

(5) Superintendents of the Electrical Department shall inspect and sign permit.

(6) Upon completion of the above a number will be assigned. Number assigned will be building permit number for the project with number followed by "E" for electrical.
(B) Permit Form is found in Appendix “A”. (Ord. No. 12-9; 05-14-12)

(C) Applicant shall comply with Section 11-2-5 wherein an electric easement is required.

(D) **NOTE:** Inspector shall notify electric superintendent when inspection is completed and permit is issued.
ARTICLE IV

FIRE CODE

6-4-1 NATIONAL FIRE PREVENTION CODE ADOPTED. The BOCA National Fire Prevention Code/1999, 11\textsuperscript{th} ed., is hereby adopted by the City of Sullivan, Illinois which prescribes minimum requirements and controls to safeguard life, property and public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use of occupancy of buildings and structures, including permits and penalties and that the BOCA Fire Prevention Code/1999, recommended by the Building Officials and Code Administration International Inc., being particularly the 11\textsuperscript{th} edition thereof, and the whole thereof of which not less than one (1) copy has been and are now on file in the Office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Article shall take effect and the provisions thereof shall be controlling within the corporate limits of the City. The City Board also adopts the National Fire Codes Subscription Service as published by the National Fire Protection Association as it pertains to this Code and commercial and industrial buildings.

6-4-2 DEFINITIONS IN FIRE CODE.

(A) Whenever the word "Municipality" is used in this Code, it shall be held to mean the City of Sullivan, Illinois.

(B) Whenever the term "Corporate Council" is used in the Fire Code, it shall be held to mean the Attorney for the City of Sullivan, Illinois.
SCHEDULE “A”

FEES

Pursuant to this Chapter, the following inspection fees shall be charged for all new construction:

Residential Real Estate

General Building Permit (See Appendix AA for form) $25.00
Footing Inspection Permit – Before pouring of concrete 30.00
Foundation Inspection 30.00
Structure Inspection Permit 30.00
Electrical Permit 30.00
Plumbing Permit 30.00

Multiple Unit Structures

General Building Permit (See Appendix AA for form) $25.00
Footing Inspection Permit – Before pouring of concrete 30.00 per unit
   Foundation inspection part of footing inspection – ½ of total units
Structure Inspection Permit – ½ of total units 30.00 per unit
Electrical Permit – all units 30.00 per unit
Plumbing Permit – all units 30.00 per unit

(Unit clarification: Duplex equals two units
   Triplex equals three units etc.
Any partial unit would be considered one unit)

Commercial and Industrial Real Estate

To include General Building Permit, Footing Inspection Permit,
   Foundation Inspection Permit, Structure Inspection Permit,
   Electrical Permit, Plumbing Permit $10.00 per 100
   square foot of area

(storage only structures shall be charged $5.00 per 100 square feet of area)

There shall be a minimum charge of Two Hundred Fifty Dollars ($250.00) for all commercial and industrial real estate inspections.  (Ord. No. 12-9; 05-14-12)

NOTE: THE ABOVE STEPS MUST BE FOLLOWED IN THEIR ORDER OF LISTING AND EACH MUST BE COMPLETED BEFORE THE NEXT INSPECTION IS STARTED.

(Ord. No. 07-30; 12-26-07)

[Supplement No. 19; 03-01-13]
BUILDING PERMIT PROCEDURE

1. Building permit application issued by Zoning Administrator. **(Ord. No. 02-01; 02-25-02)**
2. Application brought to City Building.
3. Office issues a number for application.
4. Copy of application goes to each Superintendent involved in project, namely; gas, water & sewer, electric and street dept.
5. All copies of building permits returned to City Building in two working days.
6. Building permit issued by City Building Office upon receipt of fees for inspection.
THIS CARD SHALL BE CONSPICUOUSLY DISPLAYED. FAILURE TO DO
SO SHALL BE DEEMED VIOLATION OF THE ZONING ORDINANCE.

OFFICE OF THE MUNICIPAL CLERK

BUILDING PERMIT

NO. ____________________

HAS BEEN SECURED

APPLICATION NUMBER ______________________________________

PROJECT ________________________________________________

LOCATION ______________________________________________

OWNER _________________________________________________

DATE ISSUED ____________ DATE OF EXPIRATION _________

Phone: ______________________ by: ________________________

Clerk

[Supplement No. 19; 03-01-13]
NOTICE:

ZONING VIOLATION

STOP ALL WORK

IN OR ON THESE PREMISES. THIS STRUCTURE AND/OR USE IS IN VIOLATION OF THE ZONING CODE. ANY AND ALL PERSONS CONTRIBUTING TO THE CONTINUATION, MAINTENANCE, OR OPERATION OF THIS VIOLATION SHALL BE LIABLE FOR PROSECUTION AND, UPON CONVICTION, SHALL BE SUBJECT TO FINE OR IMPRISONMENT.

(REMOVAL, OR MUTILATION OF THIS NOTICE WITHOUT AUTHORIZATION OF THE ZONING ADMINISTRATOR SHALL CONSTITUTE VIOLATION OF THE ZONING CODE.)

DATE OF ISSUANCE ________________    BY: ____________________
ZONING ADMINISTRATOR

SULLIVAN, ILLINOIS

ORDER NUMBER ________________
CHAPTER 7
BUSINESS CODE

ARTICLE I - ADMINISTRATION

7-1-1 APPLICATIONS.
(A) Applications for all licenses and permits required by this Chapter shall be made in writing to the City Clerk in the absence of provision to the contrary.
(B) Each application shall contain:
   (1) the name of the applicant;
   (2) the permit or license desired;
   (3) the location to be used, if any;
   (4) Zoning district, if any;
   (5) the time covered; and
   (6) the fee to be paid.
(C) Each application shall also contain the number the Certificates of Registration required under the Retailer’s Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the municipal officials in the issuing of the license or permit applied for.
(D) All licenses and permits in this Chapter are required by the City.

7-1-2 PERSONS SUBJECT TO LICENSE. Whenever a license or permit is required in this Code or in any municipal ordinance for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this municipality.

7-1-3 FORM OF LICENSE. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.
7-1-4 INVESTIGATIONS.

(A) Upon the receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Clerk, within forty-eight (48) hours shall refer the application to the appropriate official(s) for the making of such investigation or inspection,

(B) The official(s) to whom the application has been referred shall make a report thereon, favorable or otherwise within ten (10) days after receiving such application or a copy thereof.

(C) The Chief of Police or the County Health Department shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. [If a Zoning Code is in effect, the Zoning Administrator shall make or cause to be made any inspections which relate to compliance with the Zoning Code and other related regulations.] All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Mayor.

(D) Upon receipt of all related investigative reports, the Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

(E) If it shall appear to the Mayor that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

(F) If, after due consideration of the information contained with the application and the related investigative reports, the Mayor shall determine that the matters concerning the application are unsatisfactory, he may disapprove such application, indicating the reasons therefor. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is disapproved and that no license or permit will be issued.

(G) If, after due consideration of the information contained within the application and the related investigative reports, the Mayor shall determine that the application is satisfactory, he shall approve the application. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is approved and the license or permit may be issued.

7-1-5 FEES. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of
death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

7-1-6 TERMINATION OF LICENSES. All annual licenses shall be operative and the license year for this municipality shall commence on May 1st of each year and shall terminate on April 30th of the following year, where no provision to the contrary is made.

The Clerk shall notify all licensees of this municipality of the time of expiration of the license held by the licensee (if an annual), three (3) weeks prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new licensee or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

7-1-7 LICENSES NOT TRANSFERABLE. No license granted under the provision of this or any other ordinance of the City, shall be assignable or transferable, without the permission of the City Council, so as to vest in any person or persons other than the persons to whom granted the privileges conferred by said license, and in all cases requiring special qualifications in the licensee or applicant, or as to location, such licenses shall not be transferable, and the new applicant must file his application for license as provided herein for the original applicant.

7-1-8 BUILDING AND PREMISES. No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this municipality and the State of Illinois. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of this Code and/or other applicable regulations of this municipality. (See Chapter 40 - Zoning Code)

7-1-9 CHANGE OF LOCATION. The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that ten (10) days notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this municipality shall be complied with. (See Chapter 40 - Zoning Code)

[Supplement No. 24; 01-01-18]
7-1-10 LOCATION. No license for the operation of a business or establishment in this municipality shall be construed to permit the operation of a licensed business or establishment in more than one (1) location in this municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

7-1-11 NUISANCES PROHIBITED.

7-1-11.1 GENERALLY. No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health.

[ED. NOTE: The City Health Department should be consulted.]

7-1-11.2 UNSAFE OR UNHEALTHFUL BUSINESS. (A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition. (B) No substance, matter or thing of any kind whatsoever, which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this municipality.

7-1-11.3 REFUSE DISPOSAL. (A) Refuse Containers. The standard refuse container required by this Code shall be a receptacle of not less than twenty (20), nor more than thirty-two (32) gallons capacity, constructed of impervious material and sturdy construction with a tight-fitting cover, and equipped with handles properly placed to facilitate handling. (B) Duty-to Provide Refuse Containers. The occupant of every building, structure or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections. All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.
(C) Refuse Removal. It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation to cause to be removed, at his own cost and expense, at least once each week, all refuse produced therein.

(D) Removal of Restaurant Garbage. Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment where more than thirty-two (32) gallons of refuse, is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed from his premises and to be disposed of at his own expense by an approved and licensed garbage disposal firm.

7-1-12 WORKING CONDITIONS.

7-1-12.1 HEALTH REQUIREMENTS. No owner, lessee, manager, or superintendent of any store, factory, workshop or other place where persons are employed shall cause or permit such place or any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

7-1-12.2 SANITATION. All such places of employment shall be kept in a clean condition, free from effluvia of a sewer, drain, privy, stable or other nuisance(s); also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

7-1-12.3 HEAT REQUIRED.

(A) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop to maintain a temperature within such factory or workshop of not less than sixty-two degrees Fahrenheit (62º F.) without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than sixty-two degrees Fahrenheit (62º F.) is necessary or expedient for the work or manufacturing processes of such business.

(B) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature therein of not less than sixty-two degrees Fahrenheit (62º F.), without such undue restriction of ventilation as to interfere with proper sanitary conditions therein between the hours of 8:00 A.M. and 6:00 P.M. from October 1st of each year until June 1st of the succeeding year [Sundays and legal holidays excepted].
7-1-12.4 **INSPECTION.** The Mayor or the Chief of Police shall visit or cause to be visited all places of employment in this municipality as often as they shall deem necessary to assure compliance with the provisions of this section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

7-1-13 **INSPECTIONS.**

(A) Whenever inspections of the premises for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of this municipality, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of this municipality who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of this municipality requesting the same, sufficient samples of such material or commodity for such analysis upon official request.

(C) In addition to any other penalty which may be provided, the Mayor may revoke the license of any owner or operator of a licensed business in this municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take adequate sample(s) of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of this municipality after having first presented a warrant authorizing such entry.

7-1-14 **SUSPENSION, REVOCATION OF LICENSE OR PERMIT.**

7-1-14.1 **NUISANCE.** When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.

7-1-14.2 **HEARING.** Within eight (8) days after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.
7-1-14.3 REVOCATION. Licenses and permits issued in this municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in Subsections 7-1-14.4 and 7-1-14.5 of this Section for any of the following causes:

(A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;
(B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
(C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
(D) Failure of the licensee or permittee to pay any fine or penalty owed to this municipality;
(E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in Section 7-1-13.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable Code regulations of this municipality.

7-1-14.4 HEARING NOTICE. Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least five (5) days prior to the date set for the hearing.

7-1-14.5 COUNSEL. At the hearing, the attorney for the municipality shall present the complaint and shall represent the municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

7-1-15 APPEAL. Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in Section 7-1-4 or in connection with the revocation of a license or permit as provided in Section 7-1-14 shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Mayor shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Section 7-1-13 hereof. The decision of the City Council on such appeal shall be final.
7-1-16  **LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in this municipality to keep his license posted in a prominent place on the premises used for such business at all times.

7-1-17  **BUSINESS VEHICLE STICKER.** Whenever the number of vehicles used is the basis in whole or in part for a license fee, the Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be posted or affixed in a conspicuous place on each business vehicle.

7-1-18  **PENALTIES.** The Cafeteria Court provisions in Chapter 1, Section 1-1-26 shall apply to violations of this Chapter.
ARTICLE II - SOLICITORS

7-2-1 DEFINITIONS. For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

“REGISTERED SOLICITOR” shall mean and include any person who has obtained a valid Certificate of Registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

“RESIDENCE” shall mean and include every separate living unit occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.

“SOLICITING” shall mean and include any one (1) or more of the following activities:
(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;
(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character or;
(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;
(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

7-2-2 CERTIFICATE OF REGISTRATION. Every person desiring to engage in soliciting as herein defined from persons within this municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided.

7-2-3 APPLICATION FOR CERTIFICATE OF REGISTRATION. Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:
(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.
(B) Address of place of residence during the past three (3) years if other than present address.
(C) Age of applicant and marital status; and if married, the name of spouse.
(D) Physical description of the applicant.
(E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(F) Name and address of employer during the past three (3) years if other than the present employer.

(G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(H) Period of time for which the Certificate is applied.

(I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.

(J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?

(K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?

(L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?

(M) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application in this municipality and the address from which such business was conducted in those municipalities.

(N) Also, such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

7-2-4 ISSUANCE AND REVOCATION OF CERTIFICATE. The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the
Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any provision of this Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the Certificate in person or by certified [return receipt requested] U. S. Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

7-2-5 Policy on Soliciting. It is declared to be the policy of this municipality that the occupant or occupants of the residences in this municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

7-2-6 Notice Regulating Soliciting. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:

(A) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence shall be given in the manner provided in paragraph (B) of this section.

(B) A weatherproof card, approximately three inches by four inches (3” x 4”) in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows:

“ONLY REGISTERED SOLICITORS INVITED”

OR

“NO SOLICITORS INVITED”

(C) The letters shall be at least one-third inch (1/ 3”) in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting the same, at the cost thereof.

(D) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.
7-2-7  **COMPLIANCE BY SOLICITORS.** It is the duty of every solicitor upon going onto any premises in this municipality upon which a residence as herein defined is located to first examine the notice provided for in Section 7-2-6 if any is attached and be governed by the statement contained on the notice.

If the notice states “**ONLY REGISTERED SOLICITORS INVITED,**” then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, “**NO SOLICITORS INVITED,**” then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

7-2-8  **UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 7-2-6.

7-2-9  **TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 8:00 A.M. or after 7:00 P.M. of any weekday or at any time on a Sunday or on a State or National holiday. (Ord. No. 11-11; 06-27-11)

7-2-10  **SOLICITATIONS ON PUBLIC HIGHWAYS.** Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor," approved July 26, 1963, as amended.

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) Be engaged in a state-wide fund-raising activity.

(D) Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.
(E) Any person so engaged in such solicitation shall be at least sixteen year(s) of age and shall wear a high visibility vest.

(F) Solicit only during daylight hours.

(G) Any one charitable organization shall be limited to conducting no more than two (2) solicitations per calendar year.

(See 626 ILCS Sec. 5/ 11-1006)

7-2-11 FEES AND BOND. Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

(A) Daily License: $10.00 per person.

(B) Semi-Annual License: $100.00 per person.

(C) Annual License: $175.00 per person.

(D) See Appendix “F” for permit form.

(E) Police Fee: A fee of Twenty-Five Dollars ($25.00) shall be assessed to each applicant to cover the expense of an investigation.

(F) A surety bond of One Thousand Dollars ($1,000.00) shall be provided by the applicant.

(G) The Council has the authority to waive the bond and fee.

(Ord. No. 11-11; 06-27-11)

(See 65 ILCS Sec. 5/ 11-42-5)
ARTICLE III - PEDDLERS

7-3-1 LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

7-3-2 DEFINITION. "Peddle" shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this municipality or from house-to-house, whether at one place thereon or from place-to-place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall 'peddle' be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

7-3-3 APPLICATIONS. A person desiring a license may obtain the same by filing application with the Clerk and providing the following basic information:
(A) Name and physical description of applicant.
(B) Permanent home and address and local address if operating from such an address.
(C) A brief description of the business and of the goods to be sold.
(D) Name and address of the employer, if any.
(E) The length of time for which the right to do business is desired.
(F) Evidence that the agent is acting on behalf of the corporation he represents.
(G) Statement of the applicant's criminal record other than a traffic record.
(H) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application to this municipality and the address from which such business was conducted in those municipalities. (See form in the Appendix)

7-3-4 INVESTIGATION OF APPLICANTS. Upon receipt, said application shall be referred to the Chief of Police who shall conduct a business and background investigation of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied. (Ord. No. 11-11; 06-27-11)
7-3-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to 8:00 A.M. or after 7:00 P.M. of any weekday or at any time on a Sunday or on a State or National holiday. (Ord. No. 11-11; 06-27-11)

7-3-6 **FRAUD.** No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in this municipality, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license.

7-3-7 **PHOTOGRAPHS.** Two (2) photographs of the applicant and such of its employees as will be used in the peddling or merchandising, taken within sixty (60) days immediately prior to the filing of the application, which pictures shall be two inches by two inches (2' x 2'), showing the head and shoulders of the applicant or its agent(s) and/or employee(s) in a clear and distinguishing manner.

7-3-8 **UNWANTED PEDDLING.** Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

7-3-9 **PEDDLERS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the municipality by peddlers, hawkers, itinerant merchants and transient vendors of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purpose of disposing of and/or peddling or hawking of merchandise is hereby declared to be a nuisance and is punishable as a violation of this Code. No person shall peddle in a public square.

7-3-10 **DUTY OF POLICE TO ABATE.** The Police Department of this municipality is hereby required and directed to suppress the same and to abate any such nuisance as described in Section 7-3-9.

7-3-11 **EXCLUSIONARY PROVISION.** The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the municipality or anyone duly licensed.
7-3-12  FEES. The license fees per person to be charged for licenses to peddle in this municipality, each payable in advance, are hereby fixed and established as follows:

(A)  **Daily License:**  $100.00 for six (6) months

(B)  **Annual License:**  $175.00

(C)  **Form.** The license form is found in Appendix “F”.

(D)  **Police Fee.** A fee of **Twenty-Five Dollars ($25.00)** shall be assessed each applicant to cover the cost of an investigation.

(E)  The Council has the authority to waive the fee.

(Ord. No. 11-11; 06-27-11)

(See 65 ILCS Sec. 5/11-42-5)
ARTICLE IV - JUNK DEALERS

7-4-1 DEFINITIONS.

“JUNK” as used in this Chapter shall be held to mean and include scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds or sizes when the number of each kind or size is less than one (1) gross, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than ninety (90) days, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one (1) or more of the materials or articles herein mentioned.

“JUNK DEALER” as used in this Chapter shall be held to mean and include every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this section defined as "junk".

“JUNK YARD” as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in and by this section defined as “junk”.

(Also see Chapter 24, Article IV and Chapter 25, Articles I and III)

7-4-2 PHYSICAL REQUIREMENTS. The minimum physical requirements at all times for each junk yard shall be as follows:

(A) The premises where the junk yard is located shall not have more than two (2) entrances thereto and two (2) exits therefrom, each of which shall not exceed fifteen feet (15') in width at the perimeter of the premises.

(B) The premises where the junk yard is located shall be enclosed on its perimeter with a solid, non-transparent, vertical wall or fence of a minimum height of seven feet (7') measured from ground level, excepting for the entrances and exits permitted by paragraph (A) above.

(C) The aforesaid solid, non-transparent wall or fence and the gates or doors, if any, at the aforesaid entrances and exits shall not contain any sign, poster or advertising matter of any kind whatsoever, excepting one (1) sign of the licensee thereon not exceeding one hundred (100) square feet in size.

(D) The public streets and alleys adjacent to the junk yard shall not have junk thereon.
7-4-3 **LICENSE REQUIRED.** It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the City without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

7-4-4 **APPLICATION.** Before any license under the provisions of this section is issued, any person desiring to operate a junk yard in this City shall first make a verified application in writing to the Clerk in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of seven (7) feet, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm of partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

7-4-5 **DISQUALIFICATION.** Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

(A) Not a person of good character.
(B) Falsification of an application for a license hereunder.
(C) License for a junk yard theretofore issued to the applicant has been revoked during the preceding twenty-four (24) months.
(D) Failure to meet any one of the minimum physical requirements for a junk yard as specified in Section 7-4-2 hereof.

7-4-6 **LICENSE.** Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

Such license shall further provide that it is issued subject to all the provisions of this Chapter; that upon the first conviction for a violation of any of the provisions of this Chapter, in addition to the fine, such junk yard shall remain closed for a period of thirty (30) days; that upon the second conviction for a violation of any of the provisions of this Chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license expressly agrees to all the terms and conditions thereof, and to the terms and provisions of this section and all amendments thereto.
**7-4-7 LICENSE FEE.** The annual license fee for each junk yard shall be **Two Hundred Dollars ($200.00)** payable in advance with the filing of the application for license, and shall not be subject to prorata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the City, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the City, the annual fee shall be **Two Hundred Dollars ($200.00)** for each junk dealer. The fee is payable as provided in this Code.

**7-4-8 MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

*(See 65 ILCS Sec. 5/11-42-3)*
ARTICLE V - RAFFLE CODE

7-5-1 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Code in the sense given them in the following definitions:

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

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

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

The definitions contained in Section 15/2, of Chapter 230; (Ill. Comp. Stat.) are hereby adopted by reference as if fully set out herein. (See 230 ILCS Sec. 15/1)

7-5-2 ADMINISTRATION. The Mayor is hereby charged with the administration of the appropriate provisions of this Code, and may appoint persons to assist in the exercise of the powers and the performance of the duties herein provided, including, but not limited to, the members of his staff, the City Attorney, the City Clerk, and the Chief of Police. (See 230 ILCS Sec. 15/2)

7-5-3 LICENSE REQUIRED. No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of this City without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the Illinois Compiled Statutes. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objectives or to a nonprofit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. (See 230 ILCS Sec. 15/2)
(A) The above mentioned types of organizations shall be defined pursuant to the Illinois Compiled Statutes and incorporated herein;

(B) No person or organization shall be issued more than one (1) license in a period of one (1) week;

(C) The manager of a raffle game shall give a fidelity bond in the sum of One Thousand Dollars ($1,000.00) in the performance of his duties. The Mayor or his designated representative is authorized to waive requirement for bond by including a waiver provision in the license issued, provided that the license containing such waiver provision shall be granted only by majority vote of the members of the licensed organization. The terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than thirty (30) days prior to its cancellation.

(D) Any license issued under this Code shall be nontransferable.

(E) The raffle license application form is found in Appendix “G”.

7-5-4 APPLICATIONS FOR LICENSE. The Mayor is authorized to grant and issue licenses to eligible organizations to conduct raffles and to participate in the sale of raffle tickets within the limits and territory of the City upon the conditions and in the manner provided by this Code and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the City Clerk with the seal of his office affixed thereto.

Prior to the issuance of a license, the applicant shall submit to the City Clerk an application, in triplicate, in writing and under oath stating the following:

(A) The name and address of the organization;

(B) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;

(C) The length of time the organization has continually existed immediately before making application for a license;

(D) The applicant shall give the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;

(E) The applicant will give the maximum retail value of each prize awarded by a licensee in a single raffle;

(F) The amount that the organization plans to charge for each raffle chance issued or sold;

(G) The time and location where the raffle is to be held;

(H) The purpose for which the proceeds of the raffle will be used;

(I) The name and address of the person conducting and performing the raffle, and his relationship with the organization;

(J) The last date which the applicant has applied for a raffle license;

(K) The area in which the organization plans to sell or issue its raffle chances;

(L) Whether or not the applicant has ever been convicted of a felony.
7-5-5  **APPLICATION: ISSUANCE.** All licenses issued by the Mayor or City Clerk are subject to the following restrictions:

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

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

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

(D) The Mayor shall act upon a license application within **thirty (30) days** from the date of application.

(E) The application for license shall be prepared in accordance with this Code.

(F) A license authorizes the licensee to conduct raffles as defined in this Code. *(See 230 ILCS Sec- 15/3)*

7-5-6  **PROHIBITED LI CENSEES.** The following are ineligible for any raffle license:

(A) Any person who has been convicted of a felony.

(B) Any person who is or has been a professional gambler or gambling promoter;

(C) Any person who is not of good moral character;

(D) Any firm or corporation in which a person defined in paragraphs (A), (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;

(E) Any organization in which a person defined in paragraphs (A), (B), or (C) above is an officer, director or employee, whether compensated or not;

(F) Any organization in which a person defined in paragraphs (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Code. *(See 230 ILCS Sec. 15/3)*

7-5-7  **RESTRICTIONS ON THE CONDUCT OF RAFFLES.**

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;

(C) No person may receive any remuneration or profit for participating in the management or operation of the raffle;
(D) A licensee may rent a premises on which to determine a winning chance or chances in a raffle only from an organization which has also been licensed under the Raffle Act;

(E) Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license;

(F) No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

(G) If a lessor rents premises where a winning chance or chances on a raffle are determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the governing body of any county or municipality under the provisions of this Code. (See 230 ILCS Sec. 15/4)

7-5-8 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 the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

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

(C) Each organization licensed to conduct raffles shall report monthly to its membership and to the City its gross receipts, expenses and net proceeds from raffles and the distribution of net proceeds itemized as required by this section.

(D) Records required by this section shall be preserved for three (3) years, and the organization shall make available their records relating to operation of raffles for public inspection at reasonable times and places. (See 230 ILCS Sec. 15/6)

7-5-9 TERM AND FEES.

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed Twenty-Five Thousand Dollars ($25,000.00);

(B) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed Fifteen Thousand Dollars ($15,000.00);
(C) The maximum price which may be charged for each raffle chance issued or sold shall not exceed Twenty-Five Dollars ($25.00);
(D) The maximum number of days during which chances may be issued or sold shall not exceed one hundred eighty (180) days;
(E) Licenses issued pursuant to this Article shall be valid for one (1) raffle and may be suspended or revoked for any violation of this Article;

7-5-10 LIMITED CONSTRUCTION. Nothing in this Code shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

ED. NOTE: Political committees are required by Chapter 230, Sec. 15/8.1 to secure raffle licenses from the State Board of Elections.

(See 230 ILCS Sec. 15/2)
ARTICLE VI – CARNIVALS AND TENT SHOWS

7-6-1 PERMIT REQUIRED. It shall be unlawful for any person or persons, firm, corporation, or association, except local not-for-profit organizations with approval of the City Council, to operate a carnival, circus, menagerie, exhibition of curiosities, or tent show or shows, without having first obtained a license as herein provided. Application for said license shall be made to the City Clerk and referred to the City Council. The license shall be granted upon the condition that there shall not be set up or operated any gambling device, lottery or other game of chance or any lewd, lascivious or indecent show or attraction making an indecent exposure of the person or suggesting lewdness or immorality, and it shall be unlawful for any licensee to operate or permit any gambling or to operate any gambling device, lottery or other game of chance, or to permit any lewd, lascivious or indecent show or attraction making an indecent exposure of the person or suggesting lewdness or immorality.

7-6-2 LICENSE RESTRICTIONS. No license shall be granted unless upon investigation it shall appear that the place at which it is desired to operate said carnival be a fit and proper place, and unless the entertainments desired to be given are not in violation of any ordinance of the City.

7-6-3 BOND. Before a license shall be issued, each applicant shall execute to the City a bond secured by a cash deposit in the sum of One Thousand Dollars ($1,000.00) conditioned that the applicant shall faithfully observe this Article, and conditioned, among other things, that the applicant for permit will pay for all damages or injuries to any private or public property, and conditioned further that the applicant will indemnify, save and keep harmless the City against all liabilities, judgments, costs and expenses which may in any wise accrue against the City in consequence of granting such permit or license. The bond shall not be released until the grounds are cleaned to the satisfaction of the Mayor. The bond shall be held by the City Treasurer, and shall not be released until permission is given by the Mayor to release the bond.

7-6-4 FEE. The fee to set up or operate the carnival shall be for each week the sum of Five Hundred Dollars ($500.00) a part of which may be set over to the sponsoring organization for their services in providing aid in policing, etc., in conjunction with licensing of the carnival.

7-6-5 COPIES. The license provided for in this Article shall be made in duplicate, one (1) copy to be retained by the City Clerk and the other kept in the possession of the carnival manager, to be produced upon request of any member of the Police Department, or the City Council, and they shall at all times have free access to all booths, shows, concessions and other attractions for the purpose of determining as to whether or not there have been any violations of the terms of the license.
ARTICLE VII - VEHICULAR FOOD VENDOR

7-7-1  DEFINITIONS. As used in this Article, the following terms shall have the following meaning unless the context clearly indicates that a different meaning is intended:

"Place of Business or Business Headquarters" means a place where food products are stored or dispensed.

"Vehicular Food Vendor" means any person engaged in the business of selling food products from a vehicle, self-powered or otherwise, or a trailer or cart on the public streets and sidewalks of the City, provided that the words “vehicular vendor” shall not include salesmen who use vehicles to go from place to place for the purpose of making sales on the premises of a prospective purchaser.

7-7-2  LICENSE REQUIRED. No person shall operate as a vehicular food vendor without having first secured a valid license for each vehicle, trailer or cart operated within the City, and to be displayed on each vehicle to be used in the operation of any such business.

7-7-3  APPLICATIONS. A person desiring a license may obtain the same by filing with the Clerk and providing the following basic information:

(A) Name and physical description of applicant.
(B) Permanent home and address and local address if operating from such an address.
(C) A brief description of the business and of the goods to be sold.
(D) Name and address of the employer, if any.
(E) The length of time for which the right to do business is desired.
(F) Type of vehicle, trailer or cart to be used in the dispensing of food products.
(G) Evidence that the agent is acting on behalf of the corporation he represents.
(H) Statement of the applicant’s criminal record other than a traffic record.
(I) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application to this municipality and the address from which such business was conducted in those municipalities. (See form in the Appendix.)

7-7-4  INVESTIGATION OF APPLICANTS. Upon receipt, said application shall be referred to the Chief of Police who shall conduct a business and background investigation of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.
7-7-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in vehicular food sales as herein defined prior to 6:00 A.M. or after 9:00 P.M. of any day. (Ord. NO. 17-4; 02-27-17)

7-7-6 **RESTRICTED TO FOOD PRODUCTS.** No licensed vehicular food vendor shall himself or through any employee while acting as a vehicular food vendor in this municipality barter, sell, or peddle any goods or merchandise or wares other than prepared food products for consumption by the customer as “take-out” from the premises.

7-7-7 **EXCLUSIVE PROVISION.** Provisions of this Article shall not apply to persons employed or representing an established merchant, business, firm or corporation located and regularly doing business in the municipality, to farmers selling any food items raised or produced by themselves, or to vendors during a city-wide festival event.

7-7-8 **HEALTH STANDARDS.** Each vehicle, trailer, or cart shall be operated in a sanitary manner and in such a manner as to provide no health hazards. Foods shall be kept under the conditions and at the temperatures required for food in restaurants.

7-7-9 **COMPLIANCE WITH HEALTH DEPARTMENT RULES.** No food, food products, or beverages for public consumption shall be kept, offered for sale, transported, or handled except in accordance with the rules and regulations of the State of Illinois and the Moultrie County Health Departments. If upon inspection, the Moultrie County Health Department should at any time find that any such rules of the Moultrie County Health Department have been violated then the license issued hereunder shall be suspended until the Moultrie County Health Department is satisfied that proper corrections have been made.

7-7-10 **FEES.** License fees per vehicle, trailer, or cart shall be payable in advance and are hereby fixed and established as follows:

(A) **Seasonal License:** $100.00 for six (6) months or less

(B) **Annual License:** $175.00

(C) **Form.** The license form is found in Appendix “MM”.

(D) **Police Fee.** A fee of Twenty-Five Dollars ($25.00) shall be assessed each applicant to cover the cost of an investigation.

(E) The Council has the authority to waive the fee.

(Ord. No. 11-11; 06-27-11)
CHAPTER 8
CABLE TELEVISION

ARTICLE I - GENERALLY

8-1-1 GRANTING OF AUTHORITY. In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, the right, privilege and franchise is hereby granted to the Company, to erect, maintain, and operate a system of antennas, cables, wires, lines, facilities, and additions thereto, in, under, over, along, across, and upon the lanes, streets, avenues, sidewalks, alleys, and any easement or right-of-way for or hereinafter held by the City, or dedicated for use by the City or the general public, for the purpose of transmission and distribution of Television signals in accordance with laws and regulations of the United States of America, the State of Illinois, and the ordinances and regulations of the City, and for such other uses compatible with the Cable System as the Company may, from time to time, determine, including, but not limited to, the transmission of voice and data.

The Company is hereby granted the further right, privilege and authority to lease, rent or in any lawful manner, obtain the use of towers, poles, lines, cables, underground conduits and other equipment and facilities from any and all holders of public licenses and/or franchises within the limits of the City and to use such towers, poles, lines, cables and underground conduits and other equipment and facilities subject to all existing ordinances and regulations of the City. The poles predominantly used by the Company shall be those wholly owned by the City where the City owns poles which may be utilized. Where the City poles cannot be used for the distribution of the Cable System, the Company shall have the right to erect and maintain its own poles, as may be necessary for the proper construction and maintenance of the television distribution of Cable System, or poles provided by any local public utility company when and where practical, providing mutually satisfactory rental agreements, if needed, can be entered into with said companies. (See Appendix “A”)

8-1-2 NON-EXCLUSIVE FRANCHISE (FROM OTHER FRANCHISE). The right, privilege, and franchise granted by this Ordinance is not exclusive. The City shall have the right to grant to other persons or entities who own and operate community antenna systems rights similar to those granted to the Company herein at any time during the term of this franchise and renewal thereof, upon such terms and conditions as the City may determine and as may be permitted under applicable law with due consideration of the interests of the public and the Company; provided that no other franchise shall be granted upon terms which are more favorable to the operator than the terms hereunder.

8-1-3 DEFINITIONS.
“Cable System” shall mean a system designed to receive, transmit, amplify and distribute Television, radio, and satellite signals, data and electronic communications, and/or
designed for such other uses which are compatible therewith, including, but not limited to, the transmission of voice and data.

“Basic Service” shall mean the initial service including, but not limited to, mandatory carriage signals and local access channels and such other service as the Federal Communications Commission (the “FCC”) may mandate or the Company may include. This shall not include optional premium services, as long as they are sold separately from basic tier service.

“Satellite Tier(s)” shall mean non-broadcast/television programming typically satellite delivered cable only programming which is marketed and sold as an optional additions to the Basic Service.

“Subscriber(s)” shall mean any person who pays the applicable rates to receive Cable Television or other communications service from the Company.

“Television” shall mean any transmission of audio, video, digital, or other electrical signals and any other transmission by means of impulses.

“Gross Revenues” shall mean any and all compensation or receipts derived by the Company from the transmission and carriage of broadcast signals and FCC mandated non-broadcast services, satellite tiers, and any premium channels, such as HBO, Cinemax and Disney within the City, but shall not include any deposits delivered to the Company until such time as the Company legally is entitled to the same, nor installations, additional outlets, converters, disconnections, reinstallation charges, inspections, repairs or modifications of any installation and shall be net of all refunds or credits made to Subscribers and any taxes imposed upon or with respect to the services furnished by the Company. Nor shall “gross revenues” include revenue from “ancillary” or “auxiliary” services, which include but are not limited to advertising, leased channels, pay-per-view and programming supplied on a per program or per channel charge basis, if any.

8-1-4 CONDITIONS OF STREET/ PUBLIC WAY OCCUPANCY.

(A) All poles, wires, cables, underground conduits and facilities of every kind shall be located, installed and maintained so as to cause minimum interference with the proper use of streets, and to assure that the safety, functioning and appearance of the property, and the convenience and safety of other persons and the public shall not be adversely affected thereby. The Cable System shall be constructed, installed, operated, and maintained in compliance with applicable governmental regulations. All equipment and facilities shall be installed in accordance with good engineering practices. (See the Pole Lease Agreement in Addendum “A” at the conclusion of this Chapter.)

(B) The Company shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixtures, water hydrant or main and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line and those placed in alleys shall be placed close to the line of the lot abutting on said alley.
(C) In case of disturbance of any street, sidewalk, or paved area caused by the Cable System or the Company, the Company shall, at its expense, and in a manner approved by the City, replace and restore such street or paved area to a condition which is reasonably similar to the condition existing prior to the disturbance.

(D) In case of fire, earthquake, flood, or other similar occurrence, the City may temporarily remove any of the Company’s facilities or equipment, with advance notice to the Company being given as promptly as possible. The Company shall not be entitled to payment for any damage caused by this removal, unless the City acted with gross negligence or willful misconduct.

(E) If the City decides to alter or change any street, sidewalk, alley or other public way, or to undertake any improvements on, or about the street, sidewalk, alley or other public way, the City shall give the Company a ninety (90) day advance notice of such alteration and the Company shall relocate its facilities and equipment or take such other reasonable action as may be necessary to accommodate the public improvements, at the Company’s expense.

(F) The Company agrees to temporarily remove, reroute or move any or all of its equipment and facilities to accommodate public or private works or construction, and movement of buildings or extra large truckloads, etc. The Company shall be entitled to both a ninety (90) day notice prior to such event and reasonable costs for such relocations from any private party causing such relocation but not from the City.

(G) Before undertaking any construction or installation of equipment or facilities which would materially disrupt the use of rights-of-way, the Company shall provide the City with reasonable prior notice of the work to be performed and location and period of time involved in the undertaking. The City shall have the right to inspect the work at any time to be certain it is being done in accordance with this Ordinance. When completed, the Company shall, upon request, submit a plan to the City showing the location of facilities and equipment and identifying the equipment and facilities comprising the Cable System.

(H) The Company agrees to compensate property owners for or to restore all damages caused to private and public property including landscaping by the construction, operation or maintenance of its Cable System. Notwithstanding any agreement it may have with any construction company, the Company shall be primarily responsible for all such damages.

(I) The Company shall have the authority and is hereby required to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City to prevent the branches of such trees from coming in contact with the wires, cables and distribution system components of the Company, all trimming to be done under the supervision and direction of the City and at the sole expense of the Company.

8-1-5 CONSTRUCTION BOND.

(A) Upon acceptance of this franchise the Company will provide and furnish to the City a construction bond, in such form and with surety satisfactory to the City, in the amount of One Hundred Thousand Dollars ($100,000.00) conditioned upon completion of construction of the new cable plant to be completed by March, 1994, providing nevertheless,
that the time allowed herein shall automatically be extended an additional six (6) months in the event construction is delayed by acts of God, or unforeseen circumstances beyond the control of the Company. Upon completion of the new physical cable plant, the bond will be canceled.

(B) The Company agrees to rebuild its Cable System utilizing 550 MHz equipment and fiber optic backbone in the construction of the new cable plant.

8-1-6 INDEMNIFICATION AND INSURANCE.

(A) The Company shall at all times indemnify, protect and hold the City harmless from all claims, actions, suits, liabilities, losses, expenses, or damages of every kind and description, including investigation costs, court costs and reasonable attorneys’ fees which may accrue to or be suffered or claimed by any person or persons by reason of or relating to the ownership, construction, repair, replacement, operation and maintenance of the Cable System and by reason of any license, copyright, property right or patent of any article or system used in said system.

(B) In order for the City to assert its rights to be indemnified, defended, and held harmless, the City shall provide:

1. Prompt notice to the Company of any claim or legal proceeding which gives rise to such rights;

2. Full cooperation with the requests of the Company with respect to the Company’s participation in, and control, compromise, settlement or resolution or other disposition of such claim or proceeding.

(C) The Company shall maintain in full force and effect public liability and property insurance with the following minimal coverage: property damage -- One Hundred Thousand Dollars ($100,000.00) per occurrence, Three Hundred Thousand Dollars ($300,000.00) aggregate; bodily injury -- One Million Dollars ($1,000,000.00) per occurrence, One Million Dollars ($1,000,000.00) aggregate, which insurance shall name the City as additional insured and which shall require thirty (30) days notice of cancellation to be given to the City. The Company also shall carry insurance coverage for all claims under any applicable Workers’ Compensation law. On the request of the City, the Company shall file with the City, certificates of insurance for the above coverage.

8-1-7 FRANCHISE FEE.

(A) The Company shall pay to the City a franchise fee in an amount equal to five percent (5%) of all Gross Revenue received from Subscribers located within the City.

(B) The Company shall pay this fee to the City within sixty (60) days after the end of each six (6) month period, and the fee shall be based on the total Gross Revenue received by the Company from Subscribers located within the City during the preceding year.

(C) The Company shall submit with each payment a report concerning the information upon which the fee owed the City was based and shall provide additional information or records as the City may reasonably request in order to review and determine the fee obligation.
(D) Nothing in this Ordinance shall waive, limit, or otherwise affect the right of the City to adopt ordinances or to enforce existing ordinances regarding, and to collect other fees and taxes permitted by law.

8-1-8 CITY EXPENSES AND FEES. The Company shall pay or reimburse the City for costs, fees, expenses, and charges reasonably incurred by the City for the following:

(A) Protection, removal or relocation of the Company’s equipment or facilities if such action has been reasonably requested by the City and the Company has failed to perform the work within a reasonable period of time.

(B) Restoring or remedying any damage or condition resulting from the construction, installation, maintenance, removal, or any work performed by the Company.

(C) Any costs, fees, expenses and charges incidental to the awarding or renewal of the franchise provided that the City will provide the Company with advance notice of any anticipated extraordinary charges to be incurred.

(D) Any costs, fees, expenses and charges, including reasonable attorneys’ fees incurred in the collection of fees or expenses or in the enforcement of this Ordinance.

(E) Any costs, fees, expenses and charges, including reasonable attorneys’ fees incurred by reason of the Company’s failure to comply with its obligations under this Ordinance or under state or federal laws and regulations.

8-1-9 TERM. The initial term of this franchise shall be eleven (11) years from the effective date of this Ordinance. At the end of this initial term, the Company may file an application for renewal of the franchise not less than ninety (90) days prior to the expiration hereof, unless the consent of the City to such renewal is required by applicable federal, state or local laws and regulations, which consent shall not be withheld unreasonably after public notice and opportunity to be heard; in determining whether to grant a renewal, the City shall consider those factors prescribed by applicable law and, among other things, (1) whether the Company has substantially complied with the material terms of this franchise and with applicable law; (2) the extent and quality of the Company’s service; (3) whether the Company remains financially, legally and technically qualified; and (4) whether the Company’s renewal would reasonably meet the future cable-related community needs and interests. Any renewal of the initial hereof shall be for an additional ten (10) years.

8-1-10 SERVICE STANDARDS.

(A) Technical and Operational Standards.

(1) The Company shall maintain the Cable System so that it is capable of providing continuous, reliable and good quality reception and service to Subscribers.
(2) The Company shall make repairs promptly. Service interruptions due to Cable System repairs, maintenance, modifications or installations shall be for the shortest time possible, and shall, to the extent practicable, be preceded by notice to Subscribers and shall occur during periods of minimal viewership.

(3) The Company shall maintain the Cable System so that it meets the technical standards applied by the FCC. Procedures for testing the technical capacity of the Cable System shall conform with the technical and testing standards applied to Cable Systems by the FCC.

(4) The Company shall reevaluate the technical standards incorporated in the construction of the cable system on a three (3) year basis to determine if new technologies and needs, warrant the investment to install the new technology. In the determination for the need, the cost and benefits to the subscriber must be taken into consideration and agreed upon by the Company and the City.

(5) The Company shall maintain sufficient replacement and repair equipment, facilities and supplies, and trained personnel to perform necessary and prompt repairs to the Cable System in the event of damage thereto. In the event of major damage to the equipment and facilities, the Company shall make every effort to restore service as expeditiously as possible and to provide for alternative means of providing service to as many Subscribers as possible while making necessary repairs.

(6) The Company agrees to have a technician living within a five (5) mile radius of the City.

(B) Subscriber Service Standards.

(1) The Company shall maintain a publicly listed, toll-free telephone number to receive Subscriber complaints, and the Company shall notify Subscribers of this telephone number on a periodic basis. The Company may provide separate telephone numbers for complaints made after normal business hours, but must be capable of handling complaints twenty-four (24) hours a day.

(2) The Company shall maintain within the City a local business office or agent for the purpose of receiving payments and resolving complaints regarding the quality of service, equipment malfunctions and similar matters.

(3) The Company shall investigate all Subscriber complaints regarding quality of service, equipment malfunctions and similar matters expeditiously and no later than the next business day. Upon notification of a service complaint, the Company shall
dispatch a qualified employee to investigate the complaint and adjust, repair or replace Company equipment as necessary to resolve the complaint.

(4) If there is an interruption of total service that could have been corrected by the Company for twenty-four (24) consecutive hours or more, the affected Subscriber(s) shall receive, upon request, a pro-rate reduction of charges, provided that the Subscriber has notified the Company immediately of the outage and made claim for credit within ninety (90) days of its occurrence. The loss of service must be caused directly by failure of the Company's equipment in order to qualify for a credit. No credit will be given if the service interruption is caused by any of the Subscriber's equipment or any action taken with respect to the Company's equipment by someone other than the Company's employees. The Company is not responsible for the operation, maintenance, service or repair of any Subscriber's televisions, radios, VCRs, other receivers and related equipment.

(5) Notwithstanding any provision contained herein to the contrary, the Company will not be liable for any inconvenience, loss, liability or damage resulting from any circumstance beyond its control, and any such circumstance also shall toll the Company's obligation to perform hereunder until such circumstance has passed.

(C) Services to be Provided.

(1) The Company shall provide a Basic Service to all Subscribers within the area of the City reasonably serviceable by the Cable System installed.

(2) The Company shall provide upon request and without charge, Basic Service to each governmental building, fire station, police station, or public school building located in an area served by the Cable System.

(3) The Company also agrees to give access to the public school, free of charge, on the local access channel, provided it does not interfere with other programming.

(D) Rate and Regulation by Other Agencies.

(1) The Ordinance granted shall be subject to and controlled by all of the provisions of the laws of the State of Illinois and of the United States federal and state regulations, now existing or hereafter enacted.

(2) The Company shall comply with all federal and state guidelines pertaining to Equal Employment Opportunity (EEO) policies. The Company is an Equal Opportunity Employer.
Theft of Services and Tampering.

(1) No person whether or not a Subscriber to the Cable System, shall willfully, maliciously or otherwise damage or cause to be damaged any wire, cable, conduit, apparatus, appurtenance or equipment of the Company operating a cable television system within the City, or commit any act with intent to cause such damage, or to tap, tamper or otherwise connect any wire or device to a wire, cable, conduit, apparatus, appurtenance or equipment of said Company with the intent to obtain a signal or impulse from the Cable System without authorization from or compensation to the Company, or to obtain cable television or other communication service with intent to cheat or defraud the Company of any lawful charge to which it is entitled.

(2) Whoever shall violate any provision of the above section shall be guilty of a misdemeanor and shall be liable to a penalty of not less than One Hundred Dollars ($100.00) for a first offense and not less than Five Hundred Dollars ($500.00) for a second and every subsequent offense. The penalties provided in this Section shall be enforced by appropriate proceedings instituted by the City or the Company. The courts of Moultrie County, Illinois shall have jurisdiction to enforce this Section.

(3) Persons receiving Cable Service may not alter, extend or otherwise tamper with the Company's facilities to serve more equipment than being contracted for.

8-1-11 REPORT REQUIREMENTS. In addition to the other reporting requirements set forth in this Ordinance, the Company shall, upon request, submit to the City copies of reports submitted to the FCC which relate to the Cable System. The City may on reasonable notice inspect the FCC public files and technical files maintained by the Company at its local office with respect to the Cable System.

8-1-12 ASSIGNMENT OF TRANSFER. The right, privilege and franchise given to the Company by this Ordinance shall not be assigned or transferred without the prior approval of such transfer by the City. Such approval shall not be withheld, unreasonably. For the purpose of this paragraph, an "assignment" or a "transfer" shall not be deemed to include any (1) transfer to an entity which is affiliated with the Company through common control, ownership or otherwise, (2) transfer of a portion of all of the control of the Company or any of its affiliates, (3) restructuring of the Company or any of its affiliates, and (4) security interest or collateral assignment of the Cable System or the Company's rights hereunder to secure repayment of indebtedness.
8-1-13 **FRANCHISE SUBJECT TO POLICE POWER.** The Company shall at all times during the term of this franchise be subject to all lawful exercise of the police power by the City, which reserves the right to adopt from time to time such ordinance as may be necessary to the exercise of that police power as it may be related to this franchise.

8-1-14 **OTHER PERMITS REQUIRED.** This franchise does not supersede any other provisions of any of the City Ordinance or regulation which may require the Company to obtain other permits, licenses, etc., or relieve the Company from compliance with such ordinances. Specifically, the Company is not relieved from the requirements to obtain building permits, utility pole agreements, etc.

8-1-15 **MODIFICATIONS OF ORDINANCE.** This Ordinance contains the entire agreement between the City and the Company, and may be amended or modified as agreed upon by the City and the Company.

8-1-16 **FRANCHISE VIOLATIONS AND ENFORCEMENT.**

(A) If the Company violates any provision of this Ordinance, the City:  
(1) shall comply with paragraph (B) hereafter; and 
(2) if such hearing and procedures set forth in paragraph (B) hereof have not resolved the dispute, the City may proceed in any appropriate court of law or administrative agency to compel compliance with the provisions of this Ordinance, to collect any sums due hereunder which have not been paid, or to terminate the franchise granted hereby. Except as expressly provided herein, the Company shall not otherwise be liable to the City. In no event shall the Company be liable for any consequential damages.

(B) If the City believes that the Company has violated any provision of this Ordinance, it shall hold a hearing and take the actions as set forth hereafter.

The City shall notify the Company in writing, with a certified letter of the alleged violations and of the City’s proposed remedy; the Company shall have forty-five (45) days after its actual receipt of such notice to cure such violations.

If the Company disputes the existence of the violation or the proposed remedy, or if such default is not cured within the forty-five (45) days after the Company’s actual receipt of such default notice, then the matter shall be referred to a public hearing to be held after public notice at least ten (10) days in advance, and written notice of the hearing and the alleged violations to the Company not less than ten (10) days prior to the date of the hearing.

At the hearing, the City shall publicly list all the alleged violations, and shall give the Company and all other interested parties an opportunity to be heard as to the alleged violation.
Within a reasonable time after the hearing, the City shall determine whether the Company has violated this Ordinance and the remedy for the violation, and shall issue written findings and conclusions with respect thereto, and the Company shall be given a reasonable opportunity of not less than **forty-five (45) days** after the issuance of said findings and conclusions to remedy the matter or comply with this Ordinance.

(C) Prevention or delay of any performance under this franchise due to circumstances beyond the reasonable control of Company, unforeseen circumstances, or acts of God, shall not be deemed noncompliance with or a violation of this franchise.

**8-1-17 SEVERABILITY.** The provisions of this Ordinance shall be severable, and if any provision hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein, and that any court of competent jurisdiction should reform such unconstitutional, invalid or illegal provision to the minimum extent necessary to make such constitutional, valid and legal.

**8-1-18 FINAL TERMINATION OF THE ORDINANCE.** Upon termination of the Ordinance, the Company shall remove its cables, wires and equipment from all poles of the City and all space reserved for the City’s use on poles belonging to others, within a **six (6) month** period. If not so removed, the City shall have the right to remove or have its contractor remove them at the risk, cost and expense of the Company and without any liability therefore.

*(Ord. No. 93-2; 03-08-93)*
ARTICLE II - CABLE/ VIDEO SERVICE PROVIDER FEE AND
PEG ACCESS SUPPORT FEE

8-2-1  DEFINITIONS. As used in this Article, the following terms shall have
the following meanings:

(A)  "Cable Service" means (1) the one-way transmission to subscribers of
(a) video programming, or (b) other programming service, and (2) subscriber interaction, if
any, which is required for the selection or use of such video programming or other
programming service.

(B)  "Commission" means the Illinois Commerce Commission.

(C)  "Gross Revenues" means all consideration of any kind or nature,
including, without limitation, cash, credits, property, and in-kind contributions received by the
holder for the operation of a cable or video system to provide cable service or video service
within the holder’s cable service or video service area within the City.

(1)  Gross revenues shall include the following:

(a)  Recurring charges for cable or video service.
(b)  Event-based charges for cable service or video service,
including, but not limited to, pay-per-view and video-on-
demand charges.
(c)  Rental of set top boxes and other cable service or video
service equipment.
(d)  Service charges related to the provision of cable service or
video service, including but not limited to activation,
installation, and repair charges.
(e)  Administrative charges related to the provision of cable
service or video service, including but not limited to
service order and service termination charges.
(f)  Late payment fees or charges, insufficient funds check
charges, and other charges assessed to recover the costs
of collecting delinquent payments.
(g)  A pro rata portion of all revenue derived by the holder or
its affiliates pursuant to compensation arrangements for
advertising or for promotion or exhibition of any products
or services derived from the operation of the holder’s
network to provide cable service or video service within
the City. The allocation shall be based on the number of
subscribers in the City divided by the total number of
subscribers in relation to the relevant regional or national
compensation arrangement.
(h)  Compensation received by the holder that is derived from
the operation of the holder’s network to provide cable
service or video service with respect to commissions that
are received by the holder as compensation for promotion
or exhibition of any products or services on the holder’s
network, such as a “home shopping” or similar channel,
subject to subsection (i).
(i) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

(j) The service provider fee permitted by 220 ILCS 5/21-801(b).

(2) Gross revenues do not include any of the following:

(a) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).

(b) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.

(c) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

(d) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the City and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.

(e) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, state, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.

(f) Security deposits collected from subscribers.

(g) Amounts paid by subscribers to “home shopping” or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.
(3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

(D) “Holder” means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(E) “PEG” means public, education and governmental.

(F) “PEG Access Support Fee” means the amount paid under this Article and 220 ILCS 5/21-801(d) by the holder to the City for the service areas within its territorial jurisdiction.

(G) “Service” means the provision of “cable service” or “video service” to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(H) “Service Provider Fee” means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to a City for the service areas within its territorial jurisdiction.

(I) “Video Service” means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

8-2-2 CABLE/ VIDEO SERVICE PROVIDER FEE IMPOSED.

(A) Fee Imposed. A fee is hereby imposed on any holder providing cable service or video service in the City.

(B) Amount of Fee. The amount of the fee imposed hereby shall be five percent (5%) of the holder’s gross revenues.

(C) Notice to the City. The holder shall notify the City at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the City.

(D) Holder’s Liability. The holder shall be liable for and pay the service provider fee to the City. The holder’s liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder’s application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the City.

(E) Payment Date. The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
(F) **Exemption.** The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the City in which a fee is paid.

(G) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit to prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under Section 8-2-2(B).

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8-2-3 \**PEG ACCESS SUPPORT FEE IMPOSED.**

(A) **PEG Fee Imposed.** A PEG access support fee is hereby imposed on any holder providing cable service or video service in the City in addition to the fee imposed pursuant to Section 8-2-2.

(B) **Amount of Fee.** The amount of the PEG access support fee imposed hereby shall be one percent (1%) of the holder’s gross revenues.

(C) **Payment.** The holder shall pay the PEG access support fee to the City. The holder’s liability for the PEG access support fee shall commence on the date set forth in Section 8-2-2(D).

(D) **Payment Due.** The payment of the PEG access support fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(E) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that the operator owed under Section 8-2-3(B).

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8-2-4 **APPLICABLE PRINCIPLES.** All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

8-2-5 **NO IMPACT ON OTHER TAXES DUE FROM HOLDER.** Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the City, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of any City telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government’s 911 or E911 fees, taxes or charges.

8-2-6 **AUDITS OF CABLE/VIDEO SERVICE PROVIDER.**

(A) **Audit Requirement.** Audits will be conducted by the City in accordance with the standards set forth in 55 ILCS 5/5 - 1095.1.
8-2-7  **LATE FEES/PAYMENTS.** All fees due and payments which are past due shall be governed by ordinances adopted by this City pursuant to the Local Government Taxpayers’ Bill of Rights Act, 50 ILCS 45/1 et seq.

(Ord. No. 15-22; 11-09-15)
ARTICLE III - SMALL WIRELESS FACILITIES

8-3-1 PURPOSE AND SCOPE.
(A) **Purpose.** The purpose of this Article is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the City’s jurisdiction, or outside the rights-of-way on property zoned by the City exclusively for commercial or industrial use, in a manner that is consistent with the Act.
(B) **Conflicts and Other Ordinances.** This Article supersedes all ordinances or parts of ordinances adopted prior to hereto that are in conflict herewith, to the extent of such conflict.
(C) **Conflicts with State and Federal Law.** In the event that applicable federal or state laws or regulations conflict with the requirements of this Article, the wireless provider shall comply with the requirements of this Article to the maximum extent possible without violating federal or state laws or regulations.

8-3-2 DEFINITIONS. For the purposes of this Article, the following terms shall have the following meanings:
- **Antenna:** Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.
- **Applicable codes:** Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.
- **Applicant:** Any person who submits an application and is a wireless provider.
- **Application:** A request submitted by an applicant to the City for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.
- **Collocate or collocation:** To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.
- **Communications service:** Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53) as amended; or wireless service other than mobile service.
- **Communications service provider:** A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.
- **FCC:** The Federal Communications Commission of the United States.
- **Fee:** A one-time charge.
- **Historic district or historic landmark:** A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the City pursuant to a preservation program that meets the requirements.
Law: A federal or state statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro wireless facility: A small wireless facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, no longer than eleven (11) inches.

Municipal utility pole: A utility pole owned or operated by the City in public rights-of-way.

Permit: A written authorization required by the City to perform an action or initiate, continue, or complete a project.

Person: An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public safety agency: The functional division of the federal government, the state, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate: A recurring charge.

Right-of-way: The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include City-owned aerial lines.

Small wireless facility: A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Utility pole: A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless facility: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless infrastructure provider: Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that
is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the City.

**Wireless provider:** A wireless infrastructure provider or a wireless services provider.

**Wireless services:** Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

**Wireless services provider:** A person who provides wireless services.

**Wireless support structure:** A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

### 8-3-3 REGULATION OF SMALL WIRELESS FACILITIES.

**(A) Permitted Use.** Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in Section 8-3-3(C)(9) regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

**(B) Permit Required.** An applicant shall obtain one or more permits from the City to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

1. **Application Requirements.** A wireless provider shall provide the following information to the City, together with the City's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:
   
   a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
   
   b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;

   c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;

   d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
(e) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and

(f) Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant’s knowledge.

(g) In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the City, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

(2) **Application Process.** The City shall process applications as follows:

(a) The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

(b) An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the City fails to approve or deny the application within **ninety (90) days** after the submission of a completed application.

   However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City in writing of its intention to invoke the deemed approved remedy no sooner than **seventy-five (75) days** after the submission of a completed application.

   The permit shall be deemed approved on the latter of the **ninetieth (90th) day** after submission of the complete application or the **tenth (10th) day** after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City’s denial of the permit request within the time limits as provided under this Article.

(c) An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the application within **one hundred twenty (120) days** after the submission of a completed application.

   However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City in writing of its intention to invoke the deemed approved remedy no sooner than **one hundred five (105) days** after the submission of a completed application.
The permit shall be deemed approved on the latter of the one hundred twentieth (120th) day after submission of the complete application or the tenth (10th) day after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this Article.

(d) The City shall deny an application which does not meet the requirements of this Article.

If the City determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The City shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the City denies an application.

The applicant may cure the deficiencies identified by the City and resubmit the revised application once within thirty (30) days after notice of denial is sent to the applicant without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within thirty (30) days of denial shall require the application to submit a new application with applicable fees, and recommencement of the City's review period.

The applicant must notify the City in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

(e) *Pole Attachment Agreement.* Within thirty (30) days after an approved permit to collocate a small wireless facility on a municipal utility pole, the City and the applicant shall enter into a Master Pole Attachment Agreement, provided by the City for the initial collocation on a municipal utility pole by the application. For
subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the City and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

(3) **Completeness of Application.** Within thirty (30) days after receiving an application, the City shall determine whether the application is complete and notify the applicant. If an application is incomplete, the City must specifically identify the missing information. An application shall be deemed complete if the City fails to provide notification to the applicant within thirty (30) days after all documents, information and fees specifically enumerated in the City’s permit application form are submitted by the applicant to the City.

Processing deadlines are tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information.

(4) **Tolling.** The time period for applications may be further tolled by:

(a) An express written agreement by both the applicant and the City; or

(b) A local, State or federal disaster declaration or similar emergency that causes the delay.

(5) **Consolidated Applications.** An applicant seeking to collocate small wireless facilities within the jurisdiction of the City shall be allowed, at the applicant’s discretion, to file a consolidated application and receive a single permit for the collocation of up to twenty-five (25) small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the City may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The City may issue separate permits for each collocation that is approved in a consolidated application.

(6) **Duration of Permits.** The duration of a permit shall be for a period of not less than five (5) years, and the permit shall be renewed for equivalent durations unless the City makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable City codes or any provision, condition or requirement contained in this Article.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable City code provisions or regulations in effect at the time of renewal.

(7) **Means of Submitting Applications.** Applicants shall submit applications, supporting information and notices to the City by personal delivery at the City’s designated place of business, by
regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

(C) **Collocation Requirements and Conditions.**

(1) **Public Safety Space Reservation.** The City may reserve space on municipal utility poles for future public safety uses, for the City’s electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the City reasonably determines that the municipal utility pole cannot accommodate both uses.

(2) **Installation and Maintenance.** The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Article. The wireless provider shall ensure that its employees, agents or contracts that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

(3) **No Interference with Public Safety Communication Frequencies.** The wireless provider’s operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications. A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency’s communications equipment. Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC’s regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency. If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675. The City may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

(4) The wireless provider shall not collocate small wireless facilities on City utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole. However, the antenna and support equipment of the small wireless facility may be located in the communications space on the City utility pole and on the top of the pole, if not otherwise
unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole. For purposes of this subparagraph, the terms “communications space”, “communication worker safety zone”, and “electric supply zone” have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

(5) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

(6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a City ordinance, written policy adopted by the City, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

(7) **Alternate Placements.** Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocation small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the City may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within **one hundred (100) feet** of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the City, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

(8) **Height Limitations.** The maximum height of a small wireless facility shall be no more than **ten (10) feet** above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

(a) **ten (10) feet** in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the City, that is located within **three hundred (300) feet** of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the City,
provided the City may designate which intersecting right-of-way within **three hundred (300) feet** of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

(b) **forty-five (45) feet** above ground level.

(9) **Height Exceptions or Variances.** If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a Variance to the City Administrator and to be approved or denied by the City Council.

(10) **Contractual Design Requirements.** The wireless provider shall comply with requirements that are imposed by a contract between the City and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

(11) **Ground-mounted Equipment Spacing.** The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

(12) **Undergrounding Regulations.** The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

(13) **Collocation Completion Deadline.** Collocation for which a permit is granted shall be completed within **one hundred eighty (180) days** after issuance of the permit, unless the City and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within **sixty (60) days** after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed **three hundred sixty (360) days** after issuance of the permit. Otherwise, the permit shall be void unless the City grants an extension in writing to the applicant.

(D) **Application Fees.** Application fees are imposed as follows:

(1) Applicant shall pay an application fee of **Six Hundred Fifty Dollars ($650.00)** for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and **Three Hundred Fifty Dollars ($350.00)** for each small wireless facility addressed in a consolidated application.

[Supplement No. 25; 01-01-19]
to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(2) Applicant shall pay an application fee of **One Thousand Dollars ($1,000.00)** for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

(3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.

(4) The City shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

(a) routine maintenance;

(b) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the City at least **ten (10) days** prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with (d) under the Section titled Application Requirements; or

(c) the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

(5) Wireless providers shall secure a permit from the City to work within rights-of-way for activities that affect traffic patterns or require lane closures.

**(E) Exceptions to Applicability.** Nothing in this Article authorizes a person to collocate small wireless facilities on:

(1) property owned by a private party or property owned or controlled by the City or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;

(2) property owned, leased, or controlled by a part district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

(3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Article do not apply to an electric or gas...
public utility or such utility’s wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, “public utility” has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Article shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Article.

(F) **Pre-Existing Agreements.** Existing agreements between the City and wireless providers that relate to the collection of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on City utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the City’s utility poles pursuant to applications submitted to the City before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Article.

A wireless provider that has an existing agreement with the City on the effective date of the Act may accept the rates, fees and terms that the City makes available under this Article for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject to an application submitted two (2) or more years after the effective date of the Act by notifying the City that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the City’s utility poles pursuant to applications submitted to the City before the wireless provider provides such notice and exercises its option under this paragraph.

(G) **Annual Recurring Rate.** A wireless provider shall pay to the City an annual recurring rate to collocate a small wireless facility on a City utility pole located in a right-of-way that equals (i) Two Hundred Dollars ($200.00) per year or (ii) the actual, direct and reasonable costs related to the wireless provider’s use of space on the City utility pole.

If the City has not billed the wireless provider actual and direct costs, the fee shall be Two Hundred Dollars ($200.00) payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

(H) **Abandonment.** A small wireless facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within ninety (90) days after receipt of written notice from the City notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the City to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within ninety (90) days of such notice, the City may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.
A wireless provider shall provide written notice to the City if it sells or transfers small wireless facilities within the jurisdiction of the City. Such notice shall include the name and contact information of the new wireless provider.

8-3-4 Dispute Resolution. The Circuit Court of Moultrie County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the City shall allow the collocating person to collocate on its poles at annual rates of no more than Two Hundred Dollars ($200.00) per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

8-3-5 Indemnification. A wireless provider shall indemnify and hold the City harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the City improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Article and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the City or its employees or agents. A wireless provider shall further waive any claims that they may have against the City with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

8-3-6 Insurance. The wireless provider shall carry, at the wireless provider’s own cost and expense, the following insurance:

(A) property insurance for its property’s replacement cost against all risks;
(B) workers’ compensation insurance, as required by law; or
(C) commercial general liability insurance with respect to its activities on the City improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of City improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the City as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the City in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the City. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the City.

8-3-7 Severability. If any provision of this Article or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Article that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Article is severable.

(Ord. No. 18-13; 06-11-18)

[Supplement No. 25; 01-01-19]
POLE LEASE AGREEMENT

THIS AGREEMENT made and entered into this 8th day of March, 1993 by and between the CITY OF SULLIVAN (hereinafter referred to as “Licensor”), and MEDIACOM (hereinafter referred to as “Licensee”).

WHEREAS, the City of Sullivan granted to MEDIACOM a franchise to erect, maintain, own and operate a cable television distribution system within the City of Sullivan by Ordinance 93-2 passed on March 8, 1993.

WHEREAS, MEDIACOM desires to utilize, to the extent possible the wholly owned poles of the City of Sullivan for the purpose erecting and maintaining said cable television distribution system;

NOW, THEREFORE, the Licensor and Licensee covenant and agree to the following terms and conditions:

SECTION 1 - POLE USE.

The poles used, where Licensor owns poles which may be utilized for the distribution system of the Licensee, shall be those wholly owned by the Licensor. Where said wholly owned Licensor poles cannot be used for the distribution system, the Licensee shall have the right to erect and maintain its own poles, as may be necessary for the proper construction and maintenance of the television distribution system provided, however, the Licensee shall obtain prior approval of the Licensor as to the necessity for and location of any new poles to be erected. However, nothing in this Section shall preclude the Licensee from contracting with the Licensor to provide and maintain poles to be used for the transmission system of the Licensee.

SECTION 2 - APPLICATIONS AND PERMITS.

Before making attachments to any pole or poles of the Licensor or to space reserved for Licensor’s use on any poles belonging to others, the Licensee shall make written application to the Licensor in substantially the form of Exhibit “A”, hereto attached and made a part hereof. If the Licensor is willing to permit such attachments, then the Licensor shall return one (1) copy of Exhibit “A” to the Licensee bearing endorsement of its permission.

Where the Licensor is required to rearrange or replace its equipment in order to accommodate the Licensee’s facilities, the Licensor shall return two (2) signed copies of said application to the Licensee indicating the nature of the work involved and the estimated cost thereof. The Licensee shall, within thirty (30) days, either notify the Licensor (1) of its
acceptance of the work and costs or (2) of its cancellation of the application, by signing in the “Accepted” space and returning one (1) copy. Upon receiving an accepted permit from the Licensee, the Licensor shall promptly make the changes and rearrangements, and notify the Licensee when such work is completed.

Upon receiving an approved permit where no changes are required, or notification of the completion of all changes and rearrangements by the Licensor, but no sooner, the Licensee shall have the right to install, maintain and use its equipment described in said application upon the poles identified therein.

Before commencing any such installation, the Licensee shall notify the Licensor verbally, or as locally agreed, of the time when it proposes to start work sufficiently in advance thereof so that the Licensor may, at its option, have its representative present when such work is performed.

SECTION 3 - COSTS OF REARRANGEMENT AND GUYS.

Where the Licensee’s attachments require rearranging the facilities of the Licensor or any others using such poles, the Licensee agrees to compensate the Licensor and such others for full expense incurred in completing such rearrangements. Any strengthening of poles (guying) required to accommodate the attachments of the Licensee shall be provided by and at the expense of the Licensee and to the satisfaction of the Licensor.

SECTION 4 - ADDITIONAL ATTACHMENTS AND MOVING ATTACHMENTS.

The Licensee shall not have the right to place, nor shall it place any additional equipment, nor shall the Licensee change the position of any equipment, upon any pole used by it hereunder without first making application therefore and receiving the Licensor’s permission to do so. The provisions of this Section shall not restrict the attachment of television service drops to television crossarms or television cable messengers unless the Licensee is in default under the terms of Section 7.

SECTION 5 - INSTALLATION AND MAINTENANCE OF ATTACHMENTS.

The Licensee shall, at its own expense, make and maintain its attachments in safe condition and in thorough repair, and in a manner suitable to the Licensor and so as not to conflict with the use of said poles by the Licensor, or by others lawfully using said poles, or interfere with the working use of facilities thereon or which may from time to time be placed thereon by the Licensor or others. The Licensee shall at any time, at its own expense, upon notice from the Licensor, repair, maintain, relocate, replace, and renew its facilities placed on said poles, and transfer them to substituted poles or perform any other work in connection with said facilities that may be required by the Licensor. Failure to comply within thirty (30) days
with such notice or notices from the Licensor, except for causes over which the Licensee has no control, shall constitute a default. Upon such default, the Licensor may at its option: (1) suspend all future attachment of television drops to television crossarms or television cable messenger during period of default; or (2) terminate the permit covering the poles as to which such noncompliance shall have occurred; or (3) the Licensor or the Licensor’s contractor may repair, do maintenance work on, relocate, replace or renew facilities placed on such poles by the Licensee, transfer them to substituted poles or perform any other work required to conform with the Licensor’s notice or notices and the Licensee shall, on demand, reimburse the Licensor for the expense thereby incurred. In cases of emergency, the Licensor or the Licensor’s contractor may at the Licensee’s sole risk and expense, arrange to relocate or replace the facilities attached to said poles by the Licensee, transfer them to substituted poles or perform any other work the Licensor deems necessary to meet safety requirements or service needs of the Licensor, and the Licensee shall, on demand, reimburse the Licensor for the expense thereby incurred.

SECTION 6 - POLE ERECTION AND CONSTRUCTION.

The Licensee’s distribution system poles, and the wires, and appurtenance thereon shall be located, erected and maintained, so as not to endanger or interfere with the lives of persons, or interfere with new improvements the Licensor may deem proper to make, or to unnecessarily hinder or obstruct the free use of streets, alleys, bridges, or other public property. Removal of poles or rearrangement of its facilities to avoid such interference will be at the Licensee’s expense.

SECTION 7 - SPECIFICATIONS.

Whereas, the Licensee’s poles, cables, wires, and appliances in each and every location shall be erected and maintained in accordance with: (1) such requirements and specifications as the Licensor shall from time to time prescribe; (2) all requirements and specifications of the Electrical Codes of the City of Sullivan and the most recent edition of the National Electrical Safety Code where applicable; (3) any amendments or revisions of said codes or practices; and (4) in compliance with any rules or orders now in effect or that may hereafter be issued by the Illinois Commerce Commission or other authority having jurisdiction.

All installations of equipment shall be of permanent nature, durable, and installed in accordance with good engineering practice. Installation standards shall be the same for wholly owned Licensor poles as for other utility poles.

The Licensee’s distribution cable shall be supported on one-fourth (1/4) inch or larger galvanized steel stranded messenger with metallic wire lashing the cable to the messenger. The stranded messenger shall be tensioned and guyed in accordance with accepted standards. The Licensee’s service drops shall be installed in a neat and workmanlike manner including the house attachments so as to preserve the best overall appearance of power, telephone and
television drops through the air and attached to buildings. Service drops shall be tensioned so that sag is not excessive and also so that side pull on the television cable messenger is not excessive. Television service drops are to be installed where practicable from the cable messenger, away from a pole so as to preserve climbing space on the pole.

**SECTION 8 - COST OF POLE REPLACEMENTS.**

In the event that any pole or poles of the Licensor or any pole or poles belonging to others on which space is reserved for the Licensor's use to which the Licensee desires to make attachments are considered by the Licensor to be inadequate in height or strength to support the additional facilities, in accordance with the aforesaid specifications, the Licensor shall notify the Licensee of such fact and of the estimated cost to the Licensee of replacing such pole which will accommodate the attachments of the Licensee. After acceptance or after completion of the work, the Licensor will present to the Licensee a statement of the costs. The Licensee will pay any balance due as shown by said statement.

The Licensee agrees to reimburse the Licensor for the entire cost and expenses of replacing such inadequate poles with suitable poles, including cost of removal, less any salvage recovery and depreciation, and the expenses of transferring the facilities of the Licensor and any others using such poles from the old to the new poles. The Licensee will also, on demand, reimburse the other owners of other facilities attached to said poles for any expenses incurred by it or them in transferring or rearranging said facilities.

**SECTION 9 - SUBSEQUENT POLE REPLACEMENTS.**

In the event that the Licensor or any other electric power company who by agreement with the Licensor is a joint user of a pole to which the Licensee has made attachments shall require the space occupied by the Licensee's existing attachments and said pole has not been previously replaced in order to accommodate the Licensee's facilities, then all provisions of Section 10 shall apply, except that the Licensee may elect to remove its attachments from the pole if it does not approve of such replacement.

**SECTION 10 - PROTECTION OF THE LICENSOR'S SERVICE.**

The Licensor reserves to itself the right to maintain its poles and space reserved for its use on poles belonging to others and to operate its facilities thereon in such manner as will best enable it to fulfill its own service requirements, but in accordance with the specifications herein before referred to. The Licensor shall not be liable to the Licensee for any interruption to service of the Licensee or for interference with the operation of the cables, wires and appliances of the Licensee arising in any manner, directly or indirectly, out (or as the result) of
the use hereunder of the Licensor’s poles or of space reserved for the Licensor’s use on poles belonging to others; or out (or as the result) of the Licensor’s use or maintenance of its poles and the space reserved for its use on poles belonging to others or of its facilities thereon.

SECTION 11 – INDEMNIFICATION AND INSURANCE.

The Licensee shall at all times indemnify, protect and hold the Licensor harmless from all claims, actions, suits, liabilities, losses, expenses, or damages of every kind and description, including investigation costs, court costs and reasonable attorneys’ fees which may accrue to or be suffered or claimed by any person or persons by reason of or relating to the ownership, construction, repair, replacement, operation and maintenance of the cable system and by reason of any license, copyright, property right or patent of any article or system used in said system.

In order for the Licensor to assert its rights to be indemnified, defended, and held harmless, the Licensor shall provide:

(A) Prompt notice to the Licensee of any claim or legal proceeding which gives to such rights;

(B) Full cooperation with the requests of the Licensee with respect to the Licensee’s participation in, and control, compromise, settlement or resolution or other disposition of such claim or proceeding.

The Licensee shall maintain in full force and effect public liability and property insurance with the following minimal coverage: property damage -- One Hundred Thousand Dollars ($100,000.00) per occurrence, Three Hundred Thousand Dollars ($300,000.00) aggregate; bodily injury -- Three Hundred Thousand Dollars ($300,000.00) per occurrence, Five Hundred Thousand Dollars ($500,000.00) aggregate, which insurance shall name the Licensor as additional insured and which shall require thirty (30) days notice of cancellation to be given to the Licensor. The Licensee also shall carry insurance coverage for all claims under any applicable Workers’ Compensation law. On the request of the Licensor, the Licensee shall file with the City of Sullivan, certificates of insurance for the above coverage.

SECTION 12 – INSPECTIONS.

The Licensor, because of the importance of its service, reserves the right to inspect each new installation of the Licensee on its poles, and in space reserved for its use on poles belonging to others and in the vicinity of its lines or appliances, and to make periodic inspections, at reasonable intervals, semiannually or oftener as plant conditions may reasonably warrant of the entire plant of the Licensee. Such inspections, whether made or not, shall not operate to relieve the Licensee of any responsibility, obligation or liability assumed under this Pole Lease Agreement.
SECTION 13 - REMOVAL OF ATTACHMENTS.

The Licensee may at any time remove its attachments from any pole or poles of the Licensor or from space reserved from the Licensor’s use on any pole or poles belonging to others, but shall immediately give the Licensor written notice of such removal in substantially the form of Exhibit “B”, hereto attached and made a part hereof. No refund of any rental will be due on account of such removal.

SECTION 14 - RELOCATION OF FACILITIES.

In the event that any time during the period of this Pole Lease Agreement, the Licensor shall elect to alter or change the grade of any streets, alleys or other public ways, the Licensee, upon a thirty (30) day notice by the Licensor shall remove, release and relocate its poles, wires, cables, and underground conduits, manholes and other fixtures at its own expense. Should the poles moved be the property of the Licensor or the holder of any public franchise within the City of Sullivan, the Licensee shall move its cables and appurtenances attached to the poles at its own expense, with the Licensor or public franchise holder moving the poles at its or their expense.

SECTION 15 - DAMAGES.

The Licensee shall exercise special precaution to avoid damage to facilities of the Licensor and of others supported on said poles; and hereby assumes all responsibility for and agrees to indemnify the Licensor from and against any and all losses or damages, or claims therefore, resulting from the attachment to such poles of the Licensee” facilities, and from any and all acts or omissions of the Licensee in connection therewith. The Licensee shall make an immediate report to the Licensor of the occurrence of any loss or damage and hereby agrees to pay the cost incurred in making repairs to such facilities of the Licensor or others.

SECTION 16 - PAYMENT.

The Licensee agrees to pay the Licensor an annual pole and boulevard fee in the sum of Two Thousand Five Hundred Dollars ($2,500.00). Payments of amounts due to the Licensor shall be made by the Licensee annually on a date which shall be the date of acceptance of this Pole Lease Agreement.
SECTION 17 - GENERAL TERMS.

Failure to enforce or insist upon compliance with any of the terms or conditions of this Pole Lease Agreement shall not constitute a waiver or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect.

Nothing herein contained shall be construed as affecting the rights and privileges previously conferred by the Licensor, by contract or otherwise to others, not parties to this Pole Lease Agreement, to use any poles or spaces reserved for the Licensor's use on poles belonging to others covered by this Pole Lease Agreement; and the Licensor shall have the right to continue and extend such rights or privileges. The attachment privileges herein granted shall at all times be subject to such contracts and arrangements.

No use under this Pole Lease Agreement however extended of the Licensor's poles or of space reserved for the Licensor's use on poles belonging to others shall create or vest in the Licensee any ownership or property rights in said poles, but the Licensee's right therein shall be and remain a mere license. Nothing herein contained shall be construed to compel the licensor to maintain any of said poles for a period longer than that demanded by its service requirements.

If any section, sentence, clause or phrase of this Pole Lease Agreement is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity or the Ordinance and any portions in conflict are hereby repealed.

SECTION 18 - LENGTH OF AGREEMENT.

This Pole Lease Agreement shall become effective and run concurrently with Ordinance 93-2, “The Cable Television Franchise Agreement” and any renewal thereof.

SECTION 19 - ASSIGNMENT.

This Pole Lease Agreement may not be assigned by either party without the expressed written consent of the other, which consent will not be unreasonably withheld. However, nothing in this Pole Lease Agreement shall prevent the Licensee, from assigning this Pole Lease Agreement to any entity which is affiliated with the Licensee through common control and ownership, and as collateral security for any obligations of the Licensee.
Appendix “A”

Extension of Contract

Section 1. The City agrees and consents to extend the current cable franchise, Ordinance No. 93-2, as amended, through March 14, 2006 or until a new cable franchise is approved by the City Council and accepted by Mediacom, whichever occurs first, subject to the terms and conditions set forth below.

Section 2. The City’s consent to the extension, described above, is subject to, and conditioned upon, the following terms and conditions, all of which are hereby incorporated in the franchise:

(A) All terms and conditions of the cable franchise shall remain in full force and effect during the extension period.

(B) The extension shall have no adverse effect on Mediacom’s compliance with the current franchise, nor shall the extension be grounds for any change or modification in the remaining terms, conditions, and obligations of the franchise. Further, the extension of the franchise will not affect, diminish, impair or supercede the binding nature of the existing ordinances, resolutions and agreements applicable to operation of the cable system.

(C) The City’s agreement to extend the franchise, as set forth herein shall not be construed, in any manner whatsoever, to constitute a waiver or release of any rights the City may have under the current franchise and shall not be a defense against correction of any deficiencies or non-compliance by Mediacom.

PASSED by the Mayor and City Council of the City of Sullivan, County of Moultrie and State of Illinois on the 14th day of March, 2005.

(Ord. No. 05-03; 03-14-05)
CHAPTER 9

CEMETERY

ARTICLE I - ADMINISTRATION

9-1-1 BOARD ESTABLISHED. A cemetery Board of Managers is hereby established.

(A) The Board shall consist of four (4) managers appointed by the Mayor with the advice and consent of the City Council.

(B) The managers shall serve concurrent two (2) year terms or until their successors are approved. The appointments shall be made on May 1st of every second (2nd) year after the initial appointment.

(C) The Board of Managers shall establish and maintain all policies and practices for the operation of the City Cemetery.

(D) The Board of Managers shall receive all moneys from sales of cemetery lots and all gifts and legacies to said cemetery. Any gift or legacy of real or personal property may be converted to cash. All cemetery property and funds, whether received by sale of lots or by gift or legacy, shall be prudently invested and the income therefrom applied by the Board to the care and maintenance of the cemetery.

(E) The Board of Managers shall meet at least three (3) times a year and organize in accordance with the state statutes. They shall operate in accordance with the statute and any revisions thereof, and all applicable ordinances of the City. (See 65 ILCS Sec. 5/11-52.1-2)

9-1-2 OATH; QUORUM; PLACE OF MEETING; TIME; ETC. The members of the Board of Managers of Greenhill Cemetery, before entering upon the discharge of their duties, shall take and subscribe before some officer authorized to administer the same, an oath that they will faithfully execute and discharge the duties required of them, and shall file such oath with the City Clerk. A majority of the members of the Board shall constitute a quorum for the transaction of business, and they may hold general or special meetings at the City Council rooms or other place as may be designated by the Board of Managers, at such times as they may by order direct, and they may make and establish such reasonable by-laws, rules and regulations as may be necessary for their own government, and for the full and complete execution of their powers and duties, and submit a copy thereof to the City Council for confirmation.

9-1-3 DUTIES OF THE BOARD. The Board of Managers shall manage, control and supervise the cemetery under the direction of the Mayor. The ordinances passed by the City Council governing the cemetery shall control the Board of Managers in all its actions.
9-1-4 **OFFICERS.** As soon as convenient after appointment, the Board of Managers shall meet and shall organize by selecting one of its members to be President and another to be Secretary of the Board. The City Treasurer shall be the Treasurer of the Board of Managers. *(See 65 ILCS Sec. 5/11-52.1-2)*

9-1-5 **TREASURER’S RESPONSIBILITIES.** The Treasurer shall have the custody of all money and property received in trust by the Board of Managers, and shall pay out the same only upon the written order of the Board, signed by at least two (2) of them, and he shall keep permanent books of record of all such trust funds and of all receipts and disbursements thereof, and for what purposes received and disbursed. The Treasurer shall annually make a written report to the Board of Managers, under oath, showing balances, receipts and disbursements, including a statement showing the amount and principal of trust funds on hand and how invested. This report shall be audited by the Board, and if found correct, shall be transmitted to the City Council, at the same time that the Treasurer is required by law to make his report, to be approved and preserved in the same manner, if found to be correct. *(See 65 ILCS Sec. 5/11-52.1-2)*

9-1-6 **SECRETARY’S DUTIES.** The Secretary of the Board of Managers shall keep, in a book provided for such purpose, a permanent record of the proceedings of the Board, signed by the President and attested by the Secretary, and shall also keep a permanent record of the several trust funds, from what sources received, the amounts thereof, and for what uses and purposes, respectively, and he shall annually, at the time of transmitting the Treasurer’s report to the Secretary, make a written report, under oath, to the City Council, stating therein, substantially the same matter required to be reported by the Treasurer of the Board. The Secretary’s report, if found to be correct, shall be approved and preserved by the City Council. The Mayor shall have the power to remove from office any or all of the Board of Managers or the Treasurer, for non-performance of duties or for misappropriation or wrongful use of the funds or property, and to require a just and proper accounting for the same. *(See 65 ILCS Sec. 5/11-52.1-2)*

9-1-7 **SECRETARY TO ISSUE PERMIT.** Any person applying for a burial permit for burial in any cemetery owned or controlled by the City, shall obtain a permit for burial or removal duly signed by the Secretary of the Board of Managers. The Secretary shall
first determine that such person has the right to bury the person in the cemetery, and that all costs to the City, including the purchase price of the portion of any lot to be so used, and the cost of grave digging, have been fully paid before issuing a burial permit to the applicant therefor, but under no other circumstances shall a permit be issued.

9-1-8  **POWERS OF THE BOARD.** The Cemetery Board of Managers shall have the powers and authority provided by Chapter 65, Section 5/11-52.1-1 of the Illinois Compiled Statutes. The Board shall have the power to hire the help for the maintenance of the cemetery with the approval of the City Council.

9-1-9  **POSITION ESTABLISHED.** The position of Cemetery Foreman is hereby established. Whenever a vacancy occurs in the position of Cemetery Foreman, such position shall be filled by appointment by the Mayor, with the advice and consent of the Council. The Cemetery Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council.  (Ord. No. 12-20; 10-23-12)

9-1-10  **DUTIES OF CEMETERY FOREMAN.** It shall be the duty of the Cemetery Foreman to take charge of Greenhill Cemetery and preserve the same from injury, to attend all burial ceremonies within said cemetery, to mow grass and weeds, trim trees, assist patrons in locating lots upon which burials are to be made and give necessary directions regarding the same, to superintend all work done within said Cemetery, remove excess earth from new graves and use the same toward filling in older and sunken graves or depressions, and to do all ordinary repair work necessary to be done upon buildings, fences, gates, drains and driveways, and other public property of Greenhill Cemetery, as directed by the Board of Managers. The Cemetery Foreman shall have the authority, subject to the approval of the Mayor, to hire a sufficient number of suitable and qualified subordinate employees to perform the duties of cemetery maintenance, to direct the work of any such subordinate employees and to effectively recommend to the Mayor the suspension, layoff, discharge, reward or discipline of any such cemetery personnel, including the adjustment of grievances.  (Ord. No. 12-20; 10-23-12)

9-1-11  **POLICE POWER.** The Cemetery Foreman shall have the authority to issue a “notice to appear” as defined in Section 107.1(c) of the Code of Criminal Procedure of 1963 (725 ILCS 5/107-1(c)) for any violation of any ordinance of the City in relation to Greenhill Cemetery that may come to his knowledge, and for such limited purpose the Cemetery Foreman is hereby designated as a “peace officer” within the meaning of Section 2-13 of the Criminal Code of 1961 (720 ILCS 5/2-13).  (Ord. No. 12-20; 10-23-12)

9-1-12  **NAMED.** All of those tracts of land heretofore and now used as cemeteries and the additions thereto, in the City which have been dedicated as cemeteries, are hereby rededicated for that purpose and shall continue to be known as Cemeteries and shall be used only for that purpose and subject to such rules and regulations as may be hereafter passed by the Council.
9-1-13  **SUPERINTENDENT OF CEMETERIES.** It shall be the duty of the Superintendent to keep a correct plat of the Cemetery together with a full and complete record of all persons who have purchased and own lots in the cemetery. Upon the sale of any lot, the Superintendent shall cause to be prepared a deed for such a lot to be executed by the Clerk.

9-1-14  **CONTROL OF CEMETERY.** The Superintendent shall have control of the Cemetery under the direction of the Board of Managers and shall keep the Cemetery in good order, clean of all rubbish, cut all grass and weeds from and walks and passage ways and perform such other duties as may be required by the City Council.

9-1-15  **DIG GRAVES.** When the Superintendent is presented with a burial permit, he shall dig such grave as may be designated in the permit. All graves shall be dug so that the bottom of the coffin shall be at least six (6) feet below the surface of the ground. Any burial space used will be paid for by agreement with the funeral home director or prior arrangements with the family. All space or spaces sold by contract will have the space or spaces paid for at prevailing rates within one (1) year.

9-1-16  **BOARD TO FIX PRICE OF CEMETERY lots.** The Board of Managers of Greenhill Cemetery shall appraise the lots as shown on the various recorded plats of said Cemetery, and shall fix the sale price thereof, and may reappraise those that remain unsold, from time to time, as they deem necessary. The charge per burial space is established at Four Hundred Dollars ($400.00) per space.  *(Ord. No. 02-01; 02-25-02)*
ARTICLE II - FINANCES

9-2-1 SALE OF LOTS AND CONVEYANCE THEREOF. Any person wishing to purchase a lot in said Cemetery, shall make application to the Secretary of the Board of Managers and upon the payment of the price of said lot, shall be entitled to a conveyance, executed by the President of said Board and attested by the Secretary of the Board, under the corporate seal of the City, conveying to such person or persons, exclusive use of such lot for the purpose specified in this Chapter, subject to the control of the City Council by this Article, of which conveyance, the Secretary shall keep a record. The price to be paid by any person or persons purchasing any lots in the Cemetery shall be the price marked or designated in the plat of the Cemetery, as the price of the lot; provided that a portion of such lot may be sold separately, and, in such case, the Board of Managers shall have the power to ask a reasonable proportionate increase in the price fixed, before any sale of the same may be consummated. The Board of Managers shall also have the power to grant an option to a prospective purchaser of any lot pending future stated payments, upon the payment of a reasonable down payment upon the same; provided that no party of any lot shall be used for burial purposes until the proportionate amount asked for such portion shall have first been paid to the Board of Managers, and provided, further, that any prospective purchaser of such lot, having made any such payment upon any such option for a Cemetery lot, who shall forfeit his rights under the terms of such option, shall be entitled, upon demand having first been made to the Secretary of the Board of Managers, a proportionate amount of such lot equivalent to the amount so paid upon said option; except that the Board shall not be required to execute a deed for any portion in such manner as to divide individual grave spaces in said lot; and, under no circumstances, shall the Board be required to execute a deed for any portion of any lot until the same has been fully paid for. The terms of any such option shall provide that, upon a failure of the holder thereof to fully comply with its stated terms for a period in excess of thirty (30) days, such holder shall lose and relinquish all of his rights under such option, except as otherwise provided by this Article.

9-2-2 FUNDS USED EXCLUSIVELY FOR CEMETERY. All receipts on account for Greenhill Cemetery, whether arising from the sale of lots therein, from donations, from appropriations, from the City Treasury, or otherwise, shall be expended and applied under the direction and control of the Board of Managers, exclusively, for the operation of said Cemetery, including protecting, ornamenting, improving and laying out of the grounds of said Cemetery, and the avenues, walks and lots therein. But the Board of Managers shall not expend the monies of the Cemetery funds, in advance of the receipts thereof, nor incur any debts on account of said Cemetery, without the prior consent of the City Council.
9-2-3  “CEMETERY FUND” AND “PERPETUAL CARE FUND” ESTABLISHED. There shall be and are hereby created two (2) funds, one to be known as the “Cemetery Fund”, and the other to be know as the “Perpetual Care Fund” which said funds shall be by the City Treasurer, kept, respectively, separate and apart from all other funds of the City. Eighty percent (80%) of the proceeds from the sale of all lots in Greenhill Cemetery, or from the sale of lots in any and all other sections that shall or may hereafter be added to the Cemetery, and all income or earnings of the “Perpetual Care Fund”, together with all of the fees for digging graves, or any other special work, shall be placed in the “Cemetery Fund” hereinbefore created. The balance of said funds so received shall be placed in the “Perpetual Care Fund” as herein provided. Monies so deposited in the “Cemetery Fund” shall be paid out by the City Treasurer, only in the manner provided for in this Chapter and the Municipal Code. Monies so deposited in the “Perpetual Care Fund” shall remain and be kept in the fund by the City Treasurer as a perpetual trust fund and shall be paid out only upon City Warrants, issued as provided in Chapter 1 of the Municipal Code, but for the sole purpose of investment as provided by the Municipal Code, and any bonds purchased with the funds shall be retained by the City Treasurer, and accounted for as assets of said “Perpetual Care Fund”. Any monies received by the City Treasurer on account of interest accrued upon any such investments, shall be deposited in the Cemetery fund, and may be paid out for the purpose and in the manner prescribed for the Cemetery Fund. (See 65 ILCS Sec. 5/11-52.2-1)
ARTICLE III - REGULATIONS

9-3-1 TRESPASSING. It shall be unlawful for any person to injure, deface, remove or injure any vault, tombstone, monument, gravestone, or curbing or any article placed by the owner or persons in control of any lot, or shall cut or break any tree or shrub or plant in the cemetery, or willfully disturb the contents of any vault or tomb or grave.

9-3-2 RIDING ON GRASS. No person shall ride any horse or drive upon any private lot in the cemetery.

9-3-3 FENCES. It shall be unlawful for any person or lot owner in the Cemetery to erect or construct any enclosure or fence on or around any lot in the Cemetery; provided that this shall not be so construed as to prevent any person from erecting any concrete or stone coping not over eighteen (18) inches in height.

9-3-4 GARBAGE AND REFUSE. It shall be unlawful to dispose or place any garbage or other refuse, such as papers, cans, boxes, or other non-food waste substances and materials in any area of the Cemetery at any time.

9-3-5 FEES. Grave openings shall be Six Hundred Fifty Dollars ($650.00) per opening during the week (Monday – Friday), and shall be Seven Hundred Fifty Dollars ($750.00) per opening during weekends (Saturday – Sunday) and City holidays. Cremations and infant grave openings shall be Three Hundred Fifty Dollars ($350.00) per opening during the week (Monday – Friday), and shall be Four Hundred Fifty Dollars ($450.00) during weekends (Saturday – Sunday) and City holidays. (Ord. No. 17-35; 12-26-17)

9-3-6 BURIALS. No deceased body shall be buried in the cemetery unless a permit therefor has been issued by the Superintendent and signed by the Funeral Director.

9-3-7 RECORDS. The Superintendent shall keep a record of all permits issued, with the date of burial, name of deceased and upon what lot buried and such other information as may be required. (See 65 ILCS Sec. 5/11-52.1-1 et seq.)

9-3-8 APPLICATION OF CITY CODE. All provisions of the Municipal Code now in force or hereafter enacted relating to and defining public offenses in the City, insofar as the same shall be applicable, shall be in full force and effect in the City Cemetery.
9-3-9 UNLAWFUL ENTRY. It shall be unlawful for any person or persons, other than duly authorized officers, officials or employees of the City to enter or be upon the cemetery grounds during the time after sunset and before sunrise of any day without first obtaining the permission of the Superintendent. It shall further be unlawful at all times for any person to enter or leave the grounds other than by the established and open entrances or gateways.

9-3-10 LOITERING; EXCEPTIONS. It shall be unlawful for any person to loiter upon lots and graves of the City Cemetery or for the parent or guardian of any child under the age of sixteen (16) to permit such child to be within the cemetery grounds unless accompanied by an adult person; provided nothing herein shall be construed to prohibit any person having lawful business in the cemetery in connection with the improvement thereof or persons visiting the graves of relatives or friends from being in the cemetery in accordance with the rules.

9-3-11 SPEED OF VEHICLES. It shall be unlawful for any person to drive any vehicle in the cemetery faster than ten (10) miles per hour.

9-3-12 OPERATION OF VEHICLES AND PARKING.
(A) No person shall drive or move any vehicle within the cemetery except over a roadway open for vehicular traffic or obstruct any path or driveway within the cemetery open to vehicular traffic. No person shall use the cemetery grounds or any driveway therein as a public thoroughfare or drive any vehicle through said grounds except for purposes of making deliveries in the cemetery or visiting any grave site.
(B) It shall be the duty of the Superintendent and/or the police to direct all vehicular traffic and the Superintendent is authorized to direct the parking or standing of all vehicles in the cemetery. No person shall disobey or disregard the directions of the Superintendent relating to the movement or standing of all vehicles within the cemetery.

9-3-13 GRAVE DECORATIONS (FLOWERS). The placing of cut flowers or artificial flowers over individual graves shall be permitted; however, the City shall not be responsible for the care of such flowers or the containers in which they are placed. Furthermore, the City may remove, without notice, all flowers, real or artificial which remain over sixty (60) days.

9-3-14 RUBBISH; DEBRIS. It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter, or debris of any kind in the Cemetery.
9-3-15 PROPERTY DAMAGE. No person shall remove, molest, injure, mar, deface, throw down or destroy any headstone, monument, survey marker, corner marker, tomb, vault or mausoleum or decoration on any cemetery lot in the cemetery or open, disturb or molest any grave or place of burial therein. This shall not prohibit acts by cemetery officers and employees or public officials in carrying out their duties.

9-3-16 TREES, SHRUBS, AND FLOWERS. It shall be unlawful for any unauthorized person to plant any trees, shrub or other plant in the cemetery except those permitted by the general landscape plan approved by the governing body of the City. It shall be unlawful for any unauthorized person to cut down, injure, break or destroy any tree, shrub or other plant growing in the cemetery or to pick, pluck or cut any flower or decorative plant, except as authorized by the cemetery rules.

9-3-17 REMOVAL OR BURIAL PERMIT REQUIRED. No burial or interment of any person shall take place in and from the City, nor in any cemetery within the corporate limits of the City or within the control of the City, nor shall the (dead) body of any person be removed from any cemetery in the City for the same shall have first been procured and surrendered to the Superintendent of such cemetery along with the necessary fees. Burial permits are received after the funeral.

9-3-18 DEFACING OR DESTROYING PROPERTY; MISUSE OF WALKS; PENALTIES. No person shall negligently, willfully or maliciously injure the fences, gates or other improvements, or shall cut, break or injure or carry away any tree, sapling, shrub, flower, vine, stake, post, chain or any ornamental thing, or shall deface, destroy, mutilate or injure any of the monuments, tombstones, vaults, or ornaments of any kind in any cemetery within the control of the City, except such as are around or on their own respective lots, or who shall drive or propel any automobile, motorcycle, carriage, or other vehicle, except one being used as a hearse in the course of a burial ceremony, upon any walks, walkways, paths or private lots in such cemetery.

9-3-19 INDECENCY, DISORDERLY CONDUCT; PENALTY. No person shall, within any cemetery in or under the control of the City, be guilty of any indecent, rioting or disorderly conduct, or who shall use any profane, indecent or insulting language, or shall willfully or maliciously do or say anything calculated to disturb the quiet or injure the feelings of any person or persons visiting said Cemetery, except a police officer in the line of duty.

9-3-20 PLACING, DEPOSITING, OR SCATTERING OF ASHES. It shall be unlawful for any person to place, deposit, or scatter the ashes of a deceased human or animal on the grounds of any public cemetery or burial ground, or on any other public property of the City. (Ord. No. 14-20; 07-14-14)

(See 65 ILCS Sec. 5/11-52.2-1 et seq.)
ARTICLE IV - PENALTY

9-4-1  **PENALTY.** The City may prosecute violators of this Chapter under the provisions of Section 1-1-20 “General Penalty” of the Municipal Code.

[NOTE: The Cafeteria Court procedures in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
CHAPTER 11

ELECTRIC DEPARTMENT

ARTICLE I - ADMINISTRATION

11-1-1 ORGANIZATION. The Electric Department shall be a subordinate department of the Department of Public Property. The Department shall consist of a Line Foreman, an Operations Foreman and a Plant Mechanic foreman, together with such other subordinate employees as may be appointed to the Electric Department from time to time. (Ord. No. 12-20; 10-23-12)

11-1-2 APPOINTMENT, COMPENSATION. Whenever a vacancy occurs in the position of Line Foreman, Operations Foreman or Plant Mechanic Foreman, each such position shall be filled by appointment by the Commissioner of Public Property, subject to the approval of the Council. The Line Foreman, Operations Foreman and Mechanic Foreman shall each be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council. (Ord. No. 12-20; 10-23-12)

11-1-3 LINE FOREMAN DUTIES. Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Property, the Line Foreman shall have power to make purchases of supplies, to recommend the employ and discharge subordinate employees, and to do all things necessary for the efficient operation and maintenance of the electric distribution system of the City in accordance with the provisions of the City Code and the Statutes of the State of Illinois. It shall also be the duty of the Line Foreman to investigate and approve or disapprove all applications for permits to move buildings over City streets, to report his findings thereon to the Council, to fix the amount of bonds relating thereto, and routings, and to supervise the moving of such buildings, and to prevent unauthorized damage to public or private property along the route selected. (Ord. No. 12-20; 10-23-12)

11-1-4 OPERATIONS FOREMAN DUTIES. Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Property, the Operations Foreman shall have the power to make purchases of supplies, to recommend the employ and discharge of subordinate employees, and to do all the things necessary for the testing and operation of the electric generation equipment of the City. (Ord. No. 12-20; 10-23-12)
11-1-5  **PLANT MECHANIC FOREMAN DUTIES.** Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Property, the Plant Mechanic Foreman shall have the power to make purchases of supplies, to recommend the employ and discharge of subordinate employees, and to do all the things necessary for the testing and operation of the electric generation equipment of the City.  *(Ord. No. 12-20; 10-23-12)*

11-1-6  **ADDITIONAL DUTIES, DISCIPLINE.** The Line Foreman, the Operations Foreman and the Plant Mechanic foreman shall each have the authority, in the interests of the City, to direct the work of any lineman, operations or mechanic subordinate employees under their respective supervision and to effectively recommend to the Commissioner of Public Property the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of their grievances.  *(Ord. No. 12-20; 10-23-12)*

11-1-7  **EXTRA LABOR; HOW EMPLOYED; HOW PAID, ETC.** The Line Foreman, the Operations Foreman and the Plant Mechanic Foreman, with the consent and approval of the Commissioner of Public Property, is hereby authorized to employ such extra laborers under their respective supervision as the needs of the Electric Department shall from time to time demand. Any such extra laborers would be paid at the rate of pay established for such work by the Commissioner of Public Property, subject to the approval of the Council.  *(Ord. No. 12-20; 10-23-12)*

11-1-7-1  **POLICE POWER.** The Line Foreman, Operations Foreman and Plant Mechanic Foreman shall each enforce the rules and regulations established for that part of the Electric Department under their respective supervision by City Code or by order of the Public Works Director or the Commissioner of the Department of Public Property. The Line Foreman, the Operations Foreman and the Plant Mechanic Foreman shall each have the authority to issue a “notice to appear” as defined in Section 107.1(c) of the Code of Criminal procedure of 1963 *(725 ILCS 5/107-1(C))* for any violation of any ordinance of the City in relation to the Electric Department that may come to his knowledge, and for such limited purpose the Line Foreman, Operations Foreman and Plant Mechanic Foreman are each hereby designated as a “peace office” within the meaning of Section 2-13 of the Criminal Code of 1961 *(720 ILCS 5/2-13).*  *(Ord. No. 12-20; 10-23-12)*

11-1-8  **ESTABLISHES ELECTRIC LIGHT FUND.** There shall be and is hereby created a fund to be known as the Electric Light Fund, which the fund shall be by the City Treasurer, kept separate and distinct from all other funds of the City. All money derived
by the City from the sale of electricity or electric energy for light, heat, power and refrigeration purposes shall be collected by the City Treasurer, and shall credit the same to the Electric Light Fund.

**11-1-9 TREASURER SHALL PAY, ETC.** The money collected as provided for in Section 11-1-8 of this Chapter, together with all other money which may be in the fund, shall be kept by the Treasurer and paid out by him for expenses in erecting, maintaining and operating the electric light plant and City Electric Department, upon warrants duly issued against the fund by the City Council.

**11-1-10 TREASURER SHALL REPORT.** The City Treasurer shall make a report monthly to the City Council, showing the condition of the Electric Light Fund and the balance of money on hand in the fund as of the date of the report.

**11-1-11 ELECTRIC RENEWAL AND CONSTRUCTION FUND.** A fund to be known as the Electric Renewal and Construction Fund be and the same is hereby created, which fund shall be kept in the custody of the City Treasurer, and shall be kept entirely separate from all other City funds. The fund shall be accumulated from the receipts of the City Electric Department from any surplus of such receipts, after the current monthly expenses of said Department are paid, and that such accumulation shall be in monthly payments made by the City Electric Department to the City Treasurer, such payments not to exceed the sum of Ten Thousand Dollars ($10,000.00) per month. Such fund shall be deemed sufficient and such monthly payments shall cease when the fund reaches the sum of One Million Dollars ($1,000,000.00). No part of the fund shall be withdrawn or expended, except for the purpose of maintenance and improvement of the Electric Light and Power Plant and Electric Transmission System, in the manner prescribed by City Code for payment of claims against other City Funds; provided, however, that the City Council shall have the right to invest the surplus in the Fund in the same manner as provided by law for investment of surplus City Funds.

**11-1-12 PROVIDES FOR SALE OF ELECTRIC ENERGY.** The City, from the electricity manufactured, produced or purchased by the Municipal Electric Plant owned and operated by the City, shall furnish, transmit and sell electric energy to be used for light, heat, power, refrigeration, and other purposes, to such persons, firms or corporations applying therefor, as shall comply with the laws, ordinances, and regulations now in force, or that may hereafter be in force, governing the Municipal Electric Plant and the sale of electric energy by the City.
11-1-13 **ELECTRIC METER FURNISHED BY CITY.** All electric energy furnished, transmitted and sold by the City, shall be passed through and measured by a meter of some standard, approved and well known make, which shall be provided by the City, and the energy shall be charged to and paid for by the consumer at the rates prescribed by City Code.

11-1-14 **MAINTENANCE AND EXTENSION OF EXISTING STREET LIGHT SYSTEMS; COST; HOW PAID.** Action taken by the City in the creation and expending of its street and park lighting system, as the same now exists, is hereby ratified and confirmed and the Commissioner of Public Property is hereby empowered to maintain and further extend said lighting system as, in his opinion, the needs of the City shall demand; provided, however, that any such extension shall be made subject to the approval of the City Council, and in a manner in strict conformity with the Statutes of the State of Illinois, and City Code. The cost of so maintaining and extending the street and park lighting system, unless otherwise provided for, shall be paid by City Warrants duly drawn against the Electric Light Fund.

11-1-15 **ELECTRIC SERVICE; ANNEXATION REQUIREMENT.**

(A) **Annexation Agreement.**

(1) If the City consents to furnish electric service to a landowner whose property is located outside of the corporate limits of the City then prior to said services being furnished, or before or after service of those systems is transferred from one landowner or customer to another, said landowner or succeeding landowner must agree to sign an annexation agreement with the City in the form as shown in Appendix "HH" whereby landowner shall agree to submit a petition for annexation to the City within thirty (30) days of the beginning of the receipt of said service or upon said property becoming contiguous to the City and upon the request of City, whichever event shall first happen.

(2) The covenants of said annexation agreement shall run with the land and shall be binding upon the parties, their heirs, executors, administrators, assigns, grantees and all persons claiming thereunder.

(3) Landowner shall convey or dedicate all necessary easements to the City for the extension of utilities or for other public improvements which may serve not only the subject landowner's property, but other properties contiguous to landowner's property. Said easements or right-of-way shall be located as to cause a minimum of inconvenience in the development of landowner's property.

(Ord. No. 05-06; 03-28-05)
ARTICLE II - ELECTRIC SYSTEM REGULATIONS

11-2-1 PURPOSE. These rules and regulations are designed to govern the supply of electricity from the City of Sullivan Electric Department to the Customer to insure satisfactory, safe and uniform operations. They set forth the terms and conditions for establishing, maintaining, and discontinuance of electric service. They specify the terms of all agreements for service except that the City reserves the right to enter into special contracts.

11-2-2 ELECTRIC SERVICE AND CODES.
(A) Service Rejected or Terminated.
(1) The City Line Forman shall have the right to reject any application for service or to terminate service to any customer whose premises, in the judgment of the City Line Forman, is dangerous to persons or are otherwise unsafe in the vicinity of the City’s meter and other facilities.
(2) Adoption of National Codes. Failure to reject an application for the service or the commencement of service by the City Line Forman shall not constitute an omission, acknowledgement or agreement, either expressed or implied, as to the adequacy, safety or other characteristics of any installation on the customer’s premises not owned or maintained by the City.
(B) Adoption of National Codes. The City adopts the requirements of the most recent additions of the National Electrical Code (NEC NFPA 70) and the National Electric Safety Code (NEC ANSI C2) and requires all applicants and contractors to conform to these National Codes.

11-2-3 REQUIREMENTS OF APPLICANT.
(A) Grant Easement. When applying for or taking a new electric service from the City, the City shall require the property owner to grant to the City the right to enter upon the premises to be served and to install or remove, repair or maintain thereon, its lines, meters and other facilities, for the purpose of serving the owner’s premises. Each Customer shall afford the City’s representatives free access to the Customer’s premises at all reasonable hours for the purpose of reading the meter, inspecting the metering and other equipment relating to the City’s service, repairing, testing or removing its meter and equipment, and at any time in case of an emergency.
(B) Pay Damage. The Customer shall exercise due care to avoid damage to or dangerous or unsafe conditions adjacent to the City’s meter and the other service facilities of the City located on or near the Customer’s premises. If the Customer’s operations or the manner in which the Customer uses the City’s service cause damage to the City’s facilities, the Customer shall pay the amount of such damage to the City on demand. If meters or other facilities belonging to the City are damaged or destroyed due to negligence or misuse by the Customer or any member of his family, or by an officer, agent or employee of the Customer, or by sub-tenants, the cost of necessary repairs or replacements shall be paid by the Customer.
(C) **Ground Wires - Detach.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping. The City will hold the owner of the premises responsible and liable for any damage to the property, or injury to the employees of the City caused by such ground wire. All owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected after **five (5) days** written notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

(D) **Private Generation.** Except during times when electricity supply from the City is unavailable or is temporarily interrupted other than by reason of discontinuance of service to the particular premises for non-payment of billings or otherwise pursuant to this Chapter 11, it shall be unlawful for any person, firm, establishment or entity to supply or provide electricity in or for any premises by means of any generator or other electricity-production system, equipment or facility unless it has complied with Article III of the City’s Electric Code in Chapter VI. This prohibition shall not apply to the use and operations of passive solar electricity generation systems which are otherwise installed and operated in accordance with all applicable laws and ordinances.

(E) **City’s Approval Required.** Whenever these Rules and Regulations require the approval or permission of the City, it is the responsibility of the Customer to secure such approval or permission in writing from the City Line Forman before proceeding to make a connection, use equipment or receive service.

**11-2-4 APPLICATION FOR ELECTRIC SERVICE.**

(A) Applicant requesting new electric service or an existing customer requesting additional or changed electric service shall complete and file at the City Hall an “Application for Electric Service”. The application may be obtained at the City Hall. **(See Appendix “H”)**

(B) If the Applicant is a tenant of the premises to be served, the property owner, or his legal representative or designated agent, must countersign the application before the application will be granted for all new installations for purposes of granting City an easement within which to lay the electric line on and over the owner’s property.

(C) Applications will expire in **one hundred twenty (120) days.** If application expires the fee will be returned to applicant. If service is still desired a new application must be filed and paid for in full.

(D) **See Appendix “I”** for underground installation forms.

**11-2-5 ELECTRIC SERVICES; EASEMENTS REQUIRED.** Where service lines are laid on private property, an easement shall be granted by the owner thereof providing for the installation and maintenance of the proposed service lines to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same service line. This easement is granted by the owner upon the owner’s execution of the “Application for Electric Service” with the location of the easement shown by drawing on the reverse side of the Application. **See Section 39-5-38 for easement specifications.**
11-2-6 **INSPECTION.** The application for new service shall contain a description of the premises to be served. The City Line Forman or his representative shall have the option of making an inspection of electric wiring of the premises before electrical energy is supplied to determine the adequacy and condition of the wiring. By inspecting a premises and approving it for electric service, the City takes no responsibility in guaranteeing the safety or adequacy of the wiring.

11-2-7 **REFUSAL OF SERVICE.** The City Line Forman reserves the right to refuse or reject any application for service in any of the following situations:

(A) Where the Applicant does not pay the necessary application fee required under the provisions of this Code;

(B) Where service to the Applicant would create unsafe condition(s) to the City’s employees or equipment, other customer(s), or to the public;

(C) Where service would contravene law including orders or regulations of lawfully constituted public agencies;

(D) Where it is apparent at the time of application that service would be used in an illegal manner or for furtherance of an illegal purpose; or

(E) Where the Applicant owes the City for service furnished to the Applicant at the same or another address.

(F) See Sections 38-2-1 and 38-2-4 for detailed text.

11-2-8 **USE OF SERVICE.** The following rules of service shall apply:

(A) The City Line Forman may deny service to a Customer, when in his opinion, the wiring and equipment is unsafe or has objectionable characteristics. However, the City will cooperate with the Customer in order to determine the necessary remedial action for such characteristics.

(B) All of Customer’s lighting equipment, motor drive equipment, apparatus, and appliances shall be equipped with corrective devises so as to enable the City to maintain a satisfactory standard of electric service. In the case of high motor starting current, violently fluctuating or intermittent loads, etc., the City reserves the right and shall have the right to require Customer to install, at the Customer’s expense, transformers and apparatus to correct the objectionable conditions. (These cases may include welders, hoists, elevator motors, pumps, and similar apparatus).

(C) When a separate or oversized substation or transformer must be installed specifically to eliminate the effect of the objectionable load characteristic, and the distribution system would otherwise have the capacity and equipment required to supply a normal load service of the same size, or where separate transformers and/or services are installed at the Customer’s request to supply apparatus which may be abnormally sensitive to voltage, the cost of such substation or transformer is considered a corrective device under subparagraph (B) above, and shall be provided at the Customer’s expense.

(D) The City retains rates that are applicable to industrial and commercial services which are based on all such Customers maintaining a power factor of not less than ninety percent (90%) lagging. In the event a Customer’s power factor is less than ninety percent (90%) during periods of normal operation, the City reserves the right to require Customer to install, at his own expense, such corrective equipment as may be required to increase Customer’s power factor to not less than ninety percent (90%).
(E) When a Customer fails to install the necessary facilities on his premises to correct the objectionable conditions of his loan or fails to prevent such objectionable conditions from interfering with the City's supply of satisfactory service to other Customers, the City shall have the right to deny service to such Customer until the objectionable conditions shall have been corrected in a manner satisfactory to the City.

(F) Where corrective equipment is installed by the City on its distribution system to correct any objectionable condition, the Customer whose service caused the objectionable conditions will be required to pay the City, without refund, the installed cost of such corrective equipment, which said corrective equipment shall remain the property of the City.

(G) See Sections 38-2-1 and 38-2-4 for detailed text.

11-2-9 METERING. The following rules and regulations shall be adhered to:

(A) Meters Required. All locations of customer service by the electrical system shall be metered. Meters shall be provided and installed by the City. If, in the opinion of the Line Forman, the situation dictates that a service shall go unmetered due to the lack of a proper meter, the customer will be billed on a flat rate, as determined by the City. All apartments or multi-constructed units shall be provided with individual meters.

(B) Location. All meters shall be mounted on an exterior wall in an easily accessible location as designated by the Line Forman or his designated representative. No animals may be located in the vicinity of meters that would inhibit the reading of meters.

(C) Testing. Any municipal electrical meter shall be taken out of service and tested upon complaint of the consumer upon payment of a fee of Forty-Five Dollars ($45.00). If, upon testing, the meter is not within three percent (3%) of being accurate, it shall be repaired or replaced and the Forty-Five Dollar ($45.00) fee returned to the consumer. If the meter is within three percent (3%) of being correct, the fee will not be refunded.

(D) Meters Stopped or Registering Inaccurately. (See Section 38-2-4).

(E) Tampering. (See Chapter 38, Article II and 11-2-19).

11-2-10 RESPONSIBILITY FOR CONTINUITY AND QUALITY OF SERVICE.

(A) The City endeavors to furnish continuous and adequate service; however, it cannot guarantee the service as to continuity, freedom from voltage and frequency variations or reversal of phase rotation, and will not be responsible or liable for damages to customers' apparatus resulting from such failure or imperfection of service. In cases where such failure or imperfection of service might damage a customer's apparatus, the customer shall install suitable protective equipment.

(B) Emergencies may arise in which it is essential for the City to immediately take lines or equipment out of service, for repairs, and to prevent damage to life or property or to prevent a more serious interruption of service. The City reserves the right to take lines or equipment out of service under such conditions and will attempt to give customers advanced warning of such interruptions as conditions may permit.
(C) The City further reserves the right to take lines and equipment temporarily out of service for short periods for maintenance and changes in construction. Such outages will be planned at a time convenient to customers involved, if at all practical and possible.

11-2-11 EXTENSION FOR NEW SERVICE. The City will make extensions of its lines for the purpose of serving Applicant(s) under the following general terms and conditions:
(A) The location of the premises to be served shall be within a territory where the City is lawfully permitted to render service.
(B) The City shall be supplied with an easement satisfactory to the City from its existing lines to a point adjacent to the premises proposed to be served.
(C) The Applicant and the anticipated usage shall meet the requirements of the applicable Electric Rate Schedule for the type of service requested.
(D) Fees shall be paid as required under this Code.
(E) In the event the City shall require space for facilities of any kind in order to provide service to the Customer under any applicable service classification, the Customer shall furnish free of charge adequate space satisfactory to the City for the location of such equipment. (See Section 11-2-18)

11-2-12 STANDARD SERVICE. The standard service voltage for all locations are listed below. Any other service voltage is considered non-standard. The minimum capacity of the service entrance shall be one hundred (100) Amperes.
(A) 120/240 Single Phase 3 Wire Service
120/208 3 Phase Wye
120/240 3 Phase Delta
240/480 3 Phase Delta
277/480 3 Phase Wye

11-2-13 NON-STANDARD SERVICE VOLTAGE. There may exist locations where an existing distribution network has other than standard secondary service voltage than listed above. These systems are not necessarily being expanded as an obligation to the City and in certain cases, a new service may be installed at the existing voltages in the electrical network. If a non-standard service voltage or 3-phase service is desired, the owner shall consult with the Line Foreman before purchasing heavy duty residential, commercial or industrial equipment for installation on the electrical system. If it is practical, in the opinion of the Line Foreman, the non-standard service voltage may be provided, however, the owner will bear the additional expense and the risk of extended loss of service in the event of a transformer failure.

11-2-14 SERVICE ENTRANCE METHODS.
(A) Drawings depicting approved service installations shall be furnished to any user, contractor, or prospective user upon completion of a service application per Appendix “H”.

[Supplement No. 25; 01-01-19]
(B) The City Line Forman shall, from time to time, propose revisions to the “Service Entrance Drawings”. Revisions shall take effect for any new construction, renovation or remodeling started fifteen (15) days after passage by the City Council, approval and publication as required by law.

(C) Any new, rebuilt, or upgraded service entrance shall comply with the approved drawings. Failure to comply with the approved drawings shall be sufficient cause to refuse service.

(D) Service will be furnished to customers only after a meter has been installed by the City.

(E) See Appendix “S” for Work Order.

11-2-15 CODE COMPLIANCE.

(A) Every contractor or person responsible for the installation of the electric lines, appliances or other equipment related to electric service shall comply with the provisions of this Code.

(B) If, upon inspection by the City Line Forman or the representative, certain installations are found to contain discrepancies, such discrepancies shall be corrected before permanent connection of service will be completed. If the permanent connection of service has been completed, the City Line Foreman may mail the Customer a written request demanding conformity within a ten (10) day period or any prior service connection made by the City will be disconnected and terminated.

11-2-16 UTILITY FACILITIES ON CUSTOMER'S PREMISES.

(A) Distribution facilities required to serve either a group of Customers in multi-tenancy premises or a single Customer may be installed by the City partially or totally on the premises being served. The property owner shall make provisions on his property for the installation of City owned facilities required for this service or services and shall grant City an easement as necessary.

(B) The City facilities shall consist of those which, in the opinion of the City Line Foreman are necessary to furnish adequate service. The City will design the installations and will install them in a manner most economical or feasible to the City under the existing conditions. Where the City installation is located in a property owner’s building, the applicable provisions of this Code shall be observed, except that metering devices shall be externally accessible.

(C) The property owner shall furnish, at his own expense, own and maintain the necessary indoor or outdoor enclosures, structural supports and accessories as specified by the City. Payment to the City shall be made prior to installation.

11-2-17 CUSTOMER’S RESPONSIBILITY FOR CITY EQUIPMENT.

(A) The Customer shall be responsible for all damage caused to the City’s equipment by the Customer. He shall be responsible for all loss resulting from interference or tampering including compensation for consumed service not recorded by the meter.

(B) Meters are sealed by the City and such seals shall not be broken or tampered with without the consent of the City except in cases of emergency. The City shall be notified as soon as possible after a seal has been broken.
11-2-18 **INCREASE IN CUSTOMER’S LOAD.**

(A) When a customer makes application for service, he shall specify the amount of electrical load to be connected to the electrical system so that the City may determine the adequate service of sufficient capacity for the operation of the equipment to be serviced.

(B) The Customer’s connected load shall not be increased beyond the limits hereinafter stated until the Customer has given written notice to the City and the additional load has been approved by the City Line Forman.

11-2-19 **RESALE OF SERVICE.** Electrical energy provided by the City shall not be sold to a third party or otherwise disposed of by a third party. The energy provided by the City shall be for the sole use of its Customers.

11-2-20 **SUB-METERING.** No sub-metering shall be permitted except by the City Electric Department. Energy sold under this Code is for the use of the Customer and not for resale.

11-2-21 **RENTED DUSK-TO-DAWN LIGHTS.** Private lighting luminaires (dusk-to-dawn lighting services) for home, schools, security, churches, commercial areas, and industry shall be provided where feasible and in keeping with good electrical practice, as per the following specifications:

(A) A self-contained, automatic, Dusk-to-Dawn lighting fixture shall be furnished and installed, or caused to be installed, by the City. Such fixture shall meet the standards and specifications of the City on existing wood pole structures for the customer’s use at a monthly charge rate set out in **Addendum “A”**. The charge will be added to the customer’s monthly utility bill and shall become an integral part of said bill. The City will be responsible for making the installation, furnishing the electricity for the operation of the lamp, provide all the necessary maintenance (including the replacement of lamps, but excluding malicious damage).

(B) The customer shall have the responsibility to notify the City of any interruption of service of the Dusk-to-Dawn Lighting. The City will restore service only during regularly scheduled working hours. The customer shall remove any obstruction to the installation of the City-owned facilities. Trimming of trees to improve the distribution of light shall be the customer’s responsibility. The customer shall provide any permits or easements required for the installation or maintenance of the City-owned facilities and permit access to such facilities by the City’s vehicles and personnel. A lighting agreement shall be substantially in the form provided for the **Appendix “BB”**.
11-2-22 TRIMMING TREES. All trees necessarily trimmed as aforesaid shall be so trimmed that they may retain their original form and usefulness as nearly as may be, and as not to be mutilated or rendered unsightly or useless for shade or other purposes, or unnecessarily prevented or retarded from following their natural growth and development. Whenever, by resolution, the Council deems it expedient, it may require any reasonable change or replacing of any pole or wire which unduly interferes with the growth of trees or any system of tree planting in this City, subject, however, to the vested and lawful right of the owners of such poles or wires. Trimming of trees to be done for the safety and operational duties of the Electrical Department.

(Ord. No. 12-21; 11-13-12)
ARTICLE III - ELECTRIC RATES

11-3-1 RESIDENTIAL RATES. The following rates are established for the User Charge system:

(A) Residence Electric Service.
   (1) Base charge per month - $8.22 plus
   (2) Energy Charge
       12.0751 cents net per KWH for all KWH per month

(B) Residence Electric Service - Outside City Limits.
   (1) Base charge per month - $9.14 plus
   (2) Energy Charge
       13.713 cents net per KWH for all KWH per month

(C) Residential All Electric (One Meter) Including Heating - Year Round Rate.
   (1) Base charge per month - $8.22 plus
   (2) Energy Charge
       10.9053 cents net per KWH for all KWH per month

(D) Residential All Electric (One Meter) Including Heating - Year Round Rate - Outside City Limits.
   (1) Base charge per month - $9.14 plus
   (2) Energy Charge
       12.3559 cents net per KWH for all KWH per month

(E) Other. No other heating or cooling medium allowed with the rate described in Section 11-3-1(A). Customer may have a decorative gas log with usage less than twenty (20) therms per month. Customer may have a backup heat source for emergency use only.

11-3-2 COMMERCIAL AND INDUSTRIAL RATES.

(A) Small Commercial Service.
   (1) Base charge per month; $12.33 - Single Phase per meter; $17.52 - Three Phase per meter plus
   (2) Energy Charge
       12.6601 cents net per KWH for all KWH per month
   (3) The above rate is for customers with usage of less than twenty-five thousand (25,000) KWH per month and certain seasonal customers such as grain elevators and fertilizer plants.

(B) Small Commercial Service - Outside City Limits.
   (1) Base charge per month; $14.16 - Single Phase per meter; $20.11 - Three Phase per meter plus
   (2) Energy Charge
       14.3212 cents net per KWH for all KWH per month
(C) **Commercial All Electric (Including Heating) – Year Round Rate.**

1. Base charge per month; $12.33 – Single Phase per meter; $17.52 – Three Phase per meter plus
2. **Energy Charge**
   12.0751 cents net per KWH for all KWH per month
3. The above rate is for customers with usage of less than **twenty-five thousand (25,00) KWH** per month and certain seasonal customers such as grain elevators and fertilizer plants.
4. **NO** other heating or cooling medium allowed on this rate. Customer may have backup heat source for emergency use only.

(D) **Commercial All Electric (Including Heating) – Year Round Rate – Outside City Limits.**

1. Base charge per month; $14.16 – Single Phase per meter; $20.11 – Three Phase per meter plus
2. **Energy Charge**
   13.713 cents net per KWH for all KWH per month

(E) **Large Commercial – 25,000 KWH to 200,000 KWH Usage Per Month.**

1. Net Rate per Month Demand Charge (for maximum demand used each month; demand being the highest 15 consecutive minute period in the month) - $7.87 per KWH of billing demand plus
2. **Energy Charge**
   10.0162 cents net per KWH for all KWH per month
3. The City of Sullivan will determine the Power Factor each month and if found to be less than **ninety percent (90%)**, the monthly demand charge may be increased by an amount equal to **Twenty Cents ($0.20)** per KWH of Demand for each percent, or fraction thereof, for each percent less than **ninety percent (90%)**.
4. Any customer causing harmonic interference on the power system will take the appropriate steps to eliminate this problem within a reasonable time limit.

(F) **Industrial Power – 200,000 KWH or Above Usage Per Month.**

1. Net Rate per Month Demand Charge (for maximum demand used each month; demand being the highest 15 consecutive minute period in the month) - $7.87 per KWH of billing demand plus
2. **Energy Charge**
   8.8463 cents net per KWH for all KWH per month
(3) The City of Sullivan will determine the Power Factor each month and if found to be less than **ninety percent (90%)**, the monthly demand charge may be increased by an amount equal to **Twenty Cents ($0.20) per KWH of Demand** for each percent, or fraction thereof, for each percent less than **ninety percent (90%)**.

(4) Any customer causing harmonic interference on the power system will take the appropriate steps to eliminate this problem within a reasonable time limit.

(G) **Industrial Power - 200,000 KWH or Above Usage Per Month - Outside City Limit.**

(1) Net Rate per Month Demand Charge (for maximum demand used each month; demand being the highest 15 consecutive minute period in the month) - $7.87 per KWH of billing demand plus

(2) **Energy Charge**
9.671 cents net per KWH for all KWH per month

(3) The City of Sullivan will determine the Power Factor each month and if found to be less than **ninety percent (90%)**, the monthly demand charge may be increased by an amount equal to **Twenty Cents ($0.20) per KWH of Demand** for each percent, or fraction thereof, for each percent less than **ninety percent (90%)**.

(4) Any customer causing harmonic interference on the power system will take the appropriate steps to eliminate this problem within a reasonable time limit.

(H) **Interruptible Power Rate.** Interruptible Power Rate is available to a Customer, subject to the conditions of this Article, and at the discretion of the City, for the supply of electricity to those customers whose individual power requirements exceed 200,000 kilowatts of interruptible power monthly, and have operating characteristics which permit, without delay, interruption of the supply of service for indefinite periods of time. The City shall have the right to limit the aggregate amount of Interruptible Power available to the customer.

Service will be furnished in the form of three-phase, 60 Hz power, to be metered at a point selected by the City.

**11-3-3 CITY SERVICES.**

(A) **Energy Charge**
6.021 cents net per KWH for all KWH per month
11-3-4 **TERMS OF PAYMENT.** Customer’s monthly bills will be computed at the net rate, and shall be paid in accordance with the provisions of Article II of Chapter 38. See Appendix “U” for Billing and Disconnection Policy and Appendix “V” for Contested Utility Shut-Off Hearing Notice.

11-3-5 **OUTSIDE RATE.** Outside City limit rates are now made a part of Sections 11-3-1 and 11-3-2.

11-3-6 **ENERGY COST ADJUSTMENT.** The foregoing rates shall be to coincide with increases in cost of fuel used for generation and/or the cost of purchased electric power as follows:

When the Current Cost of Power delivered to customers in the City exceed the Base Cost of Power purchased and generated, the difference may be applied as a KWH charge to customers monthly billing at an amount equal to the cost difference. The following provides an illustration of the computation and provides definitions needed to clarify the computation.

**Base Cost of Power.** 8.108 cents per KWH.

**Current Cost of Power.** Total current purchased power bill estimated (usually invoiced by IMEA on or near the fifteenth (15th) of each month) plus total fuel and fuel related costs on City owned generation divided by total sales of electricity not including City sales.

**Energy Cost Adjustment.** (Current Cost of Power minus Base Cost of Power).

11-3-7 **TAX.** All billings are subject to five percent (5%) Illinois Gross Receipts Tax on the use and consumption of electricity as provided in the Public Utility Revenue Act.

11-3-8 **RELOCATION OF SERVICE.** When there is a change in the Customer’s operation or construction which, in the judgment of the Municipal Electric Utility of the City of Sullivan, makes the relocation or improvement of the facilities necessary, or if the relocation or improvement is requested by the Customer, the Municipal Electric utility will move or improve such facilities at the Customer’s expense to an acceptable location.

11-3-9 **INSTALLATION REQUIREMENTS.**

(A) **Single Phase Installation.** Any load 10 HP or above will have a low voltage or “soft-start” system.

(B) **Three Phase Installation.** Any load over 20 HP will have a low voltage or “soft-start” system.
11-3-10  **INSTALLATION CHARGE.** The Municipal Electric Utility of the City shall have the option of establishing an installation charge to provide electric service, and when in the judgment of the Municipal Electric Utility, the costs of providing such service would be abnormally high in order to provide a special character of service or the providing of an electrical service causes an unusual expense, in order to provide such service. Charges for installation of three-phase service to commercial or industrial customers shall be determined on a case by case basis in accordance with the City’s actual equipment and installation costs for the project.

11-3-11  **OPERATIONAL INFLATION ADJUSTMENT.** The stated energy charges for electricity shall be subject to adjustment at the beginning of each fiscal year to partially compensate for the effect of economic inflation in the amount of **four percent (4%)**. The Operational Inflation Adjustment is to be applied annually at the review and discretion of the City Council.

(Ord. No. 18-6; 05-14-18)

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
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ARTICLE IV - FIBER OPTIC COMMUNICATIONS NETWORK

11-4-1 FIBER OPTIC COMMUNICATIONS NETWORK. The Commissioner of the Department of Public Property shall operate and manage the fiber optic communications network for the City in the same manner in which said Commissioner operates the Electric Department. Said Commissioner shall have the further authority to enter into such contracts with such public and/or private entities who seek to use said fiber optic network and said Electric Department shall retain all income derived from the operation of said fiber optic network in the same manner as rates for residents electric service are collected on behalf of the City by said department.

11-4-2 COMMISSIONER, DUTIES, AUTHORITY: RATES FOR USAGE. The rates for usage of said fiber optic lines for individual businesses, industries, and governmental entities shall be an annual fee which shall be an annual fee negotiated by the Commissioner on behalf of the City and between the City and a user, and shall be a rate established per mile (per pair). In addition thereto, an annual fee of Three Hundred Dollars ($300.00) per mile (per pair) for maintenance shall be charged to user if said user's total line usage is over eighty percent (80%) above ground. There will be a one-time maintenance fee charged to a user if over eighty percent (80%) of the fiber used by said user is underground. Said maintenance fee and said usage fee shall be paid at the beginning of each year of usage.

If a user desires to operate broadband telecommunications services over said fiber optic network then an additional annual fee shall be negotiated by the Commissioner on behalf of the City and said user. (Ord. No. 12-27; 12-26-12)

(Ord. No. 07-27; 11-12-07)
ARTICLE V - NET METERING

11-5-1 AVAILABILITY. The City shall make available, upon request, net metering service to any customer taking service from the City who meets the requirements set forth in this Article. For purposes of this Article, “net metering” means service to an electric customer under which electric energy generated by that electric customer from an eligible on-site generating facility owned by that customer and, under some circumstances, delivered to the local distribution facilities, may be used to offset electric energy provided by the electric utility to the electric customer as provided for in this Article.

11-5-2 ON-SITE GENERATING FACILITY DEFINED. For purposes of this Article, an eligible on-site generating facility shall be defined as a renewable generating facility such as a photovoltaic facility and small wind turbines. Other forms of renewable generation shall be considered on a case-by-case basis. In all cases, facilities interconnected must be deemed renewable to qualify for this Article.

11-5-3 INTERCONNECTION STANDARDS. The electric generating facility must also abide by the City’s Interconnection Standards currently in place.

11-5-4 CASE-BY-CASE BASIS. Any generating facility greater than 10 kW but less than 1 MW shall be considered on a case-by-case basis. The decision with respect to such facilities shall be made by the Electric Commissioner.

11-5-5 SIZE OF INSTALLATION. Notwithstanding the provisions in this Article, the City reserves the authority to limit the size of a customer net-metered installation to a size such that the electrical output will not, as a matter of routine operation, exceed the electric load of the service on which it is installed.

11-5-6 CAPACITY. Total net-metered capacity interconnected under this Article for the City system shall not exceed two percent (2%) of the system’s peak, as it existed in the prior calendar year. In the event that the system peak is reduced such that the existing net capacity exceeds the two percent (2%) level, those existing net metered customers shall be allowed to continue under this Article. However, no new interconnections will be allowed until the system peak grows such that net-metered capacity is again no greater than two percent (2%) of the system’s peak.
11-5-7 **BI-DIRECTIONAL METERS.** All net metering customers shall have bi-directional meters installed by the City. If the amount of electricity used by the customer during the billing period exceeds the amount of electricity produced by the customer, the utility shall charge the customer for the net electricity supplied to and used by the customer at the full retail rate. If the amount of electricity produced by the customer during the billing period exceeds the amount to electricity used by the customer during the billing period, the utility will credit the customer at a rate equal to the utility’s avoided wholesale electric rate, for the same billing period.

11-5-8 **COSTS.** Any costs the City incurs associated with the net metering program, including but not limited to changes in metering, other physical facilities or billing-rated costs, shall be borne by the participants in the net metering program provided however that such costs shall be capped at **One Thousand Dollars ($1,000.00)** to each qualifying customer interconnecting facilities of 10 kW or less. For those facilities greater than 10 kW that are deemed to qualify under this Article, all costs associated with the program shall be borne by the applicant.

11-5-9 **DOCUMENTS.** The City shall develop such documents as needed to implement this Article.

(Ord. No. 16-8; 06-27-16)
ARTICLE VI - INTERConnectionFactory

11-6-1 INTERConnectionFactory SERVICES. The City shall make available, upon request, interconnection services to any customer that meets the required guidelines. Interconnection services in this Article refers to on-site generating facilities connected to the City's electric distribution system in a manner that will allow excess electricity generated by the eligible on-site generating facility to be safely delivered onto the City’s electric distribution system.

11-6-2 GUIDELINES. Guidelines for interconnecting to the utility system are as follows:

(A) Only generating facilities that have been approved by the Electric Department of the City shall be interconnected with the City’s electric distribution system.

(B) Interconnection Services shall only be available to premises with aggregated total generation at a single customer site of less than 1 MW.

(C) All interconnections shall comply with IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems (IEEE 1547) as they may be amended from time to time.

(D) All auxiliary generation interconnections shall have a time delay set for no less than two (2) minutes.

(E) The City is under no obligation to purchase energy supplied to the utility under this standard. This does not preclude the customer meeting applicable standards that would allow the customer to supply power onto the utility's system and receive credit for such energy under the utility’s Net Metering Ordinance.

(F) If the customer qualifies under the Interconnection standard but does not qualify under the Net Metering Ordinance then any energy delivered to the utility system shall be surrendered to the utility with no value. The City will install a meter that will not provide any credit for energy delivered to the utility system and the customer will pay for any costs associated with the meter change.

(G) Customers will comply with all other applicable utility standards for interconnection.

(H) Capacity of 10 kW or less and interconnected to the utility system shall comply with IEEE 1547 Section 5.5, Periodic Interconnection Test. All interconnection related protective functions and associated batteries shall be periodically tested at intervals specified by the manufacturer system integrator, or the authority that has jurisdiction over the Distributed Resources interconnection, or all tests shall be performed at a minimum of every three (3) years. Periodic test reports shall be maintained and submitted to the City's Electric Department.

(I) Systems of greater than 10 kW or less than 1 MW and interconnected to the utility system shall comply with IEEE 1547, Section 5.5, Periodic Inspection Test. All test reports shall be submitted to the City's Engineering Department after completion of the yearly testing.
(J) Reports required under Section 11-6-2(G) and (H) must be submitted with **thirty (30) days** of the anniversary date of the energizing of the interconnect generating. If the required reports are not received within the period, the generation must be disconnected until the reports are submitted.

(K) The customer shall carry a liability insurance policy issued by a licensed insurance carrier with an A.M. Best rating of B+ or better that provides protection against claims for damages resulting from (i) bodily injury, including wrongful death; and (ii) property damage arising out of the customer’s ownership and/or operation of the distributed generating facility under this policy. The limits of such policy shall be at least **One Million Dollars (\$1,000,000)** per occurrence for those customers with small generating facilities. The customer shall provide a certificate of insurance containing a minimum **thirty (30) day** notice of cancellation to the City prior to connection of the customer’s facility to the electric system. The customer shall provide proof of insurance once per year to the City.

*(Ord. NO. 16-9; 06-27-16)*
CHAPTER 13

FAIR HOUSING CODE

13-1-1 DECLARATION OF POLICY.

(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the City may be ensured, it is hereby declared the policy of the City to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the City that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the City, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

13-1-2 DEFINITIONS. Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

(A) “Decent, Sanitary, Healthful Standard Living Quarters”. “Decent, sanitary, healthful standard living quarters” is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

(B) “Discriminate”. The terms “discriminate” or “discrimination” mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(C) “Financial Institution”. The term “financial institution” means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.
(D) **“Housing Accommodation”**. The term “housing accommodation” includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one (1) or more human beings, or any real estate so used, designed or intended for such use.

(E) **“Owner”**. An “owner” means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(F) **“Real Estate Broker”**. The term “real estate broker” means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

(G) **“Real Property”**. The term “real property” means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the City.

**13-1-3 PROHIBITED ACTS.** It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the City:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the City or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(G) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner’s housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability.

(H) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.
CHAPTER 14
FLOOD PLAIN CODE

14-1-1 PURPOSE. This Code is enacted pursuant to the police powers granted to this City by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:
(A) To prevent unwise developments from increasing flood or drainage hazards to others;
(B) To protect new buildings and major improvements to buildings from flood damage;
(C) To promote and protect the public health, safety and general welfare of the citizens from the hazards of flooding;
(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
(E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
(F) To make federally subsidized flood insurance available; and
(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

14-1-2 DEFINITIONS. For the purposes of this Code, the following definitions are adopted:

BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 14-1-3.

BASE FLOOD ELEVATION (BFE): The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT: That portion of a building having its floor sub-grade (below ground level) on all sides.

BUILDING: A walled and roofed structure, including gas or liquid storage tank 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 one hundred eighty (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:** Any man-made change to real estate including, but not necessarily limited to:

- (A) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (B) Substantial improvement of an existing building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty \((180)\) days per year;
- (D) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (E) Construction or erection of levees, dams, walls, or fences;
- (F) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface; 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.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

**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:** That portion of the floodplain outside of the regulatory floodway.
**FLOOD INSURANCE RATE MAP (FIRM):** A map prepared by the FEMA 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 City, 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) 0250 and 0275 of the countywide FIRM of Moultrie County prepared by the FEMA and dated **July 18, 2011**. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Moultrie 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 FIRM prepared for Moultrie County by the FEMA and dated **July 18, 2011**.

**FLOODPROOFING:** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**FLOODPROOFING CERTIFICATE:** A form published by the FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

**FLOOD PROTECTION ELEVATION (FPE):** The elevation of the base flood plus one (1) foot of freeboard at any given location in the floodplain.

**FLOODWAY:** That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the City shall be according to the best data available from local, state, or federal sources.

**FREEBOARD:** An increment of elevation added to the BFE 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:

(A) 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.

(B) 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.

(C) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

**IDNR/OWR:** Illinois Department of Natural Resources/Office of Water Resources.

**IDNR/OWR JURISDICTIONAL STREAM:** Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of six hundred forty (640) acres or more in an urban area, or in the floodway of any stream serving a tributary area of six thousand four hundred (6,400) acres or more in a rural area. Construction on these streams requires a permit from the Department (Ill. Admin. Code Title 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 14-1-6.

**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 Section 14-1-7.

**MANUFACTURED HOME:** A structure transportable in one (1) or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two (2) 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:

- **(A)** built on a single chassis;
- **(B)** four hundred (400) square feet or less in size; and
- **(C)** 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 (10) year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

**SPECIAL FLOOD HAZARD AREA (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 one hundred eighty (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 definition of building.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this Code equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes “Repetitive Loss Buildings” (see definition).

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this Code in which the cumulative percentage of improvements:

(A) equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started; or

(B) Increases the floor area by more than twenty percent (20%);

**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. The term does not include:

(A) any project for improvement of a structure to comply with existing local, state or federal 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 Illinois 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.

14-1-3 **BASE FLOOD ELEVATION (BFE).** This Code’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.**

(A) The BFE for each of the floodplains delineated as an “Zone A” on the countywide FIRM of Moultrie County shall be according to the best data available from local, state, or federal sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(B) The BFE for the floodplains of those parts of unincorporated Moultrie County that are within the extraterritorial jurisdiction of the City, or that may be annexed into the City, shall be as delineated on the 100-year flood profiles of the Flood Insurance Study of Moultrie County prepared by the FEMA and dated **July 18, 2011.**

14-1-4 **DUTIES OF THE ZONING ADMINISTRATOR.** The Zoning Administrator shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this Code. Specifically, the Zoning Administrator shall:

(A) Process development permits in accordance with **Section 14-1-5;**

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 14-1-6;**

(C) Ensure that the building protection requirements for all buildings subject to **Section 14-1-7** are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of **Section 14-1-8;**

(E) Ensure that water supply and waste disposal systems meet the Public Health standards of **Section 14-1-9;**

(F) If a variance is requested, ensure that the requirements of **Section 14-1-11** are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all penalty actions outlined in **Section 14-1-13** as necessary to ensure compliance with this Code;

(H) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;

(I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(K) Cooperate with State and Federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code;
(L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Code;

(M) Perform site inspections to ensure compliance with this Code and make substantial damage determinations for structures within the floodplain; and

(N) Maintain the accuracy of floodplain maps including notifying the IDNR/OWR and/or submitting information to the FEMA within six (6) months whenever a modification of the floodplain may change the BFE or result in a change to the floodplain map.

14-1-5 DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Code.

(A) 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 Section 14-1-7; 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.

(B) Upon receipt of an application for development permit, the Zoning Administrator shall compare the elevation of the site to the BFE. Any development located on land that can be shown by survey data to have been higher than the current BFE and which has not been filed after the date of the site's first FIRM is not in the floodplain and therefore not subject to the requirements of this Code. In addition, any development located on land shown to be below the BFE and hydraulically connected to a flood source, but not identified as floodplain on the current FIRM, is subject to the provisions of this Code.

The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first FIRM identification.

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. The Zoning Administrator shall not issue a permit unless all other federal, state, and local permits have been obtained.

14-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES. Within any floodway identified on the countywide FIRM, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:
(A) Except as provided in Section 14-1-6(B), no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the IDNR/OWR Statewide Permit No. 2;
2. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
3. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No., 4;
4. Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
5. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding seventy (70) square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit No. 6;
6. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
10. Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11;
11. Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR Statewide Permit No. 12;
12. Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13;
13. Any development determined by IDNR/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 (A) may be permitted only if:

1. 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 the FEMA when necessary, and approval obtained from the FEMA for a revision of the regulatory map and BFE.

14-1-7 PROTECTING BUILDINGS.
(A) In addition to the state permit and damage prevention requirements of Section 14-1-6, all buildings to be located in the floodplain shall be protected from flood
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 **One Thousand Dollars ($1,000.00)** or seventy (70) square feet;

2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%)** or equal or exceed the market value by **fifty percent (50%)**. Alteration shall be figured cumulatively subsequent to the adoption of this Code. 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 shall be figured cumulatively subsequent to the adoption of this Code. If substantially damaged, the entire structure must meet the flood protection standards of this Section within **twenty-four (24) months** of the date the damage occurred.

4. The installation of 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. The installation of a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year.

6. Repetitive loss to an existing building as defined in **Section 14-1-2**.

(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 landfill in accordance with the following:
   
   a. The lowest floor (including basement) shall be at or above the FPE;
   
   b. The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **ten (10) feet** beyond the foundation before sloping below the FPE;
   
   c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measures;
   
   d. The fill shall be composed of rock or soil and not incorporated debris or refuse materials; and
   
   e. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated;
(2) The building may be elevated 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, air conditioning equipment and utility meters shall be located at or above the FPE;

(c) If walls are used, all enclosed areas below the FPE 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 (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the BFE; and

(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.

(i) All structural components below the FPE shall be constructed of materials resistant to flood damage.

(ii) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the FPE provided they are waterproofed.

(iii) The area below the FPE shall be used solely for parking or building access and not later modified or occupied as habitable space.

(iv) 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 FPE 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 FPE shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one (1) opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade;
(c) The interior grade of the crawlspace below the FPE must not be more than two (2) 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 foundation wall must not exceed four (4) feet at any point;

(e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;

(f) Portions of the building below the FPE must be constructed with materials resistant to flood damage; and

(g) Utility systems within the crawlspace must be elevated above the FPE.

(C) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation), provided a licensed professional engineer or architect certifies that:

1. Below the FPE the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;

2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice;

3. Floodproofing 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 floodproofing for the purpose of this subsection.

(D) Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the FPE in accordance with Section 14-1-7(B); and

2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

(E) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of Section 14-1-7(D) 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 vehicle's largest horizontal projections must be no larger than four hundred (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;
(9) The vehicle must be licensed and titled as a recreational vehicle or park model; and
(10) must either:
(a) be entirely supported by jacks, or
(b) have a hitch jack permanently mounted, have the tires touching the ground and be supported by block(s) in a manner that will allow the block(s) to be easily removed by use 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 local, state and/or federal permits;
(4) The garage or shed must be on a single-family lot and be an accessory to an existing principal structure on the same lot;
(5) Below the BFE, 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 FPE;
(7) The garage or shed must have at least one (1) permanent opening on each wall no more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area;
(8) The garage or shed must be less than Fifteen Thousand Dollars ($15,000.00) in market value or replacement cost whichever is greater or less than five hundred seventy-six (576) square feet (24’ x 24’);
(9) The structure shall be anchored to resist flotation and overturning;
(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the FPE; and
(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

14-1-8 SUBDIVISION REQUIREMENTS. The City Council 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 protection standards of Sections 14-1-6 and 14-1-7. Any proposal for such development shall include the following data:

1. The BFE and the boundary of the floodplain, where the BFE is not available from an existing study, the applicant shall be responsible for calculating the BFE;
2. The boundary of the floodway when applicable; and
3. A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

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.

14-1-9 PUBLIC HEALTH AND OTHER STANDARDS.
(A) Public health standards must be met for all floodplain development. In addition to the requirements of Sections 14-1-6 and 14-1-7, the following standards apply:
1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 14-1-7;
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 FPE shall be watertight; and
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 floodproofed to the 500-year flood frequency elevation or three (3) feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into
floodwaters. Access routes elevated to or above the level of the BFE 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.

14-1-10 CARRYING CAPACITY AND NOTIFICATION. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the City shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

14-1-11 VARIANCES. Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) 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 local, state and federal permits have been obtained.

(B) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 14-1-7 that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to Twenty-Five Dollars ($25.00) per One Hundred Dollars ($100.00) of insurance coverage;
(2) Increase the risks to life and property; and
(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Historic Structures.

(1) Variances to the building protection requirements of Section 14-1-7 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 Sections 14-1-6 and 14-1-7, subject to the conditions that:

(a) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and

(b) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) Agriculture. Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building’s unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this Code.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

(1) All agricultural structures considered for a variance from the floodplain management regulations of this Code shall demonstrate that the varied structure is located in side, expansive floodplain areas and no other alternate location outside of the SFHA exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.

(2) Use of the varied structures must be limited to agricultural purposes in “Zone A” only as identified on the community’s FIRM.

(3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the BFE, must be built with flood-resistant materials in accordance with Section 14-1-7.

(4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 14-1-7. All of the buildings structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

(5) Any mechanical, electrical, or other utility equipment must be located above the BFE or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 14-1-7.

(6) The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 14-1-7(B).

(7) The agricultural structures must comply with the floodplain management floodway provisions of Section 14-1-6. No
variances may be issued for agricultural structures within any designated floodway.

(8) Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

14-1-12 DISCLAIMER OF LIABILITY. The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from proper reliance on this Code or any administrative decision made lawfully thereunder.

14-1-13 PENALTY. Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the City Attorney may determine that a violation of the minimum standards of this Code exists. The City Attorney shall notify the owner in writing of such violation.

(A) If such owner fails, after ten (10) days notice, to correct the violation:
   (1) The City shall make application to the Circuit Court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with this Code.
   (2) Any person who violates this Code shall upon conviction thereof be fined not less than Fifty Dollars ($50.00) nor more than Seven Hundred Fifty Dollars ($750.00) 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.

(B) The City Attorney 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.

The City Attorney 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.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:
(1) the grounds for the complaint, reasons for suspension or revocation; and
(2) the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

14-1-14 ABROGATION AND GREATER RESTRICTIONS. This Code repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the NFIP. However, this Code does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants or deed restrictions. Where this Code and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 11-12; 07-11-11)
15-1-1  DEFINITIONS. For the purposes of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Copying”. The reproduction of any public record by means of any photographic, electronic, mechanical, or other process, device or means.

“Freedom of Information Act”. The Illinois Freedom of Information Act, 5 ILCS Sec. 140/1.1 et seq.

“Person”. Any individual, corporation, partnership, firm, organization, or association, acting individually or as a group.

“Public Record”. All records, reports, forms, writings, letters, memorandums, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information, and all other documentary materials, regardless of physical form or characteristics, having been or being prepared, used, received, possessed, or under control of the City.

15-1-2  POLICY. It is declared to be the public policy of the City that all persons are entitled to full and complete information regarding the affairs of the City. The official acts and policies of the public officials and public employees of the City shall be consistent with the terms of this Chapter.

15-1-3  INDIVIDUAL PRIVACY PROTECTED. This Chapter is not intended to be used to violate individual policy, nor for the purpose of furthering a commercial enterprise, or to disrupt the duly undertaken work of the City.

15-1-4  PUBLIC RECORDS AVAILABLE. The City shall make available to any person for inspection or copying all public records, as provided in the Freedom of Information Act.

15-1-5  REQUESTS TO BE IN WRITING. All requests for inspection or copying of public records shall be in writing and shall be addressed to the Clerk. The requestor shall include the following information in any request for public records:

(A) The requestor’s full name, mailing address and telephone number at which the requestor can be reached during normal business hours;

(B) A description of the records sought, being as specific as possible;

(C) Request for inspection or copies shall be made in writing and directed to the public body. Written requests may be submitted to a public body via personal delivery, mail, telefax, or other means available to the public body. A public body may honor oral requests for inspection or copying. A public body may not require that a request be submitted on a standard form or require the requestor to specify the purpose for a request, except to determine whether the records are requested for a commercial purpose or whether to grant a
request for a fee waiver. All requests for inspection and copying received by a public body shall immediately be forwarded to its Freedom of Information officer or designee. (Ord. No. 13-14; 07-22-13)

15-1-6 FEES.

(A) When a person requests a copy of a record maintained in an electronic format, the public body shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the public body shall furnish it in the format in which it is maintained by the public body, or in paper format at the option of the requester. A public body may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium. A public body may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records, except for commercial requests as provided in subsection (F) of this Section. Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of public records when furnished in a paper format shall not be applicable to those records when furnished in an electronic format.

(B) Except when a fee is otherwise fixed by statute, each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment for the public body to copy records. No fees shall be charged for the first fifty (50) pages of black and white, letter or legal sized copies requested by requester. The fee for black and white, letter or legal sized copies shall not exceed Fifteen Cents ($0.15) per page. If a public body provides copies in color or in size other than letter or legal, the public body may not charge more than its actual cost for producing the records. In calculating its actual cost for reproducing records or for the use of the equipment of the public body to reproduce records, a public body shall not include the costs of any search for and review of the records, except for commercial requests as provided in subsection (F) of this Section. Such fees shall be imposed according to a standard scale of fees, established and made public by the body imposing them. The cost for certifying a record shall not exceed One Dollar ($1.00).

(C) Documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the personal requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. For purposes of this subsection, “commercial benefit” shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public. In setting the amount of the waiver or reduction, the public body may take into consideration the amount of materials requested and the cost of copying them.

(D) The imposition of a fee not consistent with subsections (6) (A) and (B) of this Act constitutes a denial of access to public records for the purposes of judicial review.

(E) The fee for each abstract of a driver’s record shall be as provided in Section 6-118 of “The Illinois Vehicle Code”, approved September 29, 1969, as amended, whether furnished as a paper copy or as an electronic copy.

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(F) A public body may charge up to Ten Dollars ($10.00) for each hour spent by personnel in searching for and retrieving a requested record. No fees shall be charged for the first eight (8) hours spent by personnel in searching for or retrieving a requested record. A public body may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the public body. If a public body imposes a fee pursuant to this subsection (F), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. The provisions of this subsection (F) apply only to commercial requests. (Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)
(Ord. No. 13-14; 07-22-13)

15-1-7 TIME LIMIT FOR COMPLIANCE WITH REQUEST. Each public body shall, promptly, either comply with or deny a request for public records within five (5) business days after its receipt of the request, unless the time for response is properly extended under subsection (E) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within five (5) business days after its receipt shall be considered a denial of the request. A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. A public body that fails to respond to a request received may not treat the request as unduly burdensome under subsection (G). (Ord. No. 13-14; 07-22-13)

15-1-8 EXTENSION OF TIME LIMIT; NOTICE.

(A) The time for response under this Section may be extended by the public body for not more than five (5) business days from the original due date for any of the following reasons:

1. The requested records are stored in whole or in part at other locations other than the office having charge of the requested records.
2. The request requires the collection of a substantial number of specified records.
3. The request is couched in categorical terms and requires an extensive search for the records responsive to it.
4. The requested records have not been located in the course of routine search and additional efforts are being made to locate them.
5. The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of this Act or should be revealed only with appropriate deletions.
6. The request for records cannot be complied with by the public body within the time limits prescribed by paragraph (C) of this Section without unduly burdening or interfering with the operations of the public body; and

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(7) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two (2) or more components of a public body having a substantial interest in the determination or in the subject matter of the request. The person making a request and the public body may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the public body agree to extend the period for compliance, a failure by the public body to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(B) When additional time is required for any of the above reasons, the public body shall, within five (5) business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. A public body that fails to respond to a request within the time permitted for extension but thereafter provides the requestor with copies of the requested public records may not impose a fee for those copies. A public body that requests an extension and subsequently fails to respond to the request may not treat the request as unduly burdensome under subsection (G).

(C) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If any body responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the public body. Such a response shall be treated as a denial of the request for information. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Act shall be deemed unduly burdensome under this provision.

(D) Each public body may promulgate rules and regulations in conformity with the provisions of this Section pertaining to the availability of records and procedures to be followed, including:

(1) The times and places where such records will be made available, and

(2) The persons from whom such records may be obtained.

(E) The time periods for compliance or denial of a request to inspect or copy records set out in this Section shall not apply to requests for records made for a commercial purpose. Such requests shall be subject to the provisions of Section 3.1 of this Act. (Source: P.O. 96-542, eff. 1-1-10)

(Ord. No. 13-14; 07-22-13)

15-1-9 UNDULY BURDENSOME REQUEST.

(A) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the City, there is no
method of narrowing the request, and the burden on the City strongly outweighs the public interest in the information. If the City responds to a categorical request by stating that compliance would unduly burden its operation, it shall do so in a writing signed by the Clerk specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operation of the City.

(B) After receipt of this response in writing, the person making the request shall have an opportunity to reduce the request to manageable proportions. If the person making the request fails to reduce the request to manageable proportions, the response of the City shall be treated as a denial of the request information.

15-1-10 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING. Information exempted by Section 15-1-7 of the Freedom of Information Act shall be exempt from inspection and copying. If a record contains both exempt and nonexempt information, the exempt information shall be deleted and the remainder of the record made available for inspection and copying.

15-1-11 NOTICE OF DENIAL OF REQUEST; APPEALS.

(A) Each public body denying a request for public records shall notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. Each notice of denial shall inform such person of his right to judicial review under Section 11 of this Act.

(B) When a request for public records is denied on the grounds that the records are exempt under Section 7 of this Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. Copies of all notices of denial shall be retained by each public body in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

(C) Any person making a request for public records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the public body fails to act within the time periods provided in Section 3 of this Act. (Source: P.A. 96-542, eff. 1-1-10.)

(Ord. No. 13-14; 07-22-13)

15-1-12 GRANTING OF REQUEST; PROCEDURE FOR INSPECTION. When a freedom of information request is granted, the documents will be made available for inspection at the City Hall during regular business hours. Copies shall be made upon request as set forth in Section 15-1-6.

[Supplement No. 20; 10-01-13]
**15-1-13 WRITTEN REQUEST NOT REQUIRED FOR CERTAIN DOCUMENTS.**

The following documents shall be made available for inspection and copying without a written request; however, the requestor shall contact the Clerk or Deputy Clerk in advance to set a mutually convenient time. These documents, if copied, shall be subject to the copying fee set forth in Section 15-1-6.

(A) Ordinances and written resolutions.

(B) The journal of the City Council, not including executive session minutes.

(C) Any personnel code, building code, other technical code, or any other regulation of the City adopted by the City, whether by ordinance, resolution or otherwise.

**15-1-14 DISSEMINATION OF INFORMATION ABOUT PUBLIC BODIES.**

The City shall prominently display at the City Hall, make available for inspection and copying without charge, and shall send through the mail if requested, each of the following:

(A) A brief description of itself, which will include, but not be limited to a short summary of its purpose, a block diagram giving its functional subdivisions, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body is required to report and be answerable for its operations; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating by titles and business addresses those employees to whom requests for public records should be directed, and any fees allowable under Section 15-1-6.

**15-1-15 LIST OF CATEGORIES OF RECORDS.** As to public records prepared or received after the effective date of this Chapter, the City Clerk shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to this Chapter. The City Clerk shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.
CHAPTER 16  
HEALTH REGULATIONS

ARTICLE I - BOARD OF HEALTH

16-1-1 BOARD OF HEALTH, HOW CONSTITUTED. The Mayor, the Commissioner of the Department of Public Health and Safety, and the City Health Officer, shall constitute the Board of health for the City. The City Clerk shall be the Secretary of the Board, and shall keep a record of any and all proceedings of the Board, but shall not have a vote in the proceedings of the Board. The Commissioner of the Department of Public Health and Safety shall be Chairman of the Board of Health.

16-1-2 POWERS AND DUTIES. The Board of Health shall have general charge of the sanitary condition of the City and it shall be its duty to diligently examine into the condition of the City, and to make thorough inquiry into all causes and conditions which may be obnoxious, or prejudicial to the health of the inhabitants, to report the same to the State Department of Public Health, or any district public health officer, appointed pursuant to State Statutes, and all such causes and conditions found by the Board of Health to be such, are hereby declared to be nuisances and upon notification of the action of the Board of Health, the Chief of Police shall order the removal or abatement of the same by giving reasonable notice, and any person or corporation causing such nuisances or upon whose premises, whether as owner or occupant, such nuisances shall exist, who shall refuse or neglect to remove or abate the same within a reasonable time after being notified to do so by the Chief of Police, shall be fined not less than Seventy-Five Dollars ($75.00) nor more than Seven Hundred Fifty Dollars ($750.00) for each refusal or neglect, and each day that such person or corporation shall continue to refuse or neglect to remove or abate such nuisance, shall be considered under the provisions of this Chapter as a separate offense.

16-1-3 REMOVAL OF NUISANCES. It shall be the further duty of the Board of Health to examine into all nuisances and sources of filth in the City, promptly after such conditions come under observation, or when notified of the same, and to cause the same to be removed without delay.

16-1-4 ESTABLISHED REGULATIONS. The Board of Health shall have power to make such regulations, other than those especially provided for in this Article, for the Public Health and Safety, respecting nuisances, sources of filth, and causes of sickness, as may be consistent with the lawful exercise of their powers, and such regulations, when adopted by the board of Health, and published as City Ordinances are required to be published, shall have the effect of Ordinances.
16-1-5 **PREVENTION OF CONTAGIOUS DISEASE.** The Board of Health shall have power, whenever they may deem it necessary for the health of the City, to make regulations and to issue orders and notices relative to closing of public schools, churches, theatres, and prohibiting other public gatherings, during emergencies created by threatened epidemics, and to take the most prompt and efficient measures to prevent the introduction of, or probable epidemics of contagious, malignant, and infectious disease in the City, and for the immediate and safe removal of any person or persons who may be found therein infected with any such disease. The police force is hereby required to aid the Board of Health in enforcing all regulations adopted by said Board of Health, for such purpose.

16-1-6 **ESTABLISHMENT OF EMERGENCY HOSPITAL FACILITIES.** The Board of Health shall select and establish, during the prevalence of, or in anticipation of any malignant, infectious or contagious disease, such temporary hospitals as the emergency may require, and make all necessary provision for the reception, care and treatment of patients therein, and make immediate recommendations to the City Council relative to any expense required in connection therewith.

16-1-7 **REPORT CONDITIONS TO STATE DEPARTMENT OF HEALTH.** The Board of Health of the City shall investigate and report to the State Department of Public Health all places within one (1) mile of the City limits suspected of being nuisances, or unsafe or unsanitary, for the purpose of enforcing the provisions of the Statutes on Public Health.

16-1-8 **JURI S DI CT ION IN PUBLIC SCHOOLS.** The Board of Health of the City shall have jurisdiction in all matters pertaining to the preservation of health of those in attendance upon the public or private schools of the City, to which end it is hereby made the duty of the Board of Health: First, to require that all persons attending said schools, either as teachers or as pupils, comply with the rules of the State Board of Health concerning vaccination. Second, to exclude from school any person suffering from any contagious or infectious disease, or liable to convey such disease to or spread such disease among those in attendance.

16-1-9 **INSPECT UNSANITARY PREMISES AND CONDITIONS AND PROVIDE REMEDY.** The Board may make, or require regular inspections of all lodging houses, hotels, schools, and public buildings, stores, or other premises where unsafe or unsanitary conditions may exist, once each month, as to their hygienic conditions, and require report of the result of such inspections to the City Council, and to those having charge and control of such premises, and to issue recommendations and instructions as to the remedies required to be adopted. In event of failure or refusal of those having such charge and control
of such premises to remedy such faulty conditions, then the Board of Health shall cause such faulty conditions to be remedied, at the proper cost and expense of those having charge and control thereof.

16-1-10 MAY PROHIBIT UNSANITARY KEEPING OF ANIMALS. The owner or keeper of any kennel or place where any animals may be kept shall cause the same to be kept at all times in a clean wholesome condition and prevent the accumulation of filth or stench and shall not allow any animal infected with contagious disease to remain therein, and the Board of Health shall have the power to cause the removal of any unsanitary condition in and about the keeping of such animals.

16-1-11 ENFORCE REGULATIONS CONCERNING QUARANTINE FOR CONTAGIOUS DISEASES. It shall be the duty of the attending physician in all cases of contagious or infectious diseases within the City, immediately to report the same to some member of the Board of Health, and the officer shall, in such cases as required, report same to the State Department of Public Health. The Health Officer may direct the removal of any person suffering from any of the diseases previously enumerated in this Section to a hospital or other proper place.

16-1-12 REQUIRE PERMIT FOR REMOVAL OF INFECTED PATIENT. No person or thing liable to propagate any contagious or infectious disease shall be brought within the limits of the City without the special permit and direction of the Board of Health, and whenever it shall come to the knowledge of any person that such person or thing has been brought within said limits, he shall immediately give notice thereof to the Health Officer, together with the location thereof. Nor shall any person afflicted with such contagious disease, or liable to communicate or spread the contagion thereof, be shipped or removed from the City to any other place, except under the charge of the Board of Health, and with proper precaution taken against the spread of the contagion.

16-1-13 REQUIRE DISINFECTION OF PREMISES FOLLOWING CONTAGIOUS DISEASE. Any physician, nurse, or other person attending or being about any person having any contagious disease, who shall not change or purify his wearing apparel before going upon the street or into any public place, or shall so conduct himself as to make spread of the disease possible, shall be subject to the penalty hereinafter provided. During the illness of any person suffering from any contagious disease, the nurse or other person or persons in attendance upon the case, shall strictly obey the rules and regulations of the State Department of Public Health. After recovery or death of the patient, the premises and contents shall be disinfected by the Health Officer or under his direction in the manner prescribed by the State Board of Health. It shall be unlawful for any person to interfere with the Health Officer in such performance of his duties.
ARTICLE II - GARBAGE REGULATIONS

16-2-1 DEFINITIONS. As used in this Code, the following definitions shall apply:

“GARBAGE” shall mean wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.

“RUBBISH” shall mean combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; non-combustible trash, including, but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to street sweepings, dirt, catch-basin dirt, contents of litter receptacles, provided, however, that refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

“YARD WASTE” shall mean material such as tree branches, yard trimmings, leaves and grass, which will be picked up by the Street Department.

16-2-2 CONTAINERS. Every householder or occupant of any dwelling house, boarding house, restaurant, store or other place of business having garbage to dispose of, who does not otherwise provide for the disposal of such garbage in a sanitary manner shall provide himself with one (1) or more fly-tight metal or plastic cans, sufficient to receive all garbage which may accumulate between the times of collection. Each can shall have a capacity of not to exceed thirty-three (33) gallons and shall be provided with a bail or handles and a tight-fitting cover.

16-2-3 USE OF SERVICE. It shall be unlawful for any person, firm or corporation to fail to dispose of garbage and rubbish which may be or may accumulate upon property owned or occupied by him or them in a sanitary manner at least as often as provided in Section 16-2-10 hereof. Persons desiring to make use of the services of the licensed garbage and rubbish collector, for the purpose of removing such garbage and rubbish, may do so by notifying such collector and paying fees provided for herein.

16-2-4 GARBAGE CANS. All garbage and rubbish accumulating between times of collection shall be placed in the cans provided for in Section 16-2-2 hereof and it shall be unlawful for any person to deposit any rubbish or any substance other than garbage or rubbish in such cans. All surplus water shall be drained off the garbage before it is placed in
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the can. Garbage and rubbish cans shall be kept at or near the back door of the buildings using the same or at the rear of the property if there is an alley, and shall be accessible to collectors at all reasonable times.

16-2-5 LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to collect garbage within the City without having first secured from the Council a license so to do. See Appendix “J” for license application form.

16-2-6 PROCURING LICENSE PROCEDURE. Any person, firm or corporation desiring a license to collect garbage shall make application for the same to the Clerk, upon a form prescribed by the Council. The application shall set forth (1) the name and address of the applicant; (2) a list of the equipment which he proposes to use in such collection; (3) the place or places to which the garbage is to be hauled; (4) the manner in which said garbage is to be disposed of; (5) the portion of the City in which collections are to be made. The application shall be submitted to the Commissioner of Public Health and Safety for his investigation and report. If the Commissioner advises that the applicant is responsible and has proper equipment for such collection and that no nuisance is liable to be created by the granting of such license, he shall endorse his approval upon the application.

16-2-7 BOND. Before any license may be issued the applicant shall, if his application is approved by the Council, deposit with the Clerk a surety bond in the penal sum of Five Hundred Dollars ($500.00) conditioned that he will faithfully and continuously provide the garbage collection services specified on his application as modified by the Council, and under the conditions imposed by the ordinances of this City, and the lawful orders, rules and regulations of the local Board of Health. If the surety bond is approved by the Council, the Clerk shall issue and deliver the license.

16-2-8 INSURANCE. No applicant shall be granted a license unless such applicant shall furnish to the City evidence of financial responsibility in the form of a liability insurance policy for the protection of persons who may suffer damages as a result of the operations of the applicant. The minimum amount of insurance required shall be as follows:

(A) Three Hundred Thousand Dollars ($300,000.00) bodily injury
(B) Five Hundred Thousand Dollars ($500,000.00) bodily injury (per accident);
(C) Three Hundred Thousand Dollars ($300,000.00) property damage;
(D) One Million Dollars ($1,000,000.00) business umbrella policy;
The insurance coverage in said policy limits shall continue so long as the applicant engages in business in that category for which his license is issued. The policy of insurance shall provide that the insurer shall be required to notify the City at least thirty (30) days prior to the cancellation of the insurance coverage. A copy of the policy shall be furnished to the City Clerk before a license shall be issued to the applicant.

16-2-9    FEE, TERM. A license fee of One Thousand Dollars ($1,000.00) shall accompany the application and upon granting the license, the fee shall be deposited in the general fund. The annual license fee shall be One Thousand Dollars ($1,000.00) and shall be paid annually in advance on May 1st of each year. No license issued hereunder shall be for a longer period than one (1) year and all licenses shall expire on May 1st of each year. No licensee shall enter into a contract to provide services to a person, firm, or corporation within the City which shall extend beyond the term of the license issued to the licensee. (Ord. No. 14-4; 02-24-14)

16-2-10   LICENSED COLLECTOR’S EQUIPMENT. Each licensed garbage collector shall provide a covered tank or receptacle so constructed that the contents will not leak or spill therefrom, in which all garbage collected by him shall be conveyed to the place designated in his application. The wagon or conveyance and the containers shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand at any street, alley, or public place longer than is reasonably necessary to collect garbage.

16-2-11   FEES FOR COLLECTIONS. The expenses of garbage and rubbish collection shall be paid to the Collector monthly by the owner, agent, occupant or tenant of the premises from which such garbage is collected and such fees shall be in full compensation for his services in such collection. The Collector shall notify the Health Officer and the Chief of Police of the discontinuance of the service to any premises within two (2) days after service is discontinued.

16-2-12   TIMES FOR COLLECTION. Each licensed garbage collector shall make garbage and rubbish collections in that portion of the City in which he is licensed to collect, semi-weekly.

16-2-13   UNATTENDED VEHICLES. No vehicles used in garbage collection shall remain unattended or unoccupied in the City for a period in excess of two (2) hours.

16-2-14   THROWING GARBAGE ON STREETS. No person shall dispose of any garbage or rubbish by throwing same upon any public street or alley in the City.
16-2-15 **BURNING GARBAGE.** No person, firm or corporation shall dispose of any garbage or rubbish by burning same in the City.

16-2-16 **TRUCK REQUIREMENT - CLEANLINESS.** The firm that handles the collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which shall be so designed that garbage and rubbish that is collected will be covered at all times except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the City. The trucks and all containers in which garbage is collected and transported shall be cleaned daily and the collector shall not collect any garbage on any day without having a clean truck and hand containers if containers are used.

16-2-17 **PARKED GARBAGE TRUCKS.** No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the City except as provided for in **Section 16-2-21** any longer than is necessary to pick up containers; however, providing that the standing of such vehicle was made necessary by mechanical trouble, traffic conditions, accident or obedience to the direction of policemen or traffic signals, shall not be considered a violation of this Code.

16-2-18 **TRUCK WASTEWATERS.** A garbage truck or other equipment shall not be washed on City streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

16-2-19 **WINDBLOWN GARBAGE UNLAWFUL.** It shall be unlawful to place garbage or rubbish in such a manner as to allow the same to be blown by the wind onto the property of other residents.

16-2-20 **GARBAGE FALLING FROM TRUCK.** It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the City, provided that this Code shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Code, preparatory to having such material collected and disposed of in the manner provided herein.
16-2-21 LOCATION OF YARDS FOR EQUIPMENT. A licensee shall designate the location of the yards on which his equipment will be parked while not in use and the equipment shall not be parked within the City limits unless the designated location shall not, in the opinion of the Code Enforcement Officer, create any nuisance for adjoining property owners.

The licensee shall have as additional equipment a truck for the disposal of large or unusual items of rubbish which cannot be placed in the designated containers and shall have available for such pickups such equipment at least one (1) day each week or on such additional days as may be necessary to satisfy the needs of the public.

16-2-22 INDUSTRY, CONSTRUCTION, ETC. Nothing in this Code shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, from construction projects or other matter not normally collected on a regular schedule and haulers of rubbish not normally collected in regular collections shall be excused from the requirements of obtaining a collector's license as provided in this Chapter.

16-2-23 REVOCATION OF PERMIT. If the licensee fails to perform any services according to his application and rate schedule, the Mayor may revoke his permit.

(See 65 ILCS Sec. 5/11-19-1, et seq.)
ARTICLE III - RUBBISH DUMP USAGE REGULATIONS

16-3-1  DEFINITIONS.  As used in this Code the following definitions shall apply:

“Yard Waste” shall mean material such as tree branches, yard trimmings, leaves, grass, bushes, paper yard bags, lumber not containing nails, flowers, and wood chips.

“Pay for Hire Contractor” shall mean anyone who operates a lawn mowing or landscaping business as a profession or occupation. Said definition is not intended to include persons enrolled in a public or private school and who are engaged in mowing lawns as summer work while school is not in session.

16-3-2  USE OF CITY RUBBISH DUMP.  With the exception of Pay for Hire Contractors, only persons who are residents of the City shall have the right to dispose of yard waste only from their own property at the City rubbish dump only between the hours specified by the commissioner of the Department of Streets and Public Improvements or the Superintendent of said department and posted at the dump grounds.

16-3-3  LICENSE REQUIRED.  Pay for Hire Contractors shall be required to obtain an annual license from the City in order to dump yard waste at the City rubbish dump. The annual fee for such license shall be the sum of Two Hundred Fifty Dollars ($250.00). See Appendix “LL” for license application form. A sticker shall be furnished to each licensee and must be displayed on the front windshield of each of licensee’s vehicles delivering yard waste to the dump. If duplicate stickers are needed for additional vehicles owned by licensee the fee shall be Ten Dollars ($10.00) for each additional sticker. Said stickers cannot be shared among other pay for hire contractors. Should a pay for hire contractor have been found to have shared said stickers with any other pay for hire contractor said action will be considered to be a violation of the terms and conditions of this Article. A penalty shall be imposed hereunder and said contractor shall lose his dump privileges for a term of one (1) year from the date of such offense.

16-3-4  REGULATIONS.
(A)  The following material shall not be placed in the City rubbish dump:
(1)  dirt
(2)  snow and/or ice
(3)  household garbage
(4)  furniture
(5) televisions and appliances
(6) plastic bags
(7) flower pots
(8) galvanized metal, steel or aluminum
(9) concrete, brick, decorative rock, or raw rock
(10) demolition materials, drywall, paneling, insulation, roofing
(11) pallets

16-3-5 PENALTY. Any person convicted of a violation of this Article shall be fined not less than Two Hundred Fifty Dollars ($250.00) for any one offense. A fine of Five Hundred Dollars ($500.00) shall be assessed for a second or any subsequent offense hereunder. In addition thereto, all court costs, which shall include all costs incurred by the City in prosecuting any said case, to also include the fees of the prosecuting attorney of the City, shall be recoverable from anyone convicted of a violation under this Article. In addition to said fine, the City may revoke the permit of the person convicted of a violation of the provisions of this Article.

(Ord. No. 11-08; 06-13-11)
ARTICLE IV

SMOKE-FREE MUNICIPAL FACILITIES

16-4-1 SMOKING PROHIBITED. No person shall at any time smoke any tobacco, tobacco related product, filler, so called “e-cigarette”, or other plant or weed inside any City building or enclosed City-owned facility.

(Ord. No. 14-6; 04-14-14)
ARTICLE V
OUTDOOR WOOD-FIRED BOILERS, STOVES, OR FURNACES

16-5-1 APPLICABILITY. This Article applies to all outdoor wood-fired boilers, stoves or furnaces within the City.
(A) This Article does not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
(B) This Article does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.
(C) This Article does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

16-5-2 DEFINITIONS. Outdoor wood-fired boiler, stove, or furnace means a structure that (a) is designed, intended, or used to provide heat and/or hot water to any residence or other structure; (b) operates by the burning of wood or other solid fuel; and, (c) is not located within a structure used for human or animal habitation.

16-5-3 FUEL USED. Hardwood or softwood pallets that have been split up and coal may be used. The following may not be used in outdoor wood-fired boiler, stoves, or furnaces:
(A) driftwood;
(B) painted, stained, or pressure/chemically treated wood;
(C) trash;
(D) plastics;
(E) gasoline;
(F) rubber;
(G) naphtha;
(H) household garbage;
(I) material treated with petroleum products (particle board, railroad ties, pressure treated wood);
(J) leaves;
(K) paper products; or
(L) cardboard.
16-5-4 REGULATIONS.
(A) An outdoor wood-fired boiler, stove, or furnace may not be installed without the issuance of a permit prior to installation.
(B) An outdoor wood-fired boiler, stove, or furnace shall not be used to burn refuse, leaves, vegetative matter, or noxious plants.
(C) Lighter fluids, naphtha, gasoline, or chemicals may not be used to start a fire in an outdoor wood-fired boiler, stove, or furnace.
(D) The outdoor wood-fired boiler, stove, or furnace shall be located at a distance of at least **one hundred (100) feet** from any other residence not served by the furnace and the stack must be at least **two (2) feet** higher than the eave line of said residence.
(E) If said outdoor wood-fired boiler, stove, or furnace is located more than **one hundred (100) feet** but no more than **one hundred fifty (150) feet** from any residence not served by the outdoor wood-fired boiler, stove, or furnace the stack must be at least **fifty percent (50%)** above the eave line of said residence plus an additional **two (2) feet**.
(F) If said outdoor wood-fired boiler, stove, or furnace is located more than **one hundred fifty (150) feet** but no more than **two hundred (200) feet** to any residence not served by said outdoor wood-fired boiler, stove, or furnace the stack must be at least **twenty-five percent (25%)** above the height of the eave line of that residence plus an additional **two (2) feet**.
(G) The outdoor wood-fired boiler, stove, or furnace shall be located at least **one hundred (100) feet** from the side and rear lot lines of the property on which it is located and shall not be located within the front yard.
(H) Outdoor wood-fired boiler, stove, or furnace shall comply with the manufacturer's recommendations or the regulations prescribed by this Article, whichever are more restrictive.
(I) Only products designed and manufactured to be utilized in the outdoor wood-fired boiler, stove, or furnace may be used in the unit.
(J) Outdoor wood-fired boiler, stove, or furnaces existing at the time of the adoption of this Article but which are not in compliance with the provisions of this Article may continue but cannot be relocated, attached to new buildings, expanded or replaced with a new unit unless they are brought into compliance with the provisions of this Article.
(K) Outdoor wood-fired boiler, stove, or furnaces and any electrical plumbing or mechanical apparatus or device in connection with an outdoor wood-fired boiler, stove, or furnace shall be installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations and all local, state, and federal codes, laws, rules, and regulations.

16-5-5 RIGHT OF ENTRY AND INSPECTION. Upon receipt of a report or complaint that there has been a violation of this Article any authorized officer, agent, employee, or representative of the City who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Article.

(Ord. No. 14-7; 04-14-14)
ARTICLE VI

PENALTY

16-6-1 PENALTY. The City may prosecute violators of this Chapter under the provisions of Section 1-1-20 “General Penalty” of the Municipal Code, or under the provisions designated in the particular article of this Chapter.

[NOTE: The Cafeteria Court provisions in Section 1-1-26 in Chapter 1 shall apply to this Chapter.]

(Ord. No. 11-08; 06-13-11)
CHAPTER 17
GAS SYSTEM

ARTICLE I - ADMINISTRATION

17-1-1 ORGANIZATION, PERSONNEL. The Gas Department shall be a subordinate department of the Department of Public Affairs. The Gas Department shall consist of a Gas Foreman and such other subordinate employees as may be appointed to the Department from time to time by the Commissioner of the Department of Public Affairs. (Ord. No. 12-20; 10-23-12)

17-1-2 APPOINTMENT, COMPENSATION. Whenever a vacancy occurs in the position of Gas Foreman, such position shall be filled by appointment by the Commissioner of Public Affairs subject to approval by the Council. The Gas Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council. (Ord. No. 12-20; 10-23-12)

17-1-2-1 DUTIES. Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Affairs, the Gas Foreman shall exercise direct supervision and control over all matters relating to the conduct of the Gas Department, and shall have power to make purchases of supplies, to recommend the employ and discharge subordinate employees, and to do all things necessary for the efficient conduct of the business of the Gas Department in accordance with the provisions of the City Ordinances and Statutes of the State of Illinois. The Gas Foreman shall be charged with the responsibility of maintaining continuous and efficient distribution of natural gas to patrons of the Gas Department and for the needs and use of the City for public use. He shall promptly investigate and report to the Council all claims filed against the Gas Department. He shall investigate and report to the Public Works Director, for his approval, all applications for taps to City gas lines and shall make such taps as are approved. The Gas Foreman shall keep in a book especially for such purpose a record of all taps, of the places where tapped, when tapped, and for whom tapped, and the person receiving gas through such tap, for which purpose it is used, and also designate the lot or lots or parcels of land through which each gas supply line runs. He shall also solicit patronage for the Gas Department, and shall become familiar with the laws, ordinances, rules and regulations in relation to the supply and use of natural gas furnished by the Gas Department. It shall be the duty of the Gas Foreman to report to the Commissioner of Public Affairs any and all violations coming to his knowledge of any ordinances of the City relating to the Gas Department, immediately upon receiving information of such violation. He shall have the custody and control of all machinery, tools and implements used by the City in connection with the Gas Department, and he shall be held responsible for any injury or loss of the same caused by his negligence. The Gas Foreman shall have the authority, in
the interests of the City, to direct the work of all subordinate employees in the Gas Department and to effectively recommend to the Commissioner of Public Affairs the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of their grievances. He shall answer all fire calls of the Sullivan Fire Protection District and upon responding to such call, he shall act under the orders of the Chief or Acting Chief of such Fire Department in all matters relating to the termination of natural gas flow to the site of any fire. **(Ord. No. 12-20; 10-23-12)**

**17-1-2-2 POLICE POWER.** The Gas Foreman shall have the authority to issue a “notice to appear” as defined in Section 107.1(c) of the Code of Criminal Procedure of 1963 (725 ILCS 5/107-1(c)) for any violation of any ordinance of the City in relation to the Gas Department that may come to his knowledge, and for such limited purpose the Gas Foreman is hereby designated as a “peace office” within the meaning of Section 2-13 of the Criminal Code of 1961 (720 ILCS 5/2-13). **(Ord. No. 12-20; 10-23-12)**

**17-1-3 GAS SERVICE; ANNEXATION REQUIREMENT.**

**(A) Annexation Agreement.**

(1) If the City consents to furnish gas service to a landowner whose property is located outside of the corporate limits of the City then prior to said services being furnished, or before or after service of those systems is transferred from one landowner or customer to another, said landowner or succeeding landowner must agree to sign an annexation agreement with the City in the form as shown in Appendix “HH” whereby landowner shall agree to submit a petition for annexation to the City within thirty (30) days of the beginning of the receipt of said service or upon said property becoming contiguous to the City and upon the request of City, whichever event shall first happen.

(2) The covenants of said annexation agreement shall run with the land and shall be binding upon the parties, their heirs, executors, administrators, assigns, grantees and all persons claiming thereunder.

(3) Landowner shall convey or dedicate all necessary easements to the City for the extension of utilities or for other public improvements which may serve not only the subject landowner’s property, but other properties contiguous to landowner’s property. Said easements or right-of-way shall be located as to cause a minimum of inconvenience in the development of landowner’s property.

**(Ord. No. 05-06; 03-28-05)**
ARTICLE II - REGULATIONS

17-2-1 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO NATURAL GAS SYSTEM. In order to provide for safety in the connections of gas appliances to the gas distribution of the City of Sullivan, any person, firm or corporation making such connection shall first obtain a permit from the office, upon an application which describes the appliance, the location of the property in which the appliance is to be located and the approximate date of connection.

(A) See Appendix “K” for Gas Permit Agreement.

(B) See Appendix “M” for General Work Permit.

(Ord. No. 12-9; 05-14-12)

17-2-2 COST OF TAP AND GAS SERVICE CONNECTIONS.

(A) All gas consumers supplied by the City shall be supplied through meters only and shall pay for gas at the rates and in the manner hereinafter specified by this Code.

(B) Persons or corporations desiring to use gas shall make application therefore in writing and file the same in the utilities office on a form provided. Upon a permit being granted, the service pipe shall be installed at the expense of the applicant and according to the regulations adopted by the City Council pertaining thereto, and the meter shall be installed and the charge or deposit for the use and connecting of said meter shall be as hereafter prescribed by the City Council.

(C) No gas purchaser may make or employ any person to make any tap or connection with the work upon the premises for alterations, repairs, extensions or attachments without a written permit to be issued therefore by the utility representative.

(D) No owner or employee or agent thereof shall be permitted to conduct gas pipe into any separately owned premises or tenements unless separate and distinct meters be placed on the outside of said premises as required.

(E) In all cases where the service pipe supplies two (2) or more separate consumers in a building and which is not in violation of this Paragraph, one (1) meter may be placed at the service connection for all of said consumers, and the gas charge, as registered by such meter, shall be charged to and payable by the owner of such premises or building.

(F) The City shall determine the class of service used by each customer and the corresponding applicable schedule of charges for billing purposes.

(G) The City reserves the right to make reasonable changes in rates and conditions here established and to establish further rules and regulations from time to time as may be found expeditious or necessary.

(H) The City will furnish and install a regulator and meter for all complete connections.

17-2-3 ALL SERVICE SHALL BE METERED. All gas services shall be metered with a meter of adequate size to measure the amount of gas consumed. Meters shall be of standard design and may be of the diaphragm, rotary or turbine type property used at the discretion of the City Superintendent. The measurement pressure base shall be seven (7) inches water column. The temperature base shall be sixty degrees Fahrenheit (60ºF).
17-2-4  GAS SERVICES: EASEMENTS REQUIRED. Where service lines are laid on private property, an easement shall be granted by the owner thereof providing for the installation and maintenance of the proposed service lines to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same service line. This easement is granted by the owner upon the owner's execution of the “Application for Natural Gas Service”. See Section 38-5-38 for easement specifications. (Ord. No. 03-03; 05-12-03)

17-2-5  METERS, REGULATORS OPEN TO INSPECTION.
(A) All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading and repairing. All meters shall be set outside of the buildings whenever practical. Required indoor installations must be vented with an adequate vent pipe extending to the outside.
(B) At all reasonable hours, meters, regulators, fittings, fixtures and appurtenances connected to the system and located on private property shall be open for inspection by the proper officers or employees of the City. Any part found to be defective or not in compliance with the provisions of this Chapter shall be immediately repaired or corrected. Service may be discontinued without notice if in the opinion of the utility representative a dangerous or hazardous condition exists in privately owned facilities.

17-2-6  METER READING CONCLUSIVE.
(A) All gas customers shall be liable for the gas consumption as shown by the meter. Waste, leakage or other causes not the fault of the City shall be included under said liability. The meter reading shall be conclusive provided that when a meter is found to have a positive average error, i.e., is fast by four percent (4%) or more in test made at the request of the customer, the City shall refund to the customer an amount equal to the excess charged for the gas incorrectly metered for a period not to exceed six (6) months. No part of a minimum service charge need be refunded.
(B) When a meter is found to have a negative average error, i.e., is slow by four percent (4%) or more in tests made at the request of the customer, the City may make a charge to the customer for the gas incorrectly metered for a period not to exceed six (6) months. If a meter is found not to register for any period, the City shall estimate the charge for the gas used by averaging the amounts registered over similar periods, preceding or subsequent thereto, or over corresponding periods, preceding in previous years. Such action shall be taken only in cases of substantial importance where the City is not at fault for allowing the incorrect meter to be in service.

17-2-7  TEST OF METERS.
(A) Any customer may request the City to make a test of the accuracy of the meter, then in use on their premises. Such tests will be made by an independent testing company. In case a consumer requests an accuracy test of a meter, the consumer shall be required to deposit with the City for the sum of Fifty Dollars ($50.00). Customer will also be responsible for any additional charges incurred associated with the testing.
(B) In the event such meter is found by testing to register incorrectly by more than four percent (4%) or more fast, then another meter shall be substituted. If the meter is found to be running above the allowed limit, the City shall reimburse the customer the amount of the test deposit and adjust, by refund or by credit, the amount of the gas bills for a period of not more than six (6) months previous to such test as prescribed in Section 17-2-6 of this Chapter.

(C) In the event such meter is found by testing to register incorrectly by four percent (4%) slow, the consumer shall be responsible for the cost of the test and shall be responsible for payment of any additional gas charges for a period of not more than six (6) months prior to such test as prescribed in Section 17-2-6 of this Chapter.

(D) In the event that the meter is found to be registering correctly, the consumer shall forfeit the test deposit and all incurred expense monies. The funds shall be deposited in the gas operating funds of the City.

17-2-8  TAMPERING WITH METER, REGULATOR OR ANY PART OF THE GAS SYSTEM BELONGING TO THE CITY.

(A) It shall be unlawful for any person, firm, corporation or customer to break the seals of any meter or in any manner to make any alterations, changes or repairs on the same or to open any mains, laterals, service pipe, stopcocks, valves or any part thereof or otherwise tamper with or attempt to do any work on either or any of them without authority of the City or its properly authorized agent.

(B) Any person who shall violate any of the provisions of this Section or who shall willfully or maliciously injure or damage any property connected with the gas system of the City shall be subject to the penalty hereinafter prescribed.

(C) Whenever a meter, regulator or other equipment of a service connection which has been installed by the City if found to have been damaged for any cause whatsoever, such damages shall become the liability of the customer who shall pay the City the actual cost of the removal, repairing and/or replacing of such damaged equipment. In the event such damage has caused inaccurate metering, then such gas bills shall be corrected in the manner previously provided for herein to cover the period of time that the gas meter was out of order.

(D) No customer shall be permitted to use the stop cock of the service connection for shutting off gas while making extensions, additions or repairs to the pipe. Interruption of service will be made by the City or its properly authorized employees.

(E) Tampering shall include any type of confinement, enclosure, covering over, surface sealing or changing of the environment relative to any parts of the gas system or equipment of the City. Such tampering shall become the liability of the customer who shall pay the City the actual cost of removal, repairing and/or replacing equipment or material.

17-2-9  RESERVED.
17-2-10 CITY NOT LIABLE FOR AN INTERRUPTION OF SERVICE OR SUPPLY.

(A) The City shall have the right to shut off the supply of gas whenever it is necessary to make repairs, improvements, enforce rules or for any operating reason. In all cases, where possible, a reasonable notice of the circumstances will be given to the customers, but in an emergency the gas may be shut off without notice. Such necessary repairs or work will be made by the City as rapidly as may be practical. The City shall not be held responsible or liable because of any shut off or discontinuance of service for any direct or resultant damages to any person, company or customer.

(B) In the event of such discontinuance of gas service, the City will make every attempt to safeguard the customer and service shall not be renewed until the City authorities have purged the lines and put into service all automatic controls and pilots. In no case shall the customer turn on his own service. The cost of purging the lines, relighting pilots will be borne by the City and the customer will not be liable for any portion thereof. Where the nature of the customer's operations are such that an interruption of service might create a hazard or large economic loss, such customer shall provide facilities for standby service if desired.

(C) Whenever mains, pipes, service connections or other facilities of the gas system are taken up, shut off or interfered with by reasons of any street improvements, the City will endeavor to maintain service so far as is reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure or damage of any kind either to the customers adjacent or to other customers affected thereby. Direct damage to property due to such operations shall be either repaired or replaced by the City without cost to the customer.

(D) The City expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible
or liable in any manner for any loss or damages direct or indirect by any reason of any fire, or any other cause and all gas service furnished shall also be conditional upon acts of God, inevitable accidents, fire, strikes, riots, or any other cause.

(E) Any customer having a facility, operation, process or activity which cannot tolerate temporary interruption of gas service shall provide an alternate source of on-site fuel or heat for utilization during such interruption. The responsibility for this alternate source rests fully with the customer. (Ord. No. 04-03; 02-04)

17-2-11 CONNECTION WITH PRIVATE LINES, GENERAL RULES, REGULATIONS.

(A) Whenever a connection is made with a private line, such service shall be metered at the point of such connection and the individual requesting such service shall provide a satisfactory location for the placing of such metering devices, regulators and other materials and equipment required. Such private lines shall be subject to the inspection of the City prior to making the necessary service connections. The individuals requesting such connection must be present during the inspection.

(B) The City shall have the right and option to demand changes, removal or replacement of any pipe, fixtures or apparatus which is considered to be faulty, inadequate or hazardous, provided, however, that this provision shall not obligate the City in any way or manner. The City shall have the right to refuse or to discontinue gas service without notice to its customers if the City finds any apparatus or appliance in operation which would be detrimental to the efficient operation of the existing facilities.

(C) All persons, firms, corporations and customers are strictly forbidden to attach any electrical ground wire to any fixture or piping which is or may be connected to any gas service pipe, meter or main belonging to the City. The City will hold the owner of the premises responsible and liable for any damage to its property or injury to the employees of the City caused by such ground wire. Any and all customers, persons, firms or corporations shall remove any existing ground wires immediately and if such ground wires are not removed after twenty-four (24) hours written notice, the City through its officials, may enter the property and remove such ground wires and the customer shall pay all costs.

17-2-11.1 APPLIANCE SERVICES POLICY.

(A) Neither officers nor employees of the City, nor contractors retained by the City, shall perform service work on piping or equipment owned by a customer beyond the outlet of the gas meter unless it is necessitated by acts of the Gas Department of the City or is in the interest of public safety of persons or property that such work be performed.

(B) The City shall advise customers of the requirements stated in paragraph (A) above and the customer must otherwise arrange for such work to be performed.

(C) Work and responsibility is to stop at the outlet of the meter in conformity with interpretations of the Office of Pipeline Safety as to the applicability of the Minimum Federal Pipeline Safety Standards for gas facilities. (Ord. No. 04-03; 02-04)

17-2-12 COMPLAINTS.

(A) All questions and complaints shall be made to the Gas Department of the City who shall be responsible for the proper investigation.

(B) Written complaints received by the City shall be identified by the name and address of the customer, the date, nature of complaint and remedy and kept as a permanent record of the City. The Department shall be required to make a full report to the customer in all such cases, a copy of which shall be filed at City Hall.
17-2-13  REGULATIONS RELATIVE TO CUSTOMERS PIPING, FACILITIES, APPLIANCES AND NECESSARY VENTING.

(A)  Customer piping shall be installed in accordance with the regulations of this Chapter and the latest revisions of the following: Standards of National Fuel Gas Code (NFPA 54) 1980 edition. They are incorporated herein by reference and made a part herein.

(B)  All general house piping shall be of rigid construction. The pipe from the outlet of the meter shall be of iron pipe of not less than one (1) inch inside diameter and shall protrude from the house wall, fastened to the wall by means of a suitable metal strap or clamp at a point not more than eighteen (18) inches from the outlet connection of the meter. Any line to be buried shall be at owner expense. All pipe shall be wrapped pipe, welded joints and cathodic protected. This line shall be connected to a line that shall protrude from the building wall. In instances where piping protrudes from the wall, the opposite end shall be securely fastened so that pipe will not turn when fittings at the meter are put on. Any piping installed in ceiling or wall, without ready access, shall be welded.

(C)  From any house pipe manifold, pipe to the various appliances shall be of the same dimension or larger than the fitting on the appliance where such appliance is designed and approved for natural gas, subject to the length of the run from the manifold. Where appliances are to be converted from liquefied petroleum gas, pipe from the manifold to the appliance shall be of such size as would be approved by the American Gas Association for natural gas appliances having the same BTU input rating.

(D)  No connection will be made with any house pipe manifold that has not been tested for leakage or is not rigidly connected to the building.

(E)  All gas conversion burners to be installed shall be A.G.A. approved. All designed heating plants shall be A.G.A. approved and the manufacturer’s recommendations for the installation shall be followed. Regulators should be used on refrigerators and large appliances and are recommended on all appliances for best results.

(F)  No conversion burner shall be installed in an old or inefficient warm air furnace which is in poor repair or in an old or leaky boiler which is in poor repair. Test for leakage shall be with oil of Wintergreen or smoke bomb on any warm air heating plant before installing a conversion burner. Furnaces shall be removed or repaired if found to be leaking.

(G)  Before connecting a flue or vent connector into any chimney, the chimney shall be examined to ascertain that it is properly constructed, clear, clean and will freely conduct the products of combustion from the gas heating appliance in question to the outer air. Water heaters may not be vented into smoke pipes or coal or oil furnaces but should be run separately.

(H)  All appliances, excepting cook stoves, must be vented. Draft hoods should be installed where sealed chambers or special draft are not provided. No unvented appliance excepting cook stoves shall be placed in the same room with a gas refrigerator. An approved type vent pipe and draft diverter shall be installed on all gas burning space heating and water heating appliances. Vent pipe shall be installed with not less than one-half (1/2) inch rise per foot of horizontal run. General rules for venting as prescribed by N.B.F.U. must be followed.

(I)  All positive type catches on firing door flue cleanouts, etc. shall be eliminated and a hinge pin and spring be installed.

(J)  Manually controlled water heaters and any type of automatically controlled appliances, except ranges, shall be equipped with automatic pilots of the complete shut-off type.

(K)  A gas shut off shall be installed in the fuel line at an accessible point in the immediate vicinity of the appliances.
(L) A high limit control shall be installed on all heating plants. A low water cut-off control shall be installed on all gas fired steam boilers.

(M) All gas burning appliances shall be installed in a location in which the facilities for ventilation permit satisfactory combustion of gas and proper venting under normal conditions of use. The necessary measures shall be taken to ascertain that the above ventilation conditions are present.

17-2-14 **EXCESS FLOW VALVE.** An excess flow valve shall be required on each single family residence service line at the customer's expense. Maintenance required on said valve or replacement thereof shall be at the expense of the City. *(Ord. No. 13-14; 07-22-13)*

17-2-15 **EXCAVATION, CONSTRUCTION, PERMIT REQUIRED.** In order to protect the gas or water mains of the City from damage by persons digging within the boundaries of public streets or public easements for water and gas mains or in the area of service drops from the main to residential and commercial points, all persons shall, prior to digging in such areas, obtain a permit for such digging at the City Office, so that a representative of the City can expose or indicate the locality of gas or water mains to protect them. The permit will be issued without charge by the representative of the City showing the utility line to be marked. Should damage occur from persons digging without a permit, they will be held responsible for the cost of the materials and labor involved. *(Ord. No. 12-9; 05-14-12)*

17-2-16 **RULES TO BECOME PART OF CONTRACT.** All rules and regulations concerning the use of the facilities of the natural gas system of the City and the consumption of gas therefrom shall become a part of the contract with every gas customer and every gas customer shall be subject thereto and bound thereby.

17-2-17 **EXTENSIONS OF GAS MAINS AND SERVICE.**

(A) The City shall not bear the cost of extending gas mains. For progressive “standard” residential lot-to-lot extensions within a platted subdivision or populated area the charge per lot shall be Four Hundred Fifty Dollars ($450.00) to be paid in advance of installation. A standard residential main extension is defined as one having as length of one hundred fifty (150) feet or less and being connected to an existing source of supply within that length. This charge is final and non-refundable.

(B) For main extensions (1) other than “standard” residential lot-to-lot installations without or to reach a lot or development, or (2) commercial installations, or (3) industrial installations, either inside or outside the corporate limits, the charge shall be the total estimated cost to the City and shall be paid as an estimate by the applicant at the time the request for gas service is approved. The cost to the City shall include all materials, labor,
equipment, engineering and related items required to complete the gas main extension. In the event that the amount so deposited is greater or less than the actual cost of the extension, such excess or deficiency shall be refunded or paid, as the case may be, prior to initiating gas service.

(C) Extension of mains and services outside the City limits shall be subject to special approval of the Council and shall also be subject to all of the rules and regulations and provisions as provided herein or as may be amended. All mains, lines and equipment shall be constructed by the City and immediately become the property of the City.

(D) The above applies to mains.

17-2-17.1 PROTECTION OF NATURAL GAS FACILITIES DURING AND FOLLOWING SANITARY SEWER CONSTRUCTION.

(A) Plans for sanitary sewer work, which include trenching, must include the general location of all natural gas service lines and mains which cross the construction or are located within ten (10) feet of the outer limits of the proposed trenching.

(B) A preconstruction conference must be held not less than two (2) weeks prior to the beginning of trenching work and minutes of that conference must be maintained in the permanent records of the gas utility.

(C) The preconstruction conference mentioned in paragraph (B) hereof should be attended by the Superintendent of the excavator and by the Superintendent of the Gas Department of the City.

(D) A written request for the surface marking must be delivered by the excavator to the Superintendent of the Gas Department of the City not less than two (2) full working days prior to the initiation of excavation.

(E) Gas facilities to be exposed by excavations shall be specifically identified to the Superintendent of the Gas Department of the City by the excavator twenty-four (24) hours in advance of the time that such facility or facilities will be exposed.

(F) The excavator shall report any incident in which gas facilities are accidentally exposed but not damaged, to the Superintendent of the Gas Department of the City not less than two (2) hours following such accidental exposure of facilities.

(G) A qualified employee of the City’s Gas Department shall be present at the site of any excavation occurring within ten (10) feet of any gas service line or other gas facility.

(H) The cost incurred in providing the person described in paragraph (G) above shall be paid by the excavator at actual cost to the Gas Department of the City. (Ord. No. 04-03; 02-04)

17-2-18 PENALTIES.

(A) For violation of any of the foregoing rules or for non-payment of gas bills, the City reserves the right to turn off gas without notice and after the gas has been turned off from any service a pipe on account of non-payment of gas bills or violation of rules, the same will not be turned on until all delinquent bills and penalties are paid, together with the expense of the turning off and on of such gas, and no gas will be furnished to any person who is indebted to the City on account of gas purchased.

(B) Any person making a connection to the gas system of the City without compliance with the permit provisions provided herein and the safety test provision provided herein, shall be fined up to Seven Hundred Fifty Dollars ($750.00) for each offense. In addition to the aforementioned penalties, all court costs, which shall include all costs incurred by the City in prosecuting said case, shall be recoverable from anyone convicted of a violation of this Article. (Ord. No. 18-5; 05-14-18)
ARTICLE III - GAS RATES

17-3-1 RATES ESTABLISHED. There shall be and are hereby established monthly rates and charges for the sale of natural gas and for the use and service supplied by the Natural Gas System of the City, based on the amount of natural gas consumed as measured by the gas meters, using bases established by the City.

(A) General Service.
Facility Charge $2.00 per meter
Delivery Charge $5.6869 per 1,000 cubic feet

(B) Commercial Service.
Facility Charge $5.00 per meter
Delivery Charge $5.6035 per 1,000 cubic feet

(C) Industrial Service.
Facility Charge $25.00 per meter
Delivery Charge $5.2890 per 1,000 cubic feet

(D) Municipal Facilities.
Facility Charge $2.00 per meter
Delivery Charge $0.0000 per 1,000 cubic feet

(See Chapter 38 Water/Sewer - Article II for customer regulations.) (Ord. No. 18-5; 05-14-18)

17-3-2 PURCHASED GAS ADJUSTMENT. The above stated charges for natural gas service do not include the City's delivered cost for the purchase of natural gas from its supplier(s) or for distribution system losses, which costs shall be added to the above stated charges. The City Treasurer is hereby empowered and directed to determine the monthly cost of purchased natural gas on a per thousand cubic feet basis. The monthly cost of natural gas shall include the cost from the supplier(s) and an amount to compensate for distribution system losses. The Gas Department shall periodically determine the distribution system loss factor that shall be included in the monthly cost of natural gas. (Ord. No. 11-10; 06-27-11)

17-3-3 STATE TAX. Any applicable state tax shall be added to all billings for each class of natural gas service.
17-3-4 **OUTSIDE CHARGES.** In addition to the charges stated herein, General and Commercial services located outside the City limits shall be assessed a monthly service charge equal to **fifteen percent (15%)** of the monthly facility and delivery charges and purchased gas adjustment.

17-3-5 **ELECTRIC PLANT CHARGES.** The City Light Plant may periodically purchase fixed volumes of natural gas from the City for use at the Light Plant. The City shall charge the Light Plant the cost of gas (commodity only) from its supplier plus an amount of **$0.05 per one thousand (1,000) cubic feet** for natural gas purchased under a separate fixed volume agreement.  
(Ord. No. 11-10; 06-27-11)

17-3-6 **SURCHARGE.** Customers’ monthly bills will be computed at the rates set forth herein in accordance with Resolution No. 98-8.

17-3-7 **CONNECTION CHARGES.** The City Gas Department shall establish rates and charges to connect a new residential or commercial service to the natural gas system. The rates shall be on a lineal foot basis for each size of pipe.

17-3-8 **OUTSIDE CONNECTION CHARGES.** A line tapping charge of **Two Hundred Dollars ($200.00)** shall be charged when installing a service outside the City limits.

17-3-9 **INDUSTRIAL CONNECTION CHARGES.** The charge to connect an Industrial service or new development to the natural gas system shall be established by negotiation with the City’s Gas Commissioner and the entity requesting service.

17-3-10 **UTILITY TAX.** There shall be a **two percent (2%)** utility tax added to all gas bills each month.

17-3-11 **OPERATIONAL INFLATION ADJUSTMENT.** The stated charges for natural gas shall be automatically adjusted at the beginning of each fiscal year to partially compensate for the effect of economic inflation on operations, in the amount of **five percent (5%)** of the base monthly rates, exclusive of the Purchased Gas Adjustment. The City Treasurer is hereby empowered and directed to determine the amount of said increase upon a per 1,000 cubic foot basis and to thereafter, effective for the first billing period after the beginning of each fiscal year, charge the adjusted rates to all purchasers of natural gas from the City.  
(Ord. No. 11-10; 06-27-11)

(Ord. No. 98-7; 10-15-98)

[**NOTE:** The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]

[Supplement No. 25; 01-01-19]
CHAPTER 20

LIBRARY

ARTICLE I - LIBRARY BOARD

20-1-1  **Established.** There is hereby established a Public Library for the use and benefit of the inhabitants of the City.  (See 75 ILCS Sec. 5/1-2)

20-1-2  **Appointment - Compensation.** The Mayor shall, with the approval of the City Council, proceed to appoint a board of **nine (9) trustees** for the Public Library, chosen from the citizens at large with reference to their fitness for such office.  **Not more than one (1) member of the City Council shall be (at any one time) a member of the Library Board.**  (See 75 ILCS Sec. 5/4-1)

Trustees of the Library Board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from library funds.  (See 75 ILCS Sec. 5/4-5)

20-1-3  **Term.** The Mayor shall, before the July 1st of each year, appoint **three (3) trustees** to take the place of the retiring trustees who shall hold office for **three (3) years** and until their successors are appointed.  By and with the advice and consent of the City Council, the Mayor may remove any trustee as provided in **Section 1-2-47 of this Code.**  (See 75 ILCS Sec. 5/4-1.1)

20-1-4  **Vacancies.** Vacancies shall be declared in the office of a trustee by the board when the trustee declines or is unable to serve, or is absent without cause from all regular board meetings for a period of **one (1) year,** or is convicted of a misdemeanor for failing, neglecting, or refusing to discharge any duty imposed upon a trustee or becomes a nonresident of the City, or who fails to pay the library taxes levied by the corporate authorities.  (See 75 ILCS Sec. 5/4-4)

20-1-5  **Oath of Office; Organization; Meetings.**

(A) Within **sixty (60) days** after their appointment, the new trustees shall take their oath of office and meet to organize the board.  The oath shall consist of the following:
“I, ____________________________ do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of trustee according to the best of my ability.”

(B) The first action taken at the organizational meeting of the board shall be the election of a president and a secretary and such other officers as the board may deem necessary, and the board shall further provide in the bylaws of the board as to the length of the terms in office. The trustees shall determine the time and place of all official meetings of the board at which any legal action may be taken and shall post notice thereof at the public library maintained by the board and at not less than one public place within the corporate confines of the area of library service one day in advance thereof. (See 75 ILCS Sec. 5/4-6)

20-1-6 CUSTODIAN OF FUNDS. The City Treasurer shall be the custodian of all funds of the Library Board of Trustees. The cost of any bond necessary to satisfy the requirements of Chapter 75, Section 5/4-9 of the Illinois Compiled Statutes shall be borne by the library.

20-1-7 POWERS AND DUTIES. The Board of Library Trustees shall carry out the spirit and intent of this Chapter in establishing, supporting and maintaining a public library or libraries for providing library service and, in addition to, but without limiting other powers conferred by this Chapter shall have the following powers:

(A) To make and adopt such bylaws, rules and regulations for their own guidance and for the government of the library as may be expedient, not inconsistent with this Chapter.

(B) To have the exclusive control of the expenditure of all moneys collected for the library and deposited to the credit of the library fund;

(C) To have the exclusive control of the construction of any library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose;

(D) To purchase or lease real or personal property, and to construct an appropriate building or buildings for the use of a library established hereunder, using, at the board's option, contracts providing for all or part of the consideration to be paid through installments at stated intervals during a certain period not to exceed twenty (20) years with interest on the unpaid balance at any lawful rate for municipal corporations in this State, except that contracts for installment purchases of real estate shall provide for not more than seventy-five percent (75%) of the total consideration to be repaid by installments, and to refund at any time any installment contract entered into pursuant to this paragraph by means of a refunding loan agreement, which may provide for installment payments of principal and interest to be made at stated intervals during a certain period not to exceed twenty (20) years from the date of such refunding loan agreement, with interest on the unpaid principal balance
at any lawful rate for municipal corporations in this State, except that no installment contract or refunding loan agreement for the same property or construction project may exceed an aggregate of **twenty (20) years**;

(E) To remodel or reconstruct a building erected or purchased by the board, when such building is not adapted to its purposes or needs;

(F) To sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes, and to lease to others any real property not immediately useful, but for which plans for ultimate use have been or will be adopted, however, the corporate authorities shall have the first right to purchase or lease;

(G) To appoint and to fix the compensation of a qualified librarian, who shall have the authority to hire such other employees as may be necessary, to fix their compensation, and to remove such appointees, subject to the approval of the library board, (but these powers are subject to Division 1 of Article 10 of the Illinois Municipal Code in municipalities in which that Division is in force). The board may also retain counsel and professional consultants as needed; (See 65 ILCS Sec. 5/10-1-1)

(H) To contract with any public or private corporation or entity for the purpose of providing or receiving library service or of performing any and all other acts necessary and proper to carry out the responsibilities and the provisions of this Chapter. This contractual power includes, but is not limited to participating in interstate library compacts and library systems, and contracting to supply library services and for the expenditure of any Federal or State funds made available to the municipality or to the State of Illinois for library purposes;

(I) To join with the board or boards of any one or more libraries in this State in maintaining libraries, or for the maintenance of a common library or common library services for participants, upon such terms as may be agreed upon by and between the boards;

(J) To enter into contracts and to take title to any property acquired by it for library purposes by the name and style of “**The Library Board of Trustees of the City**” and by that name to sue and be sued.

(K) To exclude from the use of the library any person who willfully violates the rules prescribed by the board;

(L) To extend the privileges and use of the library; including the borrowing of materials on an individual basis by persons residing outside of the City. If the board exercises this power, the privilege of library use shall be upon such terms and conditions as the board shall, from time to time, by its regulations, prescribe and for such privileges and use, the board shall charge a nonresident fee at least equal to the cost paid by residents of the City, with the cost to be determined according to the formula established by the **Illinois State Library**. The nonresident fee shall not apply to privilege and use provided under the terms of the library's membership in a library system operating under the provisions of the **Illinois Library System Act** or under the terms of any reciprocal agreement with a public or private corporation or entity providing a library service or to a nonresident who is an individual or as a partner, principal stockholder, or other joint owner owns taxable property or is a senior administrative officer of a firm, business, or other corporation owning taxable property within the municipality upon the presentation of the most recent tax bill upon that taxable property,
provided that the privilege and use of the library is extended to only one such nonresident for each parcel of such taxable property.

(M) To exercise the power of eminent domain subject to the prior approval of the corporate authorities under the provisions of Illinois Compiled Statutes, Chapter 75, Sec. 5/5-1 and 5/5-2.

(N) To join the public library as a member in the Illinois Library Association and the American Library Association, non-profit, non-political, (501-C-3) associations, as designated by the federal Internal Revenue Service, having the purpose of library development and librarianship; to provide for the payment of annual membership dues, fees and assessments and act by, through, and in the name of such instrumentality by providing and disseminating information and research services, employing personnel and doing any and all other acts for the purpose of improving library development;

(O) To accumulate and set apart as reserve funds, portions of the unexpended balances of the proceeds received annually from taxes or other sources for the purpose of providing self-insurance against liabilities relating to the public library;

(P) To invest funds pursuant to the Illinois Compiled Statutes, Chapter 30, Section 235/1, et seq. (See 75 ILCS Sec. 5/4-7)

20-1-8 ADDITIONAL POWERS AND DUTIES. In addition to all other powers and authority now possessed by it, the Board of Library Trustees shall have the following powers:

(A) To lease from any public building commission created pursuant to the provisions of the Public Building Commission Act, as now or hereafter amended, any real or personal property for library purposes for a period of time not exceeding twenty (20) years; (See 50 ILCS Sec. 20/1 et seq.)

(B) To pay for the use of this leased property in accordance with the terms of the lease and with the provisions of the Public Building Commission Act, as now or hereafter amended;

(C) Such lease may be entered into without making a previous appropriation for the expense thereby incurred. However, if the board undertakes to pay all or any part of the costs of operating and maintaining the property of a public building commission as authorized in subparagraph (D) of this section, such expenses of operation and maintenance shall be included in the annual budget of such board annually during the term of such undertaking;

(D) In addition, the board may undertake, either in the lease with a public building commission or by separate agreement or contract with a public building commission, to pay all or any part of the costs of maintaining and operating the property of a public building commission for any period of time not exceeding forty (40) years. (See 75 ILCS Sec. 5/4-7.1)
20-1-9 **SELECTION AND USE OF LIBRARY MATERIALS.** The Board of Library Trustees shall establish, and review at least biennially, a written policy for the selection of library materials and the use of library materials and facilities. No employee may be disciplined or dismissed for the selection of library materials when the selection is made in good faith and in accordance with the written policy required to be established pursuant to this section. *(See 75 ILCS Sec. 5/4-7.2)*

20-1-10 **FREE TO PUBLIC.** The library established shall be free for the use of the inhabitants of the City, always subject to such rules and regulations as the Library Board of Trustees may adopt, in order to render the use of the library and reading room to the greatest benefit to the greatest number. *(See 75 ILCS Sec. 5/4-7)*

20-1-11 **ANNUAL REPORT.** Within thirty (30) days after the expiration of each fiscal year of the municipality, the Library Board of Trustees shall make a report of the condition of their trust on the last day of the fiscal year to the City Council. This report shall be made in writing and shall be verified under oath by the secretary or some other responsible officer of the Library Board of Trustees. The report shall contain the following:

(A) An itemized statement of the various sums of money received from the Library Fund and from other sources;
(B) An itemized statement of the objects and purposes for which those sums of money have been expended;
(C) A statement of the number of books and periodicals available for use and the number and character thereof circulated;
(D) A statement of the real and personal property acquired by legacy, purchase, gift or otherwise;
(E) A statement of the character of any extensions of library service which have been undertaken;
(F) A statement of the financial requirements of the library for the ensuing fiscal year for inclusion in the appropriation of the corporate authority and of the amount of money which, in the judgment of the Library Board of Trustees, it will be necessary to levy for library purposes in the next annual tax levy ordinance;
(G) A statement as to the amount of accumulations and the reasons therefor;
(H) A statement as to any outstanding liabilities including those for bonds still outstanding or amounts due for judgments, settlements, liability insurance, or for amounts due under a certificate of the board;
(I) Any other statistics, information and suggestions that may be of interest.

A report shall also be filed at the same time with the Illinois State Library. *(See 75 ILCS Sec. 5/4-10)*
20-1-12 DONATIONS. Any person desiring to make donations of money, personal property or real estate for the benefit of such library shall have the right to vest the title of the money or real estate so donated in the Library Board of Trustees to be held and controlled by the board when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the Board of Trustees shall be held and considered as special trustees. (See 75 ILCS Sec. 5/ 1-6)

20-1-13 DISTURBANCE PROHIBITED - PENALTY. Any person who shall create any disturbance while in the rooms of the Public Library, or who shall be guilty of any conduct calculated to annoy or disturb others in said library and who shall not cease said conduct when requested to do so by the Librarian or other person in charge, shall be subject to arrest under the provisions of this Chapter.

20-1-14 INJURY TO OR FAILURE TO RETURN BOOKS - PENALTY. No person shall maliciously cut, injure, deface, tear, or destroy any book, newspaper, periodical, or picture belonging to the Public Library. No person shall fail to return any book or books taken from the Library at the time when, by the rules of the Library, the same should be returned. The person shall promptly pay the fine provided for by the rules and regulations governing the Library, as the same have been or may be established by the Library Board of Trustees.

20-1-15 REFERENCE. The City Council does hereby include by reference, all provisions of Chapter 75; Paragraph 5/4, et seq. of the Illinois Compiled Statutes applicable to the City Library that are not provided heretofore.
ARTICLE II - REGULATIONS

20-2-1 USE, RULES AND REGULATIONS OF LIBRARY. The Library shall be free to the use of the inhabitants of the City, subject to such reasonable rules and regulations as the Library Board may adopt in order to render the use thereof of the greatest benefit to the greatest number, and the Board shall have power to exclude from the use of the Library and reading room any and all persons who shall willfully violate such rules. The Board may extend the privileges and use of such library and reading room to persons residing outside of the City upon such terms and conditions as the Board may prescribe.

20-2-2 LIBRARIAN, ASSISTANTS. The Librarian and such Assistant Librarians as shall be deemed necessary, shall be appointed by the Library Board to serve at the pleasure of the Board.

20-2-3 DUTIES OF LIBRARIAN. It shall be the duty of the Librarian to take charge of the Library and enforce the regulations of the Library Board in such manner as to promote the orderly and beneficial use of the Library for the citizens of the City. The Librarian shall supervise the activities and performance of the Assistant Librarians and shall be in overall control of the daily Library operations. It shall be the further responsibility of the Librarian to report any violations of the laws and ordinances of the City or regulations of the Library Board to the Board for further action.

20-2-4 MISDEMEANORS AND PENALTIES FOR VIOLATION. It shall be unlawful for any person to deface, destroy or damage any book, periodical, record, or card or other Library property, or to withhold or secrete any such book, periodical, or other Library property from general use and circulation beyond the period allowed or prescribed by the rules and regulations of the Library Board.

20-2-5 ENFORCEMENT. It shall be the duty of the Police and City Attorney, upon complaint of any member of the Library Board against any person accused of violations of this Code, to make arrests and prosecutions according to law.

20-2-6 COSTS OF SUIT. In addition to the aforementioned penalties, all Court costs, which shall include all costs incurred by the City in prosecuting said case, shall be recoverable from anyone convicted of a violation of this Chapter. Each day during which any violation of any Section persist after notice or conviction, shall be deemed a separate offense.

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
CHAPTER 21
LIQUOR

ARTICLE I - GENERALLY

21-1-1 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

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

“ALCOHOLIC LIQUOR” includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume. (See 235 ILCS Sec. 5/1-3.05)

“BEER” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. (See 235 ILCS Sec. 5/1-3.04)

“CATERER RETAILER” means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. (See 235 ILCS Sec. 5/1-3.34)

“CLOSE” means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

“CLUB” means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Mayor at the time of its application for a license.
under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. *(See 235 ILCS Sec. 5/ 1-3.24)*

**“CORPORATION”** means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the “Business Corporation Act” of Illinois. *(Rule 100.10(b))*

**“DISTILLED SPIRITS”**. See “Spirits”.

**“EVENT”** means a single theme. *(Rules and Regulations 100.10(o))*

**“HOTEL”** means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which **twenty-five (25)** or more rooms are used for the sleeping accommodations of such guests and having **one (1) or more** public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity. *(See 235 ILCS Sec. 5/ 1-3.25)*

**“MANAGER” OR “AGENT”** means any individual employed by any licensed place of business, provided said individual possess the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe. *(Rule 100.10(f))*

**“MAYOR”** means the Local Liquor Control Commissioner as provided in the *Illinois Compiled Statutes, Chapter 235, entitled “Dramshop”* and all references to Liquor Commissioner shall refer to the Mayor unless otherwise provided.

**“MEAL”** means food that is prepared and served on the licensed premises and excludes the serving of snacks. *(Rules and Regulations 100.10(n))*
“ORIGINAL PACKAGE” means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. *(See 235 ILCS Sec. 5/1-3.06)*

“PACKAGE LIQUOR STORE” means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

“PARTNER” is any individual who is a member of a co-partnership. “Co-partnership” means an association of two (2) or more persons to carry on as co-owners of a business for profit. *(Rules and Regulations 100.10(d)(e))*

“PREMISES/PLACE OF BUSINESS” means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location. *(Rules and Regulations 100.10(g))*

“PRIVATE FUNCTION” means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

“PUBLIC PLACE” means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms “public place” and “public premises” shall be interchangeable for the purposes of this Chapter.

“RESIDENT” means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least one (1) year and in the city, village and county in which the premises covered by the license are located for at least ninety (90) days prior to making application for such license. *(Rule 100.10(a))*

“RESTAURANT” means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. *(See 235 ILCS Sec. 5/1-3.23)*

“RETAILER” means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. *(See 235 ILCS Sec. 5/1-3.17)*
“SALE” means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. *(See 235 ILCS Sec. 1-3.21)*

“SELL AT RETAIL” and “SALE OF RETAIL” refer to any mean sales for use or consumption and not for resale in any form. *(See 235 ILCS Sec. 5/1-3.18)*

“SPECIAL EVENT” means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. *(See 235 ILCS Sec. 5/1-3.30)*

“SPECIAL EVENTS RETAILER” means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license. *(See 235 ILCS Sec. 5/1-3.17.1)*

“SPIRITS” means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. *(See 235 ILCS Sec. 5/1-3.02)*

“TO SELL” includes to keep or expose for sale and to keep with intent to sell. *(See 235 ILCS Sec. 5/1-3.22)*

“WINE” means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. *(See 235 ILCS Sec. 5/1-3.03)*

*[All references to “Rules” refer to Illinois Liquor Control Commission Rules located in Title II; Subtitle A; Chapter 1; Part 1; Section 100.5 et seq.]*
ARTICLE II - LICENSES

21-2-1 LICENSE REQUIRED. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Mayor of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commissioner of the State of Illinois. See Appendix “N” for Liquor License Application Form.

A similar valid license issued by the Mayor of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. (See 235 ILCS Sec. 5/4-1)

21-2-2 APPLICATIONS. The Mayor is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and in the manner provided by this Chapter and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Municipal Clerk, with the seal of his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Mayor an application in triplicate, in writing and under oath, stating the following:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the address and name of such person.

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

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

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

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

(F) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G) That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid Act of the General Assembly or in this Chapter or resolution and amendments thereto.
(H) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I) That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least one (1) member of such partnership, firm, association or club, or by the president and secretary of such corporation.

One (1) copy of the application shall be retained by the Mayor, one (1) copy given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Mayor and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. (See 235 ILCS Sec. 5/7-1)

21-2-3 EXAMINATION OF APPLICANT. The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Mayor under this Section, he may authorize his agent to act on his behalf. (See 235 ILCS Sec. 5/4-5)

21-2-4 PROHIBITED LICENSEES. No retail license shall be issued by the Mayor to the following:

(A) A person who is not a resident of this municipality;
(B) A person who is not twenty-one (21) years of age;
(C) A person who has been convicted of a felony under any federal or state law if the Mayor determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
(D) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
(E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;
(F) A person whose license has previously been revoked for cause;
(G) A person who, at the time of the application for renewal for any license issued hereunder, would not be eligible for such license upon first application;
(H) A co-partnership, if any general partnership thereof or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason;
(I) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than five percent (5%) of such corporation, would not be eligible to receive a license hereunder for any reason other than the requirement for citizenship and residence;
(J) A corporation unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the “Business Corporation Act of 1983” to transact business in Illinois;
(K) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;
(L) Any person, association, or corporation not eligible for a state retail liquor license;
(M) A person who is not of good character and reputation in the community in which he resides;
(N) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Code or has forfeited his bond to appear in court to answer charges for any such violation;
(O) A person who does not own the premises for which a license is sought, or does not rent nor have a lease thereon for the full period for which the license is to be issued;
(P) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of a city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and the Mayor.
(Q) A person who is not a beneficial owner of the business to be operated by the licensee;
(R) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of Section 28-1.1 of, or as proscribed by Section 28-3 of the “Criminal Code of 1961”, approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
(S) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period; except those persons who are eligible to receive a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;
(T) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;

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

(V) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period. (See 235 ILCS Sec. 5/6-2)

21-2-5 TERM; FEE SUBMITTED IN ADVANCE. Retail liquor licenses issued under this Chapter shall be valid for a twelve (12) month period upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The twelve (12) month period shall be from July 1st to June 30th of the following year.

The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Mayor as hereinbefore provided. A licensee may make arrangements to pay the liquor license fees quarterly. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation must submit the new manager’s name and shall be submitted within thirty (30) days. Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have thirty (30) days to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. (See 235 ILCS Sec. 5/4-1)

21-2-6 CLASSIFICATION - FEE - LIMITATION - TEMPORARY MORATORIUM. Every person engaged in the retail sale of alcoholic liquor in the City shall pay an annual license fee. Such licenses shall be divided into the following five (5) classes:

(A) Class “A” License shall authorize the sale of alcoholic liquor at retail in original package forms or by the drink on the premises specified for consumption on or off said premises. The annual fee for such license shall be Eight Hundred Dollars ($800.00). Not more than one (1) license per seven hundred fifty (750) population or part thereof shall be issued and outstanding. No such license shall issue to a Hotel or Bowling Alley. (Ord. No. 16-10; 07-11-16)

(B) Class “B” License shall authorize the sale of alcoholic liquor at retail in original package forms on the premises specified but not for consumption on the premises where sold. The annual fee for such license shall be Five Hundred Dollars ($500.00). Not more than two (2) per one thousand (1,000) population or part thereof of such licenses shall be issued and outstanding. (Ord. No. 16-10; 07-11-16)
(C) **Class “C” License** shall authorize the sale of alcoholic liquor at retail by hotel, restaurant, or bowling alley for consumption on the premises specified where sold. The annual fee for such license shall be **Five Hundred Dollars ($500.00)**. Not more than two (2) licenses per one thousand (1,000) population or part thereof of such licenses shall be issued and outstanding. Each licensee prior to any renewal shall submit a certificate showing his gross sales from food was one and one-half (1 ½) times that of his gross sales from the sale of liquor. *(Ord. No. 07-29; 11-26-07)*

(D) **Class “D” License** shall authorize the sale of beer and wine only at retail in original package forms on the premises specified, but not for consumption on the premises where sold. The annual fee for such license shall be **Five Hundred Dollars ($500.00)**. Not more than one (1) license per one thousand (1,000) population or part thereof of such licenses shall be issued and outstanding. *(Ord. No. 08-32; 12-22-08)*

(E) **Class “E” License** shall authorize the sale of beer and wine only at retail and in original package forms, or by the drink, on the premises specified, for consumption on or off said premises. The annual fee for said license shall be **Eight Hundred Dollars ($800.00)**. Not more than one (1) license per thousand (1,000) population or part thereof shall be issued and outstanding. *(Ord. No. 12-4; 02-27-12)*

(F) **Temporary Moratorium on New Licenses.** Except for establishments that had existing liquor licenses as of June 30, 2019 under Classification A or E, as evidenced by issuance of a City Liquor License, no applications for new or renewed Liquor Licenses under Classifications A or E will be accepted by the City until January 1, 2020. The provisions of this paragraph shall be automatically repealed on December 30, 2019 unless extended by majority vote of the City Council. *(Ord. No. 19-11; 07-08-19)*

The term “premises specified”, as used in this Section, means the premises as particularly described in the application and license, and is limited thereto. A separate license for each separate location or place of business is required. Only one location shall be described in each license. An exception to this provision shall be that a special permit may be issued by the Liquor Control Commissioner to allow said licensee for a period not exceeding twenty-four (24) hours to sell those alcoholic liquors authorized by its license at a location within the City limits apart from the premises listed in said license. *(Ord. No. 19-16; 10-15-19)*

(See 235 ILCS Sec. 5/4-1)

21-2-7 **NATURE OF LICENSE.** A license issued under this Chapter shall be purely a personal privilege, good for not to exceed one (1) year after issued unless sooner revoked as in this Chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. *(See 235 ILCS Sec. 5/6-1) (See Attorney General's Report No. 703; 01-08-48)*

21-2-8 **LIMITATION OF LICENSES.**

(A) **Annexing License Holders.** The restrictions contained in this Chapter shall in no way affect taverns and other business(es) holding retail liquor licenses, duly licensed by the County, which are located in the territory annexed to the municipality.
Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided that thereafter, all of the restrictions and contingencies contained herein shall apply.

(B) **Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm or corporation for a period longer than **ninety (90) days** without a tavern or liquor business for the same being in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the **ninety (90) day period**, then, in that event, the Mayor shall extend the period of time for which a liquor license may be held by the mere payment of fees without the tavern or liquor business being in full and complete operation for an additional **ninety (90) days**.

If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met. *(See 235 ILCS Sec. 5/4-1)*

**21-2-9 DRAMSHOP INSURANCE.** No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the following minimum coverages:

(A) **Bodily Injury Liability.** $45,000 each occurrence

(B) **Property Damage:** $45,000 each occurrence

(C) **Means of Support or Loss of Society:** $55,000 each occurrence

(D) **Combined Single Limit.** In lieu of individual insurance coverage listed in subsections (A), (B) and (C) of this Section, the applicant may provide a combined single limit policy in the amount of **Three Hundred Thousand Dollars** ($300,000.00). *(See 235 ILCS Sec. 5/1-3.17-1 and 235 ILCS Sec. 5/5-1(e))*

**21-2-10 DISPLAY OF LICENSE.** Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. *(See 235 ILCS Sec. 5/6-24)*

**21-2-11 RECORD OF LICENSES.** The Mayor shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within **forty-eight (48) hours.** *(See 235 ILCS Sec. 5/4-1)*
21-2-12 TEMPORARY WINE AND BEER LICENSE.

(A) Temporary Wine and Beer License Authorized. The City is authorized to issue a temporary wine and beer beverage license to any commercial business and to any non-profit, religious, charitable, fraternal, educational or veteran’s organization operating within the City. All commercial applications shall be reviewed by the City Council prior to approval. (Ord. No. 14-11; 05-27-14)

(B) Application. Any for profit or not-for-profit organization desiring a temporary license shall make application therefore in writing to the City through the City Clerk and accompanying their application with the required license fee. The application shall be verified and be upon a form prepared by the City Clerk and shall contain that information as far as is applicable as is required by ordinance for business license under this Article. All applications for temporary wine and beer beverage license shall be made thirty (30) days prior to the date of the event. The application, in addition to the above required information, shall indicate the organization which is applying for the license and the hours said event shall be held. An event for a commercial application may last no longer than three (3) hours and shall end no later than 9:00 P.M. (Ord. No. 14-11; 05-27-14)

(C) Conditions and Terms.

(1) All such temporary licenses shall be valid for a period of forty-eight (48) hours as specified in the license and at the place specified in the application. It shall be unlawful for any non-profit organization to sell wine or beer beverages at any time other than the forty-eight (48) hour period specified in the license application and approved by the City.

(2) The fee for a temporary wine and beer beverage license shall be Thirty-Five Dollars ($35.00).

(3) No more than four (4) temporary wine and beer beverage licenses shall be issued to any organization during any calendar year. (Ord. No. 14-11; 05-27-14)

(4) All provisions of the ordinances relating to dealers and alcoholic liquor not inconsistent with the stated terms of this Chapter shall apply to temporary wine and beer beverage licenses. No license shall be issued unless all of the criteria for a license established by this Chapter have been met. In addition thereto, no temporary license shall be issued unless adequate trash receptacles are provided and sanitation provisions are made. The applicant is responsible for control of litter and other material during and after the event and, in addition, the applicant is responsible for demonstrating that adequate parking is available.

(5) The City has deemed it advisable to issue a temporary license to allow the sale and consumption of wine and beer beverages by commercial businesses and to any non-profit, religious, charitable, fraternal, educational, or veterans organization operating within the City in specified areas of the City and on certain other public grounds where not otherwise prohibited. Such sales shall be by responsible persons otherwise duly licensed under this Chapter and shall be allowed for limited periods of time as specifically provided herein. (Ord. No. 14-11; 05-27-14)
Prior to giving away or sale of any alcoholic beverage on or from any location in the City, licensee shall obtain a policy of insurance issued by a responsible insurance company and in an amount acceptable to the City saving the City and licensee harmless against any and all damages, judgments, claims, liens, costs and expenses arising under the State or Municipal Liquor Control Act or under any present or future law or statute or ordinance by reason of said sale or giving away of said alcoholic beverage on or from the premises. (Ord. No. 14-11; 05-27-14)

(Ord. No. 05-05; 03-28-05) (See Appendix II – application form for license.)

21-2-13 LI TTE L THEATRE WINE AND BEER LICENSE.

(A) Wine and Beer License Authorized. The City is authorized to issue a wine and beer beverage license to The Little Theatre - On the Square, Inc.

(B) Application. The Little Theatre - On the Square, Inc., shall make application in writing to the City of Sullivan through the City Clerk and accompanying their application with the required license fee. The application shall be verified and upon a form prepared by the City Clerk and shall contain that information as far as is applicable as is required by ordinance for business licenses under this Article, and shall be made thirty (30) days prior to the commencement of sale of said beverages, unless said date shall be waived by the City.

(C) Conditions and Terms.

(1) Said license shall be valid to allow said sales of wine and beer beverages for a period of one (1) hour prior to and during any intermission of any performance scheduled on the premises of The Little Theatre - On the Square, Inc. Sunday sales shall be prohibited.

(2) The fee for a said wine and beer license shall be Five Hundred Dollars ($500.00).

(3) All provisions of the ordinances relating to dealers and alcoholic liquor not inconsistent with the stated terms of this Chapter shall apply to said wine and beer beverage license. No license shall be issued unless all of the criteria for a license established by this Chapter have been met. In addition thereto, no license shall be issued unless adequate trash receptacles are provided and sanitation provisions are made. The applicant is responsible for control of litter and other material during and after the performances. Such sales shall be by responsible persons otherwise duly licensed under this Chapter and shall be allowed for limited periods of time as specifically provided herein.

(4) Prior to the giving away or sale of any alcoholic beverages on or from said premises, licensee shall obtain a policy of insurance issued by a responsible insurance company and in an amount acceptable to the City saving the City and licensee harmless against any and all damages, judgments, claims, liens, costs and expenses arising under the State or Municipal Liquor Control Act or under any present or future law or statute or ordinance by reason of said sale or giving away of said alcoholic beverage on or from the premises.

(Ord. No. 08-16; 06-23-08)
ARTICLE III - REGULATIONS

21-3-1 **HOURS.** The hours for retail liquor licenses shall be as follows:

(A) **Closing Hours for All Licenses.** It shall be unlawful for any licensee to give, sell, offer for sale or gift, or in any way provide any alcoholic liquors, spirits, beer, or wine in the City during the following hours:

**Hours of Closing:**

(1) Class “A”, “C”, “D” and “E” licenses shall be as follows:

- Monday: From 1:00 A.M. to 6:00 A.M.
- Tuesday: From 1:00 A.M. to 6:00 A.M.
- Wednesday: From 1:00 A.M. to 6:00 A.M.
- Thursday: From 1:00 A.M. to 6:00 A.M.
- Friday: From 1:00 A.M. to 6:00 A.M.
- Saturday: From 1:00 A.M. to 6:00 A.M.
- Sunday: From 1:00 A.M. to 12:00 P.M. Noon

(2) Class “B” licenses shall be as follows:

- Monday: From 1:00 A.M. to 6:00 A.M.
- Tuesday: From 1:00 A.M. to 6:00 A.M.
- Wednesday: From 1:00 A.M. to 6:00 A.M.
- Thursday: From 1:00 A.M. to 6:00 A.M.
- Friday: From 1:00 A.M. to 12:00 P.M. Noon
- Saturday: From 1:00 A.M. to 6:00 A.M.
- Sunday: From 1:00 A.M. to 9:00 A.M.

The times referred to above shall refer to Daylight Savings Time or when the same is in effect in the City and upon cessation of Daylight Savings Time, shall be Central Standard Time.

All patrons or customers shall leave the premises at the specified closing time and shall not remain on the premises thereafter. (See 235 ILCS Sec. 5/4-1) (Ord. No. 16-10; 07-11-16)

21-3-2 **HAPPY HOUR RESTRICTIONS.**

(A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

(B) No retail licensee or employee or agent of such licensee shall:

(1) Serve **two (2)** or more drinks of alcoholic liquor at one time to one person for consumption by that person, except conducting product sampling pursuant to paragraphs (A) and (B) below or selling or delivering wine by the bottle or carafe;

(a) Retailer, distributor, importing distributor, manufacturer and nonresident dealer licensees may conduct product sampling for consumption at a licensed retail location. Up to **three (3)** samples, consisting of no more than (i) **one-fourth (1/4) ounce** of distilled spirits, (ii) **one (1) ounce** of wine, or (iii) **two (2) ounces** of beer may be served to a consumer in **one (1) day**.

[Supplement No. 26; 01-01-20]
(b) Notwithstanding the provisions of subsection (A), an on-premises retail licensee may offer for sale and serve more than one (1) drink per person for sampling purposes without violating paragraph (1) of subsection (b) of Section 6-28 or paragraph (6) of subsection (c) of Section 6-28 of this Act, provided the total quantity of the sampling package, regardless of the number of containers in which the alcoholic liquor is being served, does not exceed one (1) ounce of distilled spirits, four (4) ounces of wine, or sixteen (16) ounces of beer. In any event, all provisions of this Section shall apply to an on-premises retail licensee that conducts product sampling.

(2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;

(3) Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in subsection C(7) of this Section.

(4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

(6) Advertise or promote in any way, whether on or off the licenses premises, any of the practices prohibited under paragraphs (1) through (5).

(C) Nothing in subsection B shall be construed to prohibit a licensee from:

(1) Offering free food or entertainment at any time;

(2) Including drinks or alcoholic liquor as part of a meal package;

(3) Including drinks of alcoholic liquor as part of a hotel package;

(4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;

(5) Providing room service to persons renting rooms at a hotel;

(6) Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time; or
(7) Increasing prices of drinks of alcoholic liquor in lieu of, in whole, or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

(D) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by Article IV of this Code. *(See 235 ILCS Sec. 5/6-28)*

**21-3-3 PROHIBITED LOCATIONS.** No license shall be issued for the sale of any alcoholic liquor at retail within *one hundred feet (100')* of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within *one hundred feet (100')* of any church or school where such church or school has been established within such *one hundred feet (100')* since the issuance of the original license. In the case of a church, the distance of *one hundred feet (100')* shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. *(See 235 ILCS Sec. 5/6-11)*

**21-3-4 CHANGE OF LOCATION.** A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the Code of this municipality. *(See 235 ILCS Sec. 5/7-14)*

**21-3-5 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. *(See 235 ILCS Sec. 5/6-12)*
21-3-6 **TRANSPORTING, ETC., IN MOTOR VEHICLES.** No person shall, within this municipality, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

21-3-7 **OPEN LIQUOR - CUP-TO-GO PROHIBITED.** The licensee shall not knowingly permit any person to leave his premises with open liquor or in a “cup-to-go”.

21-3-8 **LIQUOR IN VEHICLES; UNDERAGE.** The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:
   (A) If such liquor is found on the person of one of the occupants therein; or
   (B) If such vehicle contains at least one occupant over twenty-one (21) years of age.

21-3-9 **RESTRICTED RESIDENTIAL AREAS.** It shall be unlawful to establish a retail liquor business within the municipality in violation of the restrictions of the Zoning Code. *(See Chapter 40 of the Revised Code)*

21-3-10 **ELECTION DAYS.** All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this Chapter.

21-3-11 **UNLAWFUL ACTS.** It shall be unlawful for any person to do or commit any of the following acts within the City, to-wit:
   (A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Mayor.
   (B) Drink any alcoholic liquors in any public park, except with the permission of the Mayor.
   (C) Drink any alcoholic liquors on any private property without permission of an owner thereof.
   (D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.
21-3-12  **UNLAWFUL ENTERTAINMENT.** No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees [**topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward**], or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

Nor shall any licensee, his agent, servant or employee permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

The following kinds of conduct on premises in this municipality licensed to sell alcoholic liquor are prohibited:

(A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
(B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;
(C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;
(D) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks, genitals, vulva, or anus;
(E) The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

21-3-13  **SANITARY CONDITIONS.** All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. **(See 410 ILCS Sec. 650/1, et seq.)**

21-3-14  **DISEASED EMPLOYEES.** It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. **(See 410 ILCS Sec. 650/10)**

21-3-15  **HEALTH PERMIT.** Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards.
21-3-16 PEDDLING. It shall be unlawful to peddle alcoholic liquor in this municipality. (See 235 ILCS Sec. 5/4-1)

21-3-17 GAMBLING. It is unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away. It shall be unlawful for any licensee, or his agent and/or employee, to give or award a cash prize or equivalent to any person playing any devices or machines defined as a coin-operated amusement device pursuant to Section 7-4-1 of the Revised Code. (See 720 ILCS Sec. 5/28-1) The prohibitions provided for in this Section and any other section of the City of Sullivan’s City Code that may reference gambling, however, shall not apply to any gambling device, device, or gaming event for which a license or permit has been issued by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., so long as such gambling device, device, game or gaming event is conducted in compliance with all requirements of said Act and all rules and regulations of the Illinois Gaming Board. (Ord. No. 12-7; 03-11-12)

21-3-18 DISORDERLY HOUSE. Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. (See 235 ILCS Sec. 5/4-1)

21-3-19 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, or mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except in the performance of a religious ceremony or service. (See 235 ILCS Sec 5/6-16)

21-3-20 PERSONS SELLING LIQUOR. It shall be unlawful for any person under the age of twenty-one (21) years to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any Class “A” or “B” or “D” licensed retail premises. In a Class “C” licensed business, a person may serve if he is eighteen (18) years of age or older. (See 235 ILCS Sec. 5/4-1) (Ord. No. 06-07; 04-10-06)

21-3-21 UNDERAGED; ENTRY ON LICENSED PREMISES. It shall be unlawful for any person under the age of twenty-one (21) years to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class “A” or a Class “B” license unless accompanied by a parent or legal guardian. No holder of a Class “A” or Class “B” license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of twenty-one (21) years not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this section, any holder of a Class “A” or a Class “B” license, or his agent or
employee, may refuse to permit entry onto the licensed premises of any person under the age of **twenty-one (21) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **twenty-one (21) years** is that person’s parent or legal guardian. *(See 235 ILCS Sec- 5/4-1)*

**21-3-22  UNLAWFUL PURCHASE OF LIQUOR.** Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession. *(See 235 ILCS Sec. 5/6-20)*

**21-3-23  IDENTIFICATION REQUIRED.** If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

Proof that the defendant/licensee or his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon. *(See 235 ILCS Sec. 5/6-20)*

**21-3-24  TRANSFER OF IDENTIFICATION CARD.** No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter.

The consumption of alcoholic liquor by any person under the age of **twenty-one (21) years** is forbidden. *(See 235 ILCS Sec. 5/6-20)*

**21-3-25  POSTING WARNING.** In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Municipal Clerk, and which shall read as follows:

**UNDERAGE LIQUOR WARNING**

“YOU ARE SUBJECT TO A FINE UP TO $750 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.”

*Supplement No. 26; 01-01-20*
21-3-26EXCLUSIONARY PROVISION. The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Chapter. (See 235 ILCS Sec. 5/6-20)

21-3-27INSPECTIONS. It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Chief of Police, any police officer, or the Liquor Commissioner for the purpose of making an inspection of such premises or any part thereof. (See 235 ILCS Sec- 5/ 4-4)

21-3-28BOOKS AND RECORDS---AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS. It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Mayor having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. (See 235 ILCS Sec. 5/ 6-10)

21-3-29RESTRICTIONS ON LICENSEE. In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. (See 235 ILCS Sec. 5/ 6-5)

(B) No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. (See 235 ILCS Sec. 5/ 6-17)

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. (See 235 ILCS Sec. 5/ 6-19)

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. (See 235 ILCS Sec. 5/ 6-22)

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. (See 235 ILCS Sec. 5/ 6-15)
21-3-30 SELLING FALSE IDENTIFICATION. Any person who sells, gives, or furnishes to any person under the age of twenty-one (21) years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of twenty-one (21) years evidence of age and identification of any other person is guilty of violating this Code. (See 235 ILCS Sec. 5/6-16)

21-3-31 FALSE IDENTIFICATION. Any person under the age of twenty-one (21) years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity, is guilty of violating this Code. (See 235 ILCS Sec. 5/6-16)

21-3-32 UNDERAGED DRINKING ON STREETS. Any person under the age of twenty-one (21) years who has any alcoholic beverage in his possession on any street or highway or in any public place, or in any place open to the public is guilty of violating this Code. This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. (See 235 ILCS Sec. 5/6-16)

21-3-33 RESIDENTIAL DRINKING. Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence which he or she occupies of two (2) or more persons where any one or more of the persons is under twenty-one (21) years of age and the following factors also apply:
(A) the person occupying the residence knows that any such person under the age of twenty-one (21) is in possession of or is consuming any alcoholic beverage; and
(B) the possession or consumption of the alcohol by the person under twenty-one (21) is not otherwise permitted by this Code and
(C) the person occupying the residence knows that the person under the age of twenty-one (21) leaves the residence in an intoxicated condition.

For the purposes of this section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. (See 235 ILCS Sec. 5/6-16)

21-3-34 RENTING HOTEL ROOMS FOR DRINKING. Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of twenty-one (21) years shall be guilty of violating this Code. (See 235 ILCS Sec. 5/6-16)
ARTICLE IV - VIOLATIONS AND PENALTIES

21-4-1 OWNER OF PREMISES PERMITTING VIOLATION. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. (See 235 ILCS Sec. 5/10-2)

21-4-2 ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. (See 235 ILCS Sec. 5/10-3)

21-4-3 REVOCATION OF LICENSE AFTER CONVICTION. Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Mayor, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. (See 235 ILCS Sec. 5/10-4)

21-4-4 REVOCATION OF LICENSE WHEN EMPLOYEE CONVICTED. Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. (See 235 ILCS Sec. 5/10-5)

21-4-5 MISBRANDING. Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. (See 235 ILCS Sec. 5/10-6)
21-4-6  ABATEMENT OF PLACE USED IN VIOLATION. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. *(See 235 ILCS Sec. 5/10-7)*

21-4-7  USE OF PREMISES FOR ONE YEAR AFTER REVOCATION. When any license has been revoked for any cause, no license shall be granted for the same premises for a period of one (1) year thereafter. *(See 235 ILCS Sec. 5/7-13)*

21-4-8  REVOCATION OF LICENSES. The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for thirty (30) days or revoke any liquor license issued under this Code for violation of any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

(B) To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

(C) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Code or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(D) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(E) To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

(F) The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with Section 21-4-10 of this Code. *(See 235 ILCS Sec. 5/4-4)*

21-4-9  COMPLAINT BY RESIDENTS. Any five (5) residents of the municipality shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any
amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. (See 235 ILCS Sec. 5/7-7)

21-4-10 REVOCATION OR SUSPENSION OF LOCAL LICENSE; NOTICE AND HEARING. The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the Illinois Liquor Act, any valid ordinance adopted by the municipality, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

(A) Fine as Opposed to Suspension or Revocation. In addition to suspension and/or revocation, the Liquor Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars ($1,000.00) for each violation; each day on which a violation continues shall constitute a separate violation. No more than Ten Thousand Dollars ($10,000.00) in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury, as the case may be. (See P.A. 89-0063)

(B) Revocation and Suspension: Notice. However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(C) Hearing. The Liquor Commissioner shall, within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the five (5) days upon the license. The findings of the Commissioner shall be predicted upon competent evidence. (See 235 ILCS Sec. 5/7-5)
21-4-11 APPEALS FROM ORDER OF LIQUOR COMMISSIONER. Except as provided in this section, any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than thirty (30) days to grant a hearing upon a complaint to revoke or suspend a license may within twenty (20) days after notice of such order or action by appealed by any resident of the municipality under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. (See 235 ILCS Sec. 5/7-9)

21-4-12 SUBSEQUENT VIOLATIONS IN A YEAR. In any case in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding twelve (12) month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past twelve (12) month period. (See 235 ILCS Sec. 5/7-9)

21-4-13 APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION. Any appeal of the decision and findings of the Liquor Commissioner in Section 21-4-12 shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within five (5) days after notice of the filing of such appeal is received by the municipality from State Commission. (See 235 ILCS Sec. 5/7-9)
ARTICLE I - IDENTITY THEFT PREVENTION PROGRAM

22-1-1 PURPOSE. The purpose of this Identity Theft Prevention Program (Program) is to protect customers of the Municipality’s utility services from identity theft. The Program is intended to establish reasonable policies and procedures to facilitate the detection, prevention and mitigation of identity theft in connection with the opening of new Covered Accounts and activity on existing Covered Accounts.

22-1-2 SCOPE. This Program applies to the creation, modification and access to Identifying Information of a customer of one or more of the utilities operated by the Municipality (electric, natural gas, water and waste water) by any and all personnel of the Municipality, including management personnel. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

22-1-3 DEFINITIONS. When used in this Program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning:

“Covered Account”: The term “covered account” means an account that the Municipality offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments of transactions (16 CFR 681.2(b)(3)(i)). A utility account is a “covered account”. The term “covered account” also includes other accounts offered or maintained by the Municipality for which there is a reasonably foreseeable risk to customers, the Municipality or its customers from identity theft (16 CFR 681.2(b)(3)(ii)).

“Identity Information”: The term “identifying information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official State or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of “identifying information” are set forth in 16 CFR § 603.2(a).

“Identity Theft”: The term “identity theft” means a fraud committed or attempted using the identifying information of another person without authority (16 CFR §681.2(b)(8) and 16 CFR §603.2(a)).
“Red Flag”: The term “Red Flag” means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Certain terms used but not otherwise defined herein shall have the meanings given to them in the FTC’s Identity Theft Rules (16 CFR Part 681) or the Fair Credit Reporting Act of 1970 (15 U.S.C. §1681 et seq.), as amended by the Fair and Accurate Credit Transactions Act of 2003 into law on December 4, 2003 (Public Law 108-159).

22-1-4 ADMINISTRATION OF THE PROGRAM. The initial adoption and approval of the Identity Theft Prevention Program shall be by Ordinance of the City Council. Thereafter, changes to the Program of a day-to-day operational character and decisions relating to the interpretation and implementation of the Program may be made by the Program Administrator. Major changes or shifts of policy positions under the Program shall only be made by the City Council.

Development, implementation, administration and oversight of the Program will be the responsibility of the Program Administrator. The Program Administrator may, but shall not be required to, appoint a committee to administer the Program. The Program Administrator shall be the head of any such committee. The Program Administrator will report at least annually to the City Council regarding compliance with this Program.

Issues to be addressed in the annual Identity Theft Prevention Report include:
(A) The effectiveness of the policies and procedures in addressing the risk of Identity Theft in connection with the opening of new Covered Accounts and activity with respect to existing Covered Accounts.
(B) Service provider arrangements.
(C) Significant incidents involving Identity Theft and management’s response.
(D) Recommendations for material changes to the Program, if needed for improvement.

22-1-5 IDENTITY THEFT PREVENTION ELEMENTS.

IDENTIFICATION OF RELEVANT RED FLAGS. The Municipality has considered the guidelines and the illustrative examples of possible Red Flags from the FTC’s Identity Theft Rules and has reviewed the Municipality’s past history with instances of identity theft, if any. The Municipality hereby determines that the following are the relevant Red Flags for purposes of this Program given the relative size of the Municipality and the limited nature and scope of the services that the Municipality provides to its citizens:

(A) Alerts, Notifications, or Other Warnings Received From Consumer Reporting Agencies or Service Providers.

(1) A fraud or active duty alert is included with a consumer report or an identity verification response from a credit reporting agency.
(2) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.

(3) A consumer reporting agency provides a notice of address discrepancy, as defined in §681.1(b) of the FTC's Identity Theft Rules.

(4) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
   (a) A recent and significant increase in the volume of inquiries;
   (b) An unusual number of recently established credit relationships;
   (c) A material change in the use of credit, especially with respect to recently established credit relationships; or
   (d) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

(B) The Presentation of Suspicious Documents.

(1) Documents provided for identification appear to have been altered or forged.

(2) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

(3) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

(4) Other information on the identification is not consistent with readily accessible information that is on file with the Municipality, such as a signature card or a recent check.

(5) An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

(C) The Presentation of Suspicious Personal Identifying Information, Such as a Suspicious Address Change.

(1) Personal identifying information provided is inconsistent when compared against external information sources used by the Municipality. For example:
   (a) The address does not match any address in the consumer report or CRA ID Check response; or
   (b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.

(2) Personal identifying information provided by the customer is not consistent with other personal identifying information
provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

(3) Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Municipality. For example:
   (a) The address on an application is the same as the address provided on a fraudulent application; or
   (b) The phone number on an application is the same as the number provided on a fraudulent application.

(4) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Municipality. For example:
   (a) The billing address on an application is fictitious, a mail drop, or a prison; or
   (b) The phone number is invalid, or is associated with a pager or answering service.

(5) The SSN provided is the same as that submitted by other persons opening an account or other customers.

(6) The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.

(7) The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

(8) Personal identifying information provided is not consistent with personal identifying information that is on file with the Municipality.

(9) If the Municipality uses challenge questions, the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(D) The Unusual Use of, or Other Suspicious Activity Related to, the Covered Account.

(1) Shortly following the notice of a change of address for a covered account, the Municipality receives a request for the addition of authorized users on the account.

(2) A new utility account is used in a manner commonly associated with known patterns of fraud patterns. For example: the customer fails to make the first payment or makes an initial payment but no subsequent payments.

(3) A covered account with a stable history shows irregularities.
(4) A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors.

(5) Mail sent to the customer is returned repeatedly as undeliverable although usage of utility products or services continues in connection with the customer's covered account.

(6) The Municipality is notified that the customer is not receiving paper account statements.

(7) The Municipality is notified of unauthorized usage of utility products or services in connection with a customer's covered account.

(E) Notice of Possible Identity Theft.

(1) The Municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

22-1-6 DETECTION OF RED FLAGS. The employees of the Municipality that interact directly with customers on a day-to-day basis shall have the initial responsibility for monitoring the information and documentation provided by the customer and any third-party service provider in connection with the opening of new accounts and the modification of, or access to, existing accounts and the detection of any Red Flags that might arise. Management shall see to it that all employees who might be called upon to assist a customer with the opening of a new account or with modifying or otherwise accessing an existing account are properly trained such that they have a working familiarity with the relevant Red Flags identified in this Program so as to be able to recognize any Red Flags that might surface in connection with the transaction. An Employee who is not sufficiently trained to recognize the Red Flags identified in this Program shall not open a new account for any customer, modify any existing account or otherwise provide any customer with access to information in an existing account without the direct supervision and specific approval of a management employee. Management employees shall be properly trained such that they can recognize the relevant Red Flags identified in this Program and exercise sound judgment in connection with the response to any unresolved Red Flags that may present themselves in connection with the opening of a new account or with modifying or accessing of any existing account. Management employees shall be responsible for making the final decision on any such unresolved Red Flags.

The Program Administrator shall establish from time to time a written policy setting forth the manner in which a prospective new customer may apply for service, the information and documentation to be provided by the prospective customer in connection with an application for a new utility service account, the steps to be taken
by the employee assisting the customer with the application in verifying the customer’s identity and the manner in which the information and documentation provided by the customer and any third-party service provider shall be maintained. Such policy shall be generally consistent with the spirit of the Customer Identification Program rules (31 CFR 103.121) implementing Section 326(a) of the USA PATRIOT Act but need not be as detailed. The Program Administrator shall establish from time to time a written policy setting forth the manner in which customers with existing accounts shall establish their identity before being allowed to make modifications to or otherwise gain access to existing accounts.

22-1-7 RESPONSE TO DETECTED RED FLAGS. If the responsible employees of the Municipality as set forth in the previous section are unable, after making a good faith effort, to form a reasonable belief that they know the true identity of a customer attempting to open a new account or modify or otherwise access an existing account based on the information and documentation provided by the customer and any third-party service provider, the Municipality shall not open the new account or modify or otherwise provide access to the existing account as the case may be. Discrimination in respect to the opening of new accounts or the modification or access to existing accounts will not be tolerated by employees of the Municipality and shall be grounds for immediate dismissal.

The Program Administrator shall establish from time to time a written policy setting forth the steps to be taken in the event of an unresolved Red Flag situation. Consideration should be given to aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in unauthorized access to a customer’s account, or a notice that a customer has provided account information to a fraudulent individual or website. Appropriate responses to prevent or mitigate identity theft when a Red Flag is detected include:

(A) Monitoring a Covered Account for evidence of Identity Theft.
(B) Contacting the customer.
(C) Changing any passwords, security codes, or other security devices that permit access to a Covered Account.
(D) Reopening a Covered Account with a new account number.
(E) Not opening a new Covered Account.
(F) Closing an existing Covered Account.
(G) Not attempting to collect on a Covered Account or not selling a Covered Account to a debt collector.
(H) Notifying law enforcement.
(I) Determining that no response is warranted under the particular circumstances.
22-1-8  PROGRAM MANAGEMENT AND ACCOUNTABILITY.

(A)  **Initial Risk Assessment - Covered Accounts.** Utility accounts for personal, family and household purposes are specifically included within the definition of “covered account” in the FTC’s Identity Theft Rules. Therefore, the Municipality determines that with respect to its residential utility accounts it offers and/or maintains covered accounts. The Municipality also performed an initial risk assessment to determine whether the utility offers or maintains any other accounts for which there are reasonably foreseeable risks to customers or the utility from identity theft. In making this determination the Municipality considered (1) the methods it uses to open its accounts, (2) the methods it uses to access its accounts, and (3) its previous experience with identity theft, and it concluded that it does not offer or maintain any such other covered accounts.

(B)  **Program Updates - Risk Assessment.** The Program, including relevant Red Flags, is to be updated as often as necessary but at least annually to reflect changes in risks to customers from Identity Theft. Factors to consider in the Program update include:

1. An assessment of the risk factors identified above.
2. Any identified Red Flag weaknesses in associated account systems or procedures.
5. Changes in business arrangements, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

(C)  **Training and Oversight.** All staff and third-party service providers performing any activity in connection with one or more Covered Accounts are to be provided appropriate training and receive effective oversight to ensure that the activity is conducted in accordance with policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

22-1-9  **OTHER LEGAL REQUIREMENTS.** Awareness of the following related legal requirements should be maintained:

(A)  31 U.S.C. 5318 (g) - Reporting of Suspicious Activities
(B)  15 U.S.C. 1681 c-1 (h) - Identity Theft Prevention; Fraud Alerts and Active Duty Alerts - Limitations on Use of Information for Credit Extensions
(C)  15 U.S.C. 1681 s-2 - Responsibilities of Furnishers of Information to Consumer Reporting Agencies
(D)  15 U.S.C. 1681 m - Requirements on Use of Consumer Reports

(Ord. No. 08-29; 10-27-08)
ARTICLE II – POLICY PROHIBITING SEXUAL HARASSMENT

22-2-1 PROHIBITION ON SEXUAL HARASSMENT. It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this City to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

22-2-2 DEFINITION OF SEXUAL HARASSMENT. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

(A) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
(3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(B) Conduct which may constitute sexual harassment includes:

(1) Verbal. Sexual innuendoes, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
(2) Non-verbal. Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking” or “kissing” noises.
(3) Visual. Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
(4) Physical. Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
(5) Textual/Electronic. “Sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking or threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and
depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

22-2-3 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the offending employee, and his/her immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following:

(1) **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

(2) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the Municipality.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.

(3) **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within three hundred (300) days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within three hundred (300) days.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated
with their investigation and the questions of credibility involved, the claimant’s willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

22-2-4  PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

(A) No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee’s:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

(B) For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee’s involvement in protected activity pursuant to this policy.

(C) No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(D) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation;
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee; or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

(E) Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

(F) According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint,
testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

(G) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge - either due within three hundred (300) days of the alleged retaliation.

22-2-5 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT. In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to Seven Hundred Fifty Dollars ($750.00) per offense, applicable discipline or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

22-2-6 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT. A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State’s Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to Seven Hundred Fifty Dollars ($750.00) against any person who intentionally makes a false, frivolous or bad faith allegation.

(Ord. No. 18-21; 11-13-18)
CHAPTER 23
MOBILE HOUSING CODE

ARTICLE I - GENERAL PROVISIONS

23-1-1 DEFINITIONS. The terms used in this Code shall have the following meanings:

“AFFIDAVIT” means an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

“APPLICANT” means any person making application for a license or permit.

“I MMOBILIZED MOBILE HOME” means a mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and hitch removed and the home secured in compliance with the Mobile Home Tiedown Act, Chapter 210; Sec. 120/1 et seq. of the Illinois Compiled Statutes.
   (A) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. (See 210 ILCS Sec. 115/2.10)

“LICENSE” means a license certificate issued by the City allowing a person to operate and maintain a mobile home park under the provisions of this Code and the rules and regulations issued hereunder.

“LICENSEE” means any person having a license or permit under this Chapter.

“MOBILE HOME” means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons. The term “mobile home” shall only include manufactured homes constructed after June 30, 1976, in accordance with the Federal “National Manufactured Housing Construction and Safety Standards Act of 1974”. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a “mobile home”, but shall be an “immobilized mobile home”. A mobile home should not be confused with a “camping trailer” or “recreational vehicle”. (See 210 ILCS Sec. 115/2.1)
“MOBILE HOME, DEPENDENT” means a mobile home which does not have a toilet and bath or shower facilities.  (See 210 ILCS Sec. 115/ 2.3)

“MOBILE HOME, DOUBLE-WIDE” consists of two (2) mobile units joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

“MOBILE HOME, INDEPENDENT” means a mobile home which has self-contained toilet and bath or shower facilities.  (See 210 ILCS Sec. 115/ 2.4)

“MOBILE HOME LOT” means a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

“MOBILE HOME MODULE” means a factory-fabricated building unit transported to a building site, mounted on a permanent foundation supporting the outside perimeter walls, and is designed for residential use.

“MOBILE HOME PAD” means that part of an individual mobile home space or lot beneath the mobile home, including the concrete portion of the pad.

“MOBILE HOME PARK” means a tract of land or two (2) or more contiguous tracts of land upon which contain sites with the necessary utilities for two (2) or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.  Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park.  (See 210 ILCS Sec. 115/ 2.5)

“MOBILE HOME SALES AREA” means a parcel of land used for the display, sale, and repair of new or used mobile homes.

“MOBILE HOME SPACE” means a portion of a mobile home park designed for the use or occupancy of one (1) mobile home.

“MOBILE HOUSING UNIT” includes all forms of housing units listed in this section and as regulated in this Code.

“OWNER” or “OPERATOR” means the licensee.

“PERMANENT HABITATION” means a period of two (2) or more months.  (See 210 ILCS Sec. 115/ 2.2)
“PERMIT” means a certificate issued by the City, permitting the construction, alteration, or reduction in number of spaces of a mobile home park under the provisions in this Code.

“PERSON” means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof or any other entity.

“REVOCATION” means to declare invalid a permit or license issued to the applicant or licensee by this City for an indefinite period of time.

“SITE” means the lot on which the mobile home is located for permanent habitation. (See 210 ILCS Sec. 115/2.7)

“SPACE” shall be synonymous with “Mobile Home Space”.

“SUSPENSION” means to declare invalid a permit or license issued to the applicant or licensee by this City for a temporary period of time with an expectation of resumption.

23-1-2 STATE REQUIREMENTS ADOPTED BY REFERENCE. The Illinois Mobile Home Park Act and the Mobile Home Tiedown Act (77 Ill. Adm. Code 870) of the Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by the Illinois General Assembly are hereby adopted by the City. The applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the corporate limits of the City.

23-1-3 MANUFACTURED HOUSING ACT ADOPTED. The Illinois Manufactured Housing and Mobile Home Act, as passed and approved by the Illinois General Assembly are hereby adopted by the City, the applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the City. (See 430 ILCS Sec. 115/1 et seq.)

23-1-4 ILLINOIS DEPARTMENT OF PUBLIC HEALTH ADOPTED AND REGULATIONS. The Manufactured Home Community Code as approved by the Illinois Department of Public Health (1998) is hereby adopted by the City. The applicable provisions as they pertain to Manufactured Home community shall be controlling within the corporate limits.
23-1-5  NATIONAL SAFETY STANDARDS. No mobile home, immobilized mobile home or manufactured home shall be located in the City unless the unit has the National Manufactured Housing Construction and Safety Standards metal seal affixed thereto.

23-1-6  SKIRTING. Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all mobile housing units within sixty (60) days of the placement of the unit.

23-1-7  FIRE EXTINGUISHERS. All mobile housing units located in the City shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size so that they will reasonably protect the mobile housing units. All fire extinguishers shall be approved by the Fire Chief or his designated representative prior to installation. (See 425 ILCS Secs. 60/1-60/4)

23-1-8  INSPECTION. Each Mobile Housing unit located in the City shall be subject to reasonable inspection by an official or officials designated by the City Council.

23-1-9  OFF-STREET PARKING. Every owner of a mobile housing unit shall provide for a dustless, off-street parking area of four hundred (400) square feet.
ARTICLE II
IMMOBILIZED MOBILE HOMES

23-2-1 IMMobilized mobile homes. All immobilized mobile homes located in the City shall be classified as real estate; therefore, it is mandatory for all persons owning, operating, renting, or leasing an existing mobile home outside a mobile home park to remove or cause to have removed the wheels or any other transportation device from the mobile home. The owner or lessor shall permanently fix it to the ground in a manner that conforms to the definition of an immobilized mobile home in this Code. All existing mobile homes, when replaced, shall comply with the immobilization provisions of this Code.

23-2-2 PERMIT - FEE. All persons seeking to locate or replace a mobile home or an immobilized mobile home outside a mobile home park shall obtain a Building (Zoning Occupancy) Permit from the City Clerk. No utility services shall be connected to the unit until the City has issued the appropriate permits. The fee to locate or relocate a mobile home or immobilized mobile home shall be Twenty-Five Dollars ($25.00).

23-2-3 LOT SIZE. All immobilized mobile homes shall be located in the City, according to the requirements and restrictions of this Code and the Zoning Code.

23-2-4 DEPENDENT MOBILE HOMES. No dependent mobile home, as defined in Section 23-1-1, shall be permitted in the City unless in a licensed travel-trailer park. At no time shall anyone use a dependent mobile home as a permanent residence or dwelling.

23-2-5 CONCRETE PADS. All immobilized mobile homes shall be placed on either a reinforced concrete pad at least fourteen feet wide by sixty feet in length (14’ x 60’), two (2) reinforced concrete runners four feet wide and sixty feet in length (4’ x 60’), or on concrete piers approved by the City Council. The concrete pads shall consist of four (4) inches of reinforced concrete or six (6) inches of concrete. A concrete footing is optional. All piers and footings for immobilized mobile homes shall comply with this Code. Expandable units shall be provided with approved piers or their equivalent at each corner of the units.

23-2-6 LIMIT OF UNITS. There shall be only one (1) immobilized mobile home or mobile home per lot in the City.
ARTICLE III - MOBILE HOME PARKS

DIVISION I - ADMINISTRATION REQUIREMENTS

23-3-1 COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE. Every mobile home park hereafter established in the City shall, at a minimum, conform to the requirements of:
   (A) “An Act to Provide for, License, and Regulate Mobile Homes and Mobile Home Parks”. (See 210 ILCS Sec. 115/1 et seq.)
   (B) “Rules and Regulations for Mobile Home Parks”, Illinois Department of Public Health, Consumer Protection Division, as now or hereafter amended, and
   (C) This Code.
   (D) The Zoning Code.
   In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

23-3-2 PLANNING. Any person seeking to establish, operate, alter, or expand a mobile home park shall obtain a permit to construct or a license to operate a mobile home park.

“Construct or operate a mobile home park”, as used in this Code shall include, but not necessarily be limited to supplying or maintaining common water, sewer, or other utility supplies or services, or the collection of rents directly or indirectly from two (2) or more independent mobile homes. (All plans shall be submitted to the City Council or Plan Commission for approval prior to the granting of a permit.)

23-3-3 LOCAL GOVERNMENT REQUIREMENTS. A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto.

23-3-4 PERMITS. The Plan Commission shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the “Rules and Regulations for Mobile Home Parks”, as promulgated by the Illinois Department of Public Health, the City Council may issue the proper permit to construct or alter a mobile home park to the applicant. Permits shall be valid for one (1) year from date of issue.
23-3-5  **INSPECTION OF MOBILE HOME PARK.** Upon completion of the proposed construction of a mobile home park or the proposed alteration of a mobile home park, the applicant shall notify the City Clerk in order that an inspection of the complete facilities can be made.

23-3-6  **VIOLATION PROCEEDINGS.** Any license granted hereunder shall be subject to revocation or suspension by the Mayor. However, the Mayor or his representative shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statutes, or any rules or regulations promulgated by the City pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within five (5) days or within a longer period of time as may be allowed by the City Council. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the Mayor or his representative may revoke or suspend such license.

23-3-7  **PERMIT REQUIRED.** Each mobile home that locates on a lot in a mobile home park shall secure an initial Building (Zoning) Permit from the City. All future locations on the same lot shall be exempt from the fee.

23-3-8 - 23-3-9 **RESERVED.**
DIVISION II

DESIGN AND CONSTRUCTION REQUIREMENTS

23-3-10 PLAN DOCUMENT. In order to obtain a permit to construct or an original license to operate a mobile home park, the applicant shall file with the City Clerk a written application and plan documents and such plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed. Two (2) copies of the plan document shall accompany the application filed with the City Clerk to obtain a permit to construct or alter a mobile home park or an original license to operate a mobile home park, not previously licensed by the Department. These plans shall include, but not be limited to the design and construction criteria set forth herein.

23-3-11 APPLICATION. (A) Every applicant shall file with the City Clerk a written application and plan documents for the proposed construction or alteration of a mobile home park. (B) The application shall be completed by the applicant and the engineer or architect and shall include:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.

(2) The proposed method of lighting the structures and land upon which the mobile home park is to be located.

(3) The plot plans of the mobile home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.

(4) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.

(5) Each application shall be accompanied by an application fee of One Hundred Dollars ($100.00) for a permit to construct, or an application fee of Twenty-Five Dollars ($25.00) for a permit to alter to increase the size of the park.
23-3-12 LOCATION.  
(A) Sites selected for mobile home development shall be well-drained and free from topographical or geological hinderances and from other conditions unfavorable to a proper residential environment. The mobile home development shall not be located near swamps, marshes, or other breeding places of insects, rats and mice. When a good, natural drainage is not available, storm drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse. 
(B) The City Council may authorize a site survey to ascertain that the proposed location complied with the above requirements.

23-3-13 ROADWAYS AND PARKING.  
(A) All streets and driveways in every park shall be constructed in compliance with the Subdivision Code.  
(B) All streets in parks constructed shall have a minimum right-of-way of fifty feet (50') and a minimum road width of thirty-two feet (32') for the purpose of this Code, and shall be considered private streets to be maintained by the park owner or operator. 
If a mobile home park has more than fifty (50) units, a wider street may be required by the corporate authorities.  
(C) Sidewalks and walkways shall be constructed abutting a street in a mobile home park and shall be a minimum of four feet (4') in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a mobile home shall block, in any way, the pedestrian traffic on the walkways.

23-3-14 - 23-3-16 RESERVED.
DIVISION III - GENERALLY

23-3-17 LOT SIZE. The minimum lot size for a mobile home pad shall be four thousand (4,000) square feet, with a minimum frontage of fifty (50) feet.

23-3-18 MISCELLANEOUS RESTRICTIONS.
(A) No mobile home unit parked in a mobile home park shall be immobilized.
(B) Not more than one (1) mobile home unit shall be parked in one (1) space.
(C) No travel-trailer shall be permitted in any mobile home park, unless a special area has been approved for that purpose by the City Council.

23-3-19 - 23-3-20 RESERVED.

DIVISION IV - FEES

23-3-21 RESERVED. (Ord. No. 01-09; 06-11-01)

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I - DEFINITIONS

24-1-1 ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED. The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 625, Chapter 1, entitled "Title and Definitions", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City, the provisions thereof shall be controlling within the corporate limits of the City. (See 65 ILCS Sec. 5/1-3-2)

ARTICLE II - GENERAL REGULATIONS

24-2-1 OBEDIENCE TO POLICE. Members of the Police Department, Special Police, and Auxiliary Police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. (See 625 ILCS Sec. 5/11-203)

24-2-2 SCENE OF FIRE. The Fire Department officer in command or any fireman designated by him may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Police Department.

24-2-3 SIGNS AND SIGNALS. It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois except upon direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. It shall be unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device. Schedule “V” - Signs and Signals shall be an integral part of this Section. (See 625 ILCS 5/11-301)
24-2-4  **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

(A) No person may place or maintain nor may any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(B) Every such prohibited sign, signal or marking is a public nuisance and any policeman is empowered to remove the same or cause it to be removed without notice.

24-2-5  **INTERFERENCE WITH SIGNS OR SIGNALS.** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

24-2-6  **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the City any sign, signal, marking or device other than a traffic sign or signal authorized by the City Council or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. *(See Chapters 27 and 33) (Also See Chapter 40 - Zoning Code)*

24-2-7  **ANIMALS OR BICYCLES.** Any person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. *(See 625 ILCS Sec. 5/11-206)*

24-2-8  **REGULATION OF SKATEBOARDS, IN-LINE SKATES (ROLLERBLADES OR ROLLERSKIS) AND ROLLER SKATES.** All on-street operation of skateboards, in-line skates (rollerblades and rollerskis) and rollerskates shall be conducted as far to the right of the traffic lane as possible, in a single file and flowing with traffic. All
operations of these skateboards, in-line skates and rollerskates shall be during daylight hours unless the operator has a white light showing to the front and is wearing some type of reflective clothing or reflective strips on his or her clothing which can be seen from a distance of five hundred (500) feet to the rear and side. Further, all operation shall be consistent with the rules of the road established for bicycles. Skateboards, in-line skates and rollerskates shall be allowed on all City streets and sidewalks except for those listed in Schedule "Z" at the conclusion of this Code.
ARTICLE III - STOP AND THROUGH STREETS

24-3-1  THROUGH STREETS.  The streets and parts of streets of the City designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See Schedule "A" for applicable through and stop streets.

24-3-2  ONE-WAY STREETS OR ALLEYS.  It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See Schedule "B" for the designated one-way streets and alleys. (See 625 ILCS Sec. 5/11-208)

24-3-3  STOP STREETS.  The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See Schedule "A" for designated stop intersections. (See 625 ILCS Sec. 5/11-302)

24-3-4  YIELD RIGHT-OF-WAY STREETS.  The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. (See Schedule "C")

24-3-5  SCHOOL CROSSING SIGNALS.  
(A)  Definition: School Crossing Signal.  A permanently mounted two-way electrically operated signal device equipped with two-way, two color (red and yellow) signal heads, together with a square shaped, single-faced sign reading, "School Cross Walk", by which at predetermined times and when actuated by push-button, traffic is directed to stop so as to permit school children to cross the street or highway safely.
(B) Whenever the red lens of a school crossing signal is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and 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 may proceed but shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection. If in the event a school crossing signal is erected and maintained at a place other than an intersection, the provisions of this Section also shall be applicable, except as to provisions which by their nature can have no application.

(C) School crossing signals shall be erected at the following locations, and if such locations are under the jurisdiction of the State of Illinois, Department of Public Works and Buildings, the erection of such signals shall be subject to the approval of said Department.

(1) At the intersection of Adams and Hamilton streets on State Route #32 in Sullivan, Illinois.

(D) All vehicles and all persons operating any vehicles approaching the stop sign when the sign is present and in place at the crosswalk on Main Street at the east side of the front entrance of the Sullivan High School, which sign shall be located on Main Street approximately three hundred twenty-five (325) feet north of the intersection of Main Street and Magill Street, including both northbound and southbound traffic, shall be required to come to a complete stop before proceeding in either direction across the crosswalk.

24-3-6 POSTING SIGNS. Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. (See 625 ILCS Sec. 5/11-304)
ARTICLE IV - DRIVING RULES

24-4-1  ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.

The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 625, Section 11, entitled "Rules of the Road", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City except for the following changes, deletions and omissions:

(A) Omissions:


(B) Changes and Additions:

(1) Change 11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."

(2) Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

24-4-2  DRIVING RULES.

(A) Careless Driving. It shall be unlawful to operate a vehicle in the City in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage, or endanger persons or property engaged in the lawful use of the street.

(B) Drag Racing. No person shall participate within the City in drag racing as such activity is defined by 625 ILCS Sec. 5/11-504.

(C) Fleeing or Attempting to Elude Police Officer. Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails to or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.

[Supplement No. 25; 01-01-19]
(D) **Unlawful Possession of Highway Sign or Marker.** Traffic control signals, signs or markers owned by the City shall be possessed only by the City's employees, police officers, contractors, or their employees engaged in highway construction, contract or work upon the roadways or public ways approved by the City. No person shall possess a traffic control signal, sign or marker owned by the City except as provided in this paragraph without the prior written authority of the City. It shall be a violation of this Chapter for a person to possess such a traffic control signal, sign or marker without lawful authority.

(E) **Special Speed Limitations on Elevated Structures.** No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is sign-posted.

Upon the trial of any person charged with the violation of this section, proof of the determination of the maximum speed by the City and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. (See 625 ILCS Sec. 5/11-608)

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the City Council, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **Schedule “D”** shall list the applicable streets that have specific speed limits thereon. (See 625 ILCS Sec. 5/11-604)

(G) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This section shall not be applicable unless appropriate signs are posted upon streets and maintained by the City or State wherein the school zone is located. (See 625 ILCS Sec. 5/11-605)

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and alleys of this City at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(I) **Traffic Lane Usage.** Whenever any roadway within the City has been divided into **two (2)** or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(J) **U-Turns Prohibited.** No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets in the City.
24-4-3  **DUTY TO REPORT ACCIDENT.** The driver of a vehicle which is in any manner involved in an accident within the City shall, without unnecessary delay, notify the Police Department and shall make a report of such action. Failure to report an accident within the City within **twenty-four (24) hours** shall result in arrest of the person or persons involved. *(See 625 ILCS Sec. 5/11-415)*

24-4-4  **TRANSPORTING LIQUOR IN VEHICLES.** No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle in this City except in the original container and with the seal unbroken. *(See 625 ILCS Sec. 5/11-502)*

24-4-5  **EXCESSIVE NOISE - STOPPED VEHICLE.** No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

24-4-6  **EXCESSIVE NOISE - WHEELS.** No operator of a motor vehicle shall when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

24-4-7  **EXCESSIVE NOISE - SQUEALING TIRES.** No operator of a motor vehicle shall cause the wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. *(See 625 ILCS Sec. 5/11-505)*

24-4-8  **RECKLESS, NEGLIGENT OR CARELESS DRIVING.** It shall be unlawful to operate any vehicle in the City in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

24-4-9  **EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.
24-4-10  **SOUND AMPLIFICATION SYSTEMS.** No driver of any motor vehicle within this State shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation.  *(See 65 ILCS Sec. 5/12-611)*

24-4-11  **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 and turning the front wheels to the curb or side of the highway.

24-4-12  **TRAFFIC NOT TO BE OBSTRUCTED.** No vehicle shall be operated or allowed to remain upon any street in such manner as to form an unreasonable obstruction to traffic thereon, or to impede any parked car from leaving its parking space.
ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 MUFFLER. No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise. (See 625 ILCS Sec. 5/12-602)

24-5-2 OBSTRUCTIONS TO VISION. It shall be unlawful to operate any vehicle which is loaded or in such a condition that the operator thereof does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicle which is so constructed or loaded that the driver’s view of the roadway to the rear is obstructed shall be equipped with a mirror so attached as to give him a view of the roadway behind.

24-5-3 LIGHTS. It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of State law.

24-5-4 HORNs AND WARNING DEVICES.
(A) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use such horn when upon a highway.
(B) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this Section. Any authorized emergency vehicle may be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet, but such siren, whistle or bell shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law in which said latter events the driver of such vehicle shall sound the siren, whistle or bell when necessary to warn pedestrians and other drivers of the approach thereof.
(C) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.

24-5-5 BRAKES. It shall be unlawful to drive any vehicle upon any street in the City unless such motor vehicle is equipped with good and sufficient brakes in good working order, as required by the State traffic law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanism operating the brakes of such vehicle.
24-5-6 TIRES. It shall be unlawful to operate on any street any motor vehicle which is not equipped with tires conforming to the requirements of the State traffic law.

24-5-7 NONSKID DEVICES. It shall be unlawful to operate any vehicle upon any street equipped with any nonskid devices, lugs, steel wheels or other traction devices as provided by State law.

24-5-8 WIDTH, LENGTH, HEIGHT OF VEHICLE AND LOAD.
(A) The maximum width, length and height of any vehicle and its load shall not exceed the limits expressed in the Illinois State Traffic Law.
(B) No passenger-type vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.
(C) No combination of vehicles coupled together shall consist of more than two (2) units, but such limitation shall not apply to vehicles operated in daytime when transporting pipes, poles, machinery and other objects which cannot be readily dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work, but such loads carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.
(D) No part of the load of a vehicle shall extend more than three (3) feet in front of the extreme front portion of the vehicle.

24-5-9 WEIGHT OF VEHICLE.
(A) It shall be unlawful to drive on any concrete street any motor vehicle with a weight, including the weight of the load, in excess of that permitted by the State traffic law for driving on improved highways or with the weight distributed in a manner not conforming to such law.
(B) It shall be unlawful to drive on any improved street other than concrete paved streets, any motor vehicle with a weight, including the weight of the load, in excess of twenty thousand (20,000) pounds, except for deliveries to premises located on such improved streets.

24-5-10 CITY VEHICLE IDENTIFICATION. All City vehicles shall have uniform decals or lettering on the drivers and passenger doors of all vehicles operated by the City departments. Lettering shall indicate the department to which it is assigned. Also all off the highway equipment shall have uniform lettering or decal indicating the department to which it is assigned. (Ord. No. 03-03; 05-12-03)
ARTICLE VI - PARKING RULES

24-6-1 TIME LIMIT PARKING. It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

24-6-2 PARKING FOR SALE, REPAIR OR PEDDLING PROHIBITED. No person shall park a vehicle upon any street for the purpose of:
   (A) displaying such vehicle for sale; or
   (B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary; or
   (C) peddling merchandise.

24-6-3 PRIVATE PROPERTY. It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

24-6-4 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.
   (A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:
      (1) Stop, Stand or Park a Vehicle:
         (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
         (b) On a sidewalk.
         (c) Within an intersection.
         (d) On a crosswalk.
         (e) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
         (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
         (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
         (h) On any railroad tracks.
         (i) At any place where official signs prohibit stopping.
         (j) On any controlled-access highway.
         (k) In the area between roadways of a divided highway, including crossovers.
         (l) In any alley that is open and maintained.
      (2) Stand or Park a Vehicle (whether occupied or not, except momentarily to pick up or discharge passengers):
(a) In front of a public or private driveway.
(b) Within **fifteen (15) feet** of a fire hydrant.
(c) Within **twenty (20) feet** of a crosswalk at an intersection.
(d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.
(e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).
(f) At any place where official signs prohibit standing or parking.
(g) In an area **three (3) parking spaces** in width officially designated as a fire lane in front of the Little Theatre on the Square on Harrison Street **one (1) hour** prior to the doors opening and during theater performances. The curb in front of said spaces shall be appropriately marked as a fire lane by the City. (Ord. No. 05-26; 09-25-05)

3 Parking a Vehicle (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):

(a) within **fifty (50) feet** of the nearest rail of a railroad crossing;
(b) at any place where official signs prohibit parking;
(c) in yellow zones.

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.

(D) **Truck Parking Prohibitions.** No person shall park any vehicle, vehicles or trailer the length of which exceeds **twenty (20) feet** or any Second Division vehicle licensed for an "F" classification or higher:

(1) Upon any street, alley or any public way within the City except for the purpose and time period reasonably necessary to load and unload the same.

(2) Upon public or private property within the City with the motor running for a continuous period in excess of **thirty (30) minutes.** (See 625 ILCS Sec. 5/3-815)

**24-6-5 PARKING FOR THE HANDICAPPED.**

(A) **Designated Parking.** Certain parking spaces within the confines of the City shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.

(B) **Use of Designated Handicapped Parking.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq. furnished by the City.
(C) Application for Illinois Handicapped Registration Plate. The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. (See 625 ILCS Sec. 5/11-1301.2)

(D) Penalty. Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency of a City Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance with departmental policies and in accordance with Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes. The registered owner of the vehicle as ascertained by the registration plates of the vehicle will be presumed to be in control of the vehicle and will be fined One Hundred Dollars ($100.00). The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle.

(E) Handicapped Parking Areas. Those places designated as "Handicapped Parking Spaces" are listed in Schedule "H".

24-6-6 LOAD LIMITS.

(A) Established. There is hereby established "gross load limit" on City streets listed in Schedule "J". The term "gross load limit" shall mean the total weight of a vehicle and the load it is carrying. All load limits shall be governed by Illinois Department of Transportation regulations.

24-6-7 TRUCKS PARKING IN CERTAIN DESIGNATED AREAS.

(A) It shall be unlawful for the operator or owner of any motor vehicle except a passenger vehicle, public utility truck or trucks licensed by the State under the classification of A or B license, to park such vehicle within residential areas in the City for a period of longer than one (1) hour. For the purpose of this paragraph, recreational vehicles classified as RV by the State shall not be considered above an A or B license.

(B) It shall be unlawful to park any vehicle weighing in excess of eight thousand (8,000) pounds gross weight, including vehicle and maximum load, within any residential area of the City for a period of longer than one (1) year.

(C) The requirements of this Section shall not apply to commercial vehicles parked within the City limits for the purpose of delivering or collecting persons, materials or merchandise or performing some service to the residents on whose property or adjacent to whose property the vehicle is being parked. (Ord. No. 87-20; 12-14-87)

24-6-8 TOWING CARS AWAY. The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard,
blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of twenty-four (24) hours.

Vehicles towed away shall be stored on any City property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the City in removing and storing such vehicle(s).

24-6-9 PARKING VIOLATIONS. Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the City Ten Dollars ($10.00) for each such offense and Fifteen Dollars ($15.00) for the second offense within six (6) months. Such payment may be made at the City Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least five (5) days.

Provided, this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police and Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department.

(A) Removal - Time Limit. Any vehicle illegally parked for a period in excess of twenty-four (24) hours may be removed by a towing service authorized by the Police Department of the municipality. In any emergency, any vehicle may be removed by any means when authorized by the Police Department of the municipality.

(B) City Parking Lots. No person shall park a motor vehicle on a City parking lot unattended for more than five (5) consecutive days.

24-6-10 PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

24-6-11 PARKING TICKETS - STATE STATUTE. The City Council intends to utilize Illinois Compiled Statutes, Chapter 625; Section 5/6-306.5 and the procedure set forth therein.

The appropriate authorities are hereby authorized to utilize the statute and the procedure set forth therein.
ARTICLE VII - ABANDONED VEHICLES

24-7-1  DEFINITIONS. For the purpose of this Code, the following words shall have the meanings ascribed to them as follows:

“ABANDONED VEHICLE” shall mean all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

“ANTIQUE VEHICLE” means any motor vehicle or other vehicle twenty-five (25) years of age or older.

“COMPONENT PART” means any part of a vehicle other than a tire having a manufacturer’s identification number or an identification number issued by the Secretary of State.

“DERELICT VEHICLE” means any inoperable, unregistered, or discarded motor vehicle, regardless of title, having lost its characteristic as a substantial property and left unattended without justification on the owner’s, lienholder’s or other legally entitled person’s land contrary to the public policy expressed in this Code.

“HIGHWAY” means any street, alley or public way within this municipality.

“REMOVE” means to remove, deface, cover, or destroy.

“VEHICLE” means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration, excepting, however, bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks. (See 625 ILCS Sec. 5/4-201)

24-7-2  ABANDONMENT.
(A)  Highway. The abandonment of a motor vehicle or other vehicle or part thereof on any highway in this municipality is unlawful and subject to penalties as set forth herein.

(B)  Private Property. The abandonment of a vehicle or any part thereof on private or public property other than a highway in view of the general public anywhere in this municipality is unlawful, except on property of the owner, or bailee of such abandoned vehicle.

(C)  Owner’s Property. A vehicle or any part thereof so abandoned on private property shall be authorized for removal by the police department, after a waiting
period of seven (7) days or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Ch. 65 Sec. 5/11-40-3 of the Illinois Compiled Statutes. A violation of this section is subject to penalties as set forth in Section 1-1-20 of the City Code. (See 625 ILCS Sec. 5/4-201)

24-7-3 POSSESSION OF VEHICLE BY OTHER PARTY; TOWING. Where an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this municipality who is not the owner, lienholder or other legally entitled person of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the Police Department or designated representative shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow, as set forth in Section 24-7-5, until the vehicle is claimed by the owner, lienholder, or any other person legally entitled to possession thereof or until it is disposed of as provided in this Chapter. (See 625 ILCS Sec. 5/4-202)

24-7-4 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY.
(A) When a vehicle is abandoned or left unattended on a highway in an urban district for ten (10) hours or more, its removal by a towing service may be authorized by the Police Department.
(B) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the Police Department.
(C) When a vehicle removal from either public or private property is authorized by the Police Department, the owner, lienholder or other legally entitled person of the vehicle shall be responsible for all towing costs.
(D) The remaining provisions of Section 4-203 of Chapter 625, of the Illinois Compiled Statutes are hereby adopted by reference and the provisions thereof shall be controlling within the corporate limits of this municipality. (See 625 ILCS Sec. 5/4-203)

24-7-5 POLICE RESPONSIBILITIES. When a vehicle is authorized to be towed away as provided herein, the Police Department shall keep and maintain a record of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. (See 625 ILCS Sec. 5/4-204)
24-7-6  UNKNOWN OWNER. When the Police Department does not know the identity of the registered owner, lienholder or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department authorizing the impoundment shall cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information of the vehicle. The information determined from these record searches shall be used by the Police Department in sending notification by certified mail to the owner, lienholder or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information. (See 625 ILCS Sec. 5/4-205)

24-7-7  IDENTIFYING AND TRACING VEHICLE. When the registered owner, lienholder, or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner, lienholder, or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police shall be immediately forwarded to the Police Department having custody of the vehicle for notification purposes as set forth in Section 24-7-6 of this Chapter. (See 625 ILCS Sec. 5/4-206)

24-7-8  RECLAIMED VEHICLES - EXPENSES. Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in Section 24-7-9, the owner, lienholder, or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other legally entitled person under this section until all towing and storage charges have been paid. (See 625 ILCS Sec. 5/4-207)

24-7-9  DISPOSAL OF UNCLAIMED VEHICLE. Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle seven (7) years of age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automobile parts recycler, rebuilder or scrap processor under Article 5 of Chapter 625, of the Illinois Compiled Statutes. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place to be sent by certified mail to the
registered owner, lienholder, or other person known by the Police Department or towing
service to be legally entitled to the possession of the vehicle. Such notice shall contain
a complete description of the vehicle to be sold and what steps must be taken by any
legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been
returned by the postal authorities to the Police Department due to the addressee having
moved or being unknown at the address obtained from the registration records of this
State, the sending of a second certified notice shall not be required.

24-7-10  DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A)  New Car. When the identity of the registered owner, lienholder, or
other person legally entitled to the possession of an abandoned, lost, or unclaimed
vehicle of seven (7) years of age or newer cannot be determined by any means
provided for in this Chapter, the vehicle may be sold as provided for in Section 24-7-9
of this Code without notice to any person whose identity cannot be determined.

(B)  Old Car. When an abandoned vehicle of more than seven (7)
years of age is impounded as specified by this Code, it shall be kept in custody for a
minimum of ten (10) days for the purpose of determining the identity of the
registered owner and lienholder and contacting the registered owner and lienholder by
the U.S. Mail, public service or in person for a determination of disposition; and an
examination of the Illinois State Police stolen motor vehicle files for theft and wanted
information. (At the expiration of the ten (10) day period without the benefit of
disposition information being received from the registered owner, lienholder or other
legally entitled person, the Chief of Police shall authorize the disposal of the vehicle as
junk.)

(C)  Antique Vehicle. A vehicle classified as an antique vehicle may,
however, be sold to a person desiring to restore it. (See 625 ILCS Sec. 5/4-209)

24-7-11  POLICE RECORD FOR DISPOSED VEHICLE. When a motor
vehicle or other vehicle in the custody of the Police Department is reclaimed by the
registered owner, lienholder, or other legally entitled person or when the vehicle is sold
at public sale or otherwise disposed of as provided in this Chapter, a report of the
transaction shall be maintained by the Police Department for a period of one (1) year
from the date of the sale or disposal. (See 625 ILCS Sec. 5/4-210)

24-7-12  PUBLIC SALE PROCEEDS. When a vehicle located within the
corporate limits of this municipality is authorized to be towed away by the Police
Department and disposed of as set forth in this Code, the proceeds of the public sale or
disposition, after the deduction of towing, storage and processing charges, shall be
deposited in the municipal treasury. (See 625 ILCS Sec. 5/4-211)
24-7-13 **LIABILITY.** A law enforcement officer or agency, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his legal representative, lienholder, or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Code. *(See 625 ILCS Sec. 5/4-213)*

24-7-14 **PENALTY.**

(A) The City may prosecute violators of this Chapter under the provisions of Section 1-1-20 “General Penalty” of the Municipal Code and

(B) shall be required by the Court to make a disposition on the abandoned or unclaimed vehicle and pay all towing and storage charges pursuant to this Article. *(See 625 ILCS Sec. 5/4-214)*

*[Note: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]*
ARTICLE VIII - PEDESTRIANS

24-8-1 PEDESTRIAN OBEDIENCE TO TRAFFIC-CONTROL DEVICES AND TRAFFIC REGULATIONS.
   (A) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.
   (B) Pedestrians shall be subject to traffic and pedestrian control signals provided for in this Chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Article.

24-8-2 PEDESTRIANS’ RIGHT-OF-WAY AT CROSSWALKS.
   (A) When traffic-control signals are not in place or not 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 a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
   (B) 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.

24-8-3 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) 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.

24-8-4 PEDESTRIAN-CONTROL SIGNALS. Whenever special pedestrian-control signals exhibiting the words “Walk” or “Don’t Walk” are in place, such signals shall indicate as follows:
   (A) Walk. While the “Walk” indication is illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
B) **Don’t Walk.** While the “Don’t Walk” indication is illuminated, either steady or flashing, no pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partly completed his crossing during the “Walk” indication shall proceed to a sidewalk or to a safety island if one is provided.

24-8-5 **BLIND PERSONS.** 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 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. However, the failure of a blind person to so use or carry such a cane or walking stick or to be guided by a guide dog when walking on streets, highways or sidewalks shall not be considered evidence of contributory negligence.

24-8-6 **PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS.** Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

24-8-7 **PEDESTRIANS SOLICITING RIDES OR BUSINESS.**
- **(A)** No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.
- **(B)** Outside a business or residence district, no person shall stand on or in the proximity of a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- **(C)** No person shall stand on or in the proximity of a roadway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

24-8-8 **PEDESTRIANS WALKING ON HIGHWAYS.**
- **(A)** Any person walking along or upon improved highways 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.
- **(C)** It is unlawful for any pedestrian who is under the influence of intoxicating liquors to be upon any highway of the City.

24-8-9 **PEDESTRIANS’ RIGHT-OF-WAY ON SIDEWALKS.** The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk or any sidewalk area extending across such alley, building entrance, road or driveway.
ARTICLE IX - BICYCLES

24-9-1 **GENERAL.** No person shall ride or propel a bicycle on any street or public way in the City, or upon any part thereof, unless such bicycle has been registered and provided with the proper license tag, as provided for hereinafter.

24-9-2 **LICENSE APPLICATION.** Application for license to own and operate a bicycle shall be made to the Chief of Police upon a form to be provided by the Chief of Police, which application shall be accompanied by a fee of **One Dollar ($1.00)**, to be paid in advance at the time of the issuance of license. Upon receipt of such application in proper form, the Chief of Police shall provide, at the expense of the City, a proper tag to be attached to the front of the bicycle in a substantial manner, and the removal of any such tag, except by proper authority, shall be a violation of this Section.

24-9-3 **INSPECTION.** The Chief of Police shall have authority to inspect all bicycles for mechanical fitness, and shall have the power to refuse to grant license on any bicycle in unsafe mechanical condition.

24-9-4 **TRANSFER OF OWNERSHIP.** It shall be the duty of every person who assumes or transfers ownership of any bicycle to report within **seven (7) days** of the date of same, such sale or transfer to the Chief of Police, together with the name and address of the person to whom said bicycle was sold or transferred. It shall be the duty of the purchaser or transferee of such bicycle to purchase a license tag within **seven (7) days** of the sale or transfer, as the case may be.

24-9-5 **DUPLICATE LICENSE TAG.** A duplicate license tag will be issued by the Chief of Police to the owner of a bicycle only upon written application, which shall state what disposition was made of the original tag, whether the same was lost or stolen.

24-9-6 **OPERATION OF BICYCLES.**
   (A) A person propelling a bicycle shall not ride other than upon or astride the permanent or regular seat attached thereto, nor carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle other than as above authorized.
   (B) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(C) When permitted or required by this Section to ride on sidewalks, bicycle riders shall use the right side of the sidewalks insofar as practicable. A 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 audible warning signal when at least twenty-five (25) feet distant from the pedestrian.

(D) No person riding a bicycle shall ride faster than is reasonable and proper in regard to the safety of the rider and others.

(E) Any person riding upon any bicycle shall not attach the same or himself to any moving vehicle upon a roadway.

(F) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast.

(G) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals or practice any acrobatic or fancy riding on any street; nor shall any person operating a bicycle upon a public highway participate in any race for speed or endurance contest with any other vehicle.

(H) No person shall park a bicycle upon a roadway or in front of any theatre, church, or other public place. Any bicycle parked on the public square shall be parked on the inside of said square, in such a manner as not to obstruct traffic thereon.

24-9-7 BICYCLE LAMPS, REFLECTORS, AND EQUIPMENT. When used at nighttime, every bicycle shall be equipped with the following:

(A) A lamp upon the front which emits a white light visible from a distance of at least five hundred (500) feet to the front.

(B) A red reflector on the rear which shall be visible to a distance of six hundred (600) feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(C) A reflex reflector on each pedal visible from the front and rear of the bicycle from a distance up to two hundred (200) feet when viewed within the lawful lower beams of headlights on a motor vehicle.

(D) Side reflectors upon each side of the bicycle which shall be visible up to a distance of five hundred (500) feet when viewed directly in front of a lawful lower beam of motor vehicle headlights. The requirements of this subparagraph may be met by reflective materials which shall be at least three-sixteenths (3/16) of an inch wide on each side of each tire or rim which may indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim.

24-9-8 BICYCLE TRAIL.

(A) Established. The following streets, or portions of streets, are hereby designated a bicycle trail, to be called the Sullivan Rotary Bicycle Trail.

[Supplement No. 25; 01-01-19]
(1) Main Street north from Hunter Street to a point south of the Illinois State Armory building where the street immediately on the north side of Wyman Lake intersects with Main Street, thence following said street immediately north of said Wyman Lake around the circumference of said lake to the east side of said lake, thence south on said street to the intersection of said street with Worth Street on the southeast corner of said park;

(2) Hunter Street from Camfield Street to Main Street;

(3) Blackwood Street from Graham Street to Calhoun Street;

(4) Scott Street from Camfield Street to Graham Street;

(5) Monroe Street from Lincoln Street to Pierce Street;

(6) Adams Street from Grant Street to Pierce Street;

(7) Prairie Street from Grant Street to 5th Street;

(8) Roane Street from Lincoln Street to 5th Street.

(9) Water Street from Main Street to Lebanon Street;

(10) Mattox Street from Main Street to Worth Street;

(11) Corey Avenue from Worth Street to Patterson Road;

(12) Camfield Street from Scott Street to Hunter Street;

(13) Lincoln Street from Roane Street to Scott Street;

(14) Grant Street from Prairie Street to Adams Street;

(15) 5th Street from Roane Street to Prairie Street;

(16) Pierce Street from Adams Street to Monroe Street;

(17) Graham Street from Scott Street to Blackwood Street;

(18) Main Street from Mattox Street to Water Street;

(19) Worth Street from Blackwood Street to the intersection of the Wyman Park circumference street and Worth Street on the southeast corner of said park, and from Corey Avenue to Mattox Street;

(20) Calhoun Street from Water Street to Blackwood Street;

(21) Lebanon Street from Water Street to Patterson Road; and

(22) Patterson Road from Lebanon Street south to City limits.

(B) **Marked.** The Street Department of the City of Sullivan shall designate the bicycle trail herein established by the placement of appropriate signs and roadway markings.

(C) **Bicycle Lanes Established.** When signs and markings are in place giving notice of the existence of a bicycle trail established by this ordinance operators of bicycles shall remain within a lane six (6) feet in width measured from the curbs along each side of the street designated as such bicycle trail unless overtaking another vehicle or when about to make a left turn.

(Ord. No. 04-05; 03-23-04)
ARTICLE X - SNOWMOBILES AND ALL-TERRAIN VEHICLES

24-10-1 PURPOSE. The purpose of this Article is to protect the public parks, playgrounds and cemeteries of the City from damage by snowmobiles and all-terrain vehicles, and to make it possible for snowmobile users and all-terrain motor vehicle users to find their way out of town and into town within minimum danger from other traffic and minimum interference with other traffic.

24-10-2 DEFINITIONS. The following words shall have the meanings ascribed to them in this Article.

(A) Snowmobile is defined as a self propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

(B) All-Terrain Vehicle is defined as any motorized off-highway vehicle fifty (50) inches or less in width, having a manufacturer’s dry weight of six hundred (600) pounds or less, traveling on three (3) or more low-pressure tires, designed with a seat or saddle for operator use, and handle bars or steering wheel for steering control.

24-10-3 SNOWMOBILES AND ALL-TERRAIN VEHICLES PROHIBITED. No person shall operate any snowmobile or all-terrain vehicle in or on any public park, playground or cemetery in the City.

24-10-4 THE USE OF ROUTES REQUIRED. Any person operating a snowmobile or all-terrain motor vehicle in the City shall use certain hereinafter designated snowmobile and all-terrain vehicle routes to the extent possible. Other streets and highways in the City shall be used only to get to a snowmobile and all-terrain vehicle route by the most direct route or return by the most direct route.

24-10-5 ROUTES DESIGNATED. The following streets and parts of streets are designated as snowmobile and all-terrain vehicle routes:

(A) North Worth Street south to Mattox Street.
(B) Mattox Street from Patterson Road west to Worth Street.
(C) Patterson Road north to Lebanon Street.
(D) Eden Street east to South Hamilton Street.
(E) Market Street.

24-10-6 PENALTY. Any person, firm, or corporation violating any provision of this Chapter shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to the aforementioned penalties, all court costs, which shall include all costs incurred by the City in prosecuting said case, including reasonable attorney’s fees, shall be recoverable from anyone convicted of violation of this Article.

(Ord. No. 00-01; 01-10-00)
ARTICLE XI - EMERGENCY SNOW ROUTES

24-11-1 ROUTES ESTABLISHED. The following streets are hereby declared to be emergency snow routes within the City.
   (A) Harrison Street from Hamilton Street (Illinois Route #32) west to the Missouri-Pacific Railroad right-of-way.
   (B) Hamilton Street from Jackson Street north to Parkway Drive.
   (C) Main Street from Jackson Street north to East Park Street.
   (D) Water Street from Hamilton Street (Illinois Route #32) east to Calhoun Street.
   (E) Worth Street from Jackson Street (Illinois Route #121) south to Hawthorne Lane.

(Ord. No. 18-1; 01-08-18)

24-11-2 DECLARATION. Whenever the Commissioner of the Department of Streets and Public Improvements or the Superintendent of said Department finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the U.S. Weather Bureau or other weather service of snow, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on the aforementioned City streets shall be prohibited or restricted for snow removal and other purposes, the Commissioner or Superintendent shall put into effect a parking prohibition on parts of or all of the snow emergency routes as necessary by declaring it in a manner prescribed by this Article.

24-11-3 EFFECTIVENESS. Notwithstanding the provisions of Section 24-11-2 hereof, a parking prohibition shall automatically go into effect on any part of any snow emergency route four (4) hours after which there has been an accumulation of snow and ice of two (2) inches or more within any twenty-four (24) hour period.

24-11-4 DURATION OF NO PARKING. Once in effect, a prohibition under this Section shall remain in effect until terminated by announcement of the Commissioner or Superintendent in accordance with this Article. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

24-11-5 PUBLIC ANNOUNCEMENT. The Mayor, Commissioner, or Street Foreman shall cause each declaration made by him pursuant to this Article to be publicly on the City’s website under Recent News and Alerts. Alerts will be sent to those individuals who have signed up to the City’s E-Notify System. (Ord. No. 18-1; 01-08-18)
24-11-6 RECORDS. The Commissioner or Superintendent shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this Section.

24-11-7 CESSATION OF CONDITIONS. Whenever the Commissioner or Superintendent shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this Article, no longer exists, he may declare the prohibition terminated, in whole or in part, in a manner prescribed by this Article, effective immediately upon announcement.

24-11-8 PRECEDENCE OF ORDERS. Any provision of this Article which becomes effective by declaration of the Commissioner or Superintendent or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer.

24-11-9 SIGNAGE. On each street designated by this Article as a snow emergency route, the Commissioner or Superintendent shall post special permanent signs at intervals not exceeding four hundred (400) feet with the wording: “SNOW ROUTE. NO PARKING AFTER TWO (2) INCH SNOWFALL.” These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons travelling on the street or highway.

24-11-10 VEHICLE REMOVAL BY POLICE. Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street to the nearest garage or other place of safety (including another place on a street), or to a garage designated or maintained by the Police Department, or otherwise maintained by this City, when:

(A) The vehicle is parked on a part of a snow emergency route on which a parking prohibition is in effect.
(B) The vehicle is stalled on a part of a snow emergency route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect and the person who is operating such vehicles does not appear to be removing it in accordance with the provisions of this Article.

(C) The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.

24-11-11 NOTIFICATION OF OWNER. Whenever an officer removes or has removed a vehicle from the street, as authorized in this Section, and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice, in writing, to such owner of the fact of such removal and the reasons therefor, and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

24-11-12 OWNER NOT KNOWN. Whenever an officer removes or has removed a vehicle from a street under this Section, and does not know and is not able to ascertain the name the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event, the officer shall immediately send or cause to be sent a written report of such removal by mail, to the State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reason for such removal, and the name of the garage or place where the vehicle is stored.

24-11-13 RECOVERY COSTS. No person shall recover any vehicle removed in accordance with this Section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the Police Department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal, and shall pay any cost of storage accrued. Until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage-keeper’s lien, in accordance with the provisions of the Laws of the State of Illinois.

24-11-14 REMOVAL RECORD. The record shall include the description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition, and the parking violation involved.
24-11-15 **ADDITIONAL AUTHORITY.** This Section shall be supplemental to any other provisions of law granting members of the Police Department authority to remove vehicles.

24-11-16 **CITATION FOR ILLEGAL PARKING.** Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this Article, and is not removed and impounded, as provided for in this Article, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the City for the driver to answer to the charge against him in the manner as provided for in said citation.

24-11-17 **FAILURE TO APPEAR.** If a violator of this Article does not appear in response to a traffic citation affixed to such motor vehicle in accordance with this Article, the Clerk of the Circuit Court or the City Clerk or other appropriate person shall send the owner of the motor vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of seven (7) days, a warrant of arrest will be issued.

24-11-18 **PRIMA FACIE EVIDENCE.** In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Article, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this Article.

(Ord. No. 82-12; 12-13-82)
ARTICLE XII - OPERATION AND REGULATION OF GOLF CARTS AND UTVS ON CITY STREETS

24-12-1 DEFINITIONS.
(A) "Golf Cart": A vehicle specifically designed and intended for the purpose of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.
(B) "UTV": Any recreational motor vehicle other than an ATV, motorbike, or snowmobile as defined in Article X of this Chapter, designed for and capable of travel over designated unpaved roads, traveling on four (4) or more low-pressure tires of twenty (20) PSI or less, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, or having a wheel base of ninety-four (94) inches or less. UTV does not include golf carts, vehicles specifically designed to carry a disabled person or implements of husbandry.

24-12-2 RULES AND REGULATIONS. Golf carts and UTVs may only be operated on streets within the City in accordance with the following rules and regulations:
(A) Any person who operates a golf cart or UTV in the City takes full responsibility for all liability associated with operating a golf cart or UTV.
(B) Any person who operates a golf cart or UTV must be at least eighteen (18) years of age and possess a valid driver’s license to operate a motor vehicle issued by Illinois or any other state.
(C) No person shall operate, and no owner shall permit another person to operate a golf cart or UTV on a City street unless: (1) the golf cart or UTV is covered by a liability insurance policy as required by Section 7-601 of the Illinois Vehicle Code (625 ILCS 5/7-601); and (2) the operator of the golf cart or UTV carries with him proof of liability insurance as required by Section 7-602 of the Illinois Vehicle Code (625 ILCS 5/7-602).
(D) Golf carts or UTVs shall only be allowed to be operated on City streets one-half (1/2) hour before sunrise, and 10:00 P.M. (Ord. No. 15-21; 11-09-15)
(E) No person shall operate a golf cart or UTV on a City street in excess of the posted speed limits.
(F) Golf carts or UTVs may not be operated on the following national or state highways except to cross said highways at intersections in a path ninety (90) degrees to said highways: State Highway 121, State Highway 32.
(G) Golf carts or UTVs shall have their headlights, taillights and amber flashing light lighted at all times when operated on City streets.
(H) Golf carts and UTVs may not be operated when visibility is impaired by weather, smoke, fog, or other conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of five hundred (500) feet.

(I) Golf carts and UTVs may not be operated on the sidewalks or in City parks other than parking areas.

(J) Golf cart and UTV drivers must yield the right-of-way to overtaking vehicles at all times.

(K) Any person who operates a golf cart or UTV on the streets of the City must adhere to all applicable state laws concerning the possession and use of alcoholic beverages and all illegal drugs, as well as all other state traffic laws.

(L) The maximum occupancy of golf carts or UTVs traveling on City streets shall be one (1) person per bucket seat or two (2) people per bench seat.

(M) Children must be properly secured in a child restraint system as required pursuant to the Child Passenger Protection Act (625 ILCS 25/1 et seq.). Children eight (8) years and younger must be equipped with a properly sized crash helmet. An open face or “3/4” style helmet, shall be the minimum coverage allowed hereunder.

(N) Each driver and passenger shall wear a properly fastened and adjusted seat safety belt.

(O) Golf carts and UTVs are only allowed to park in handicapped parking spaces if the driver or at least one (1) passenger has a valid handicapped parking sticker.

(P) The operator of a golf cart or UTV shall obey all ordinances of the City and all provisions of the Illinois Vehicle Code, as amended from time to time.

24-12-3 REQUIRED EQUIPMENT. A golf cart or UTV operated on a City street shall have the following equipment in good working condition at all times:

(A) Brakes;
(B) Steering apparatus;
(C) Tires;
(D) Rearview mirror;
(E) A slow moving emblem as required by 625 ILCS 5/12-709 attached to the rear;
(F) Headlights that emit white light visible from at least five hundred (500) feet to the front;
(G) Taillights that emit red light visible from at least one hundred (100) feet from the rear;
(H) Brake lights on the rear;
(I) Turn signals on the front and rear;
(J) Seat belts for each passenger;
(K) An amber flashing warning light attached to the roof of the vehicle, if so equipped, or if not so equipped, then to a pole attached to the vehicle of a height to be over the heads of the driver and passengers when seated, which shall be visible when flashing three hundred sixty (360) degrees of the vehicle.

24-12-4 PERMITS.

(A) No person shall operate a motorized golf cart or UTV without obtaining a permit from the City Police Department as provided in this Section.

(B) Permits shall be granted for a period of one (1) year and may be renewed annually on May 1st of each year.

(C) The annual cost of a permit is Fifty Dollars ($50.00) per golf cart or UTV, to cover the costs of implementing and maintaining this Article, and shall be paid to the City Clerk by the applicant. Insurance coverage shall be verified as in effect by the Police Department when issuing or renewing a permit.

(D) After completion of the application and payment of the requisite fee, the applicant shall present the golf cart or UTV to the Chief of Police, or his designee, for an inspection to determine whether the golf cart or UTV may be operated on a City street. If the applicant and golf cart or UTV are qualified under the terms and conditions of this Article, a license shall be issued to the applicant which must be kept on the vehicle at all times. The Police Department shall issue a sticker as visible proof of compliance, which shall be valid for a period of one (1) year from the date of registration, and which must be displayed on the front uppermost part of the body on the driver's side of the vehicle at all times.

(E) Golf cart or UTV owners must complete the attached permit application form as shown on Exhibit A attached hereto. The completed forms will be maintained by the City Police Department.

(F) The license of an operator of a golf cart or UTV issued pursuant to this Article may be revoked by the Chief of Police, or his/her designee, if (1) there is any material misrepresentation made by the applicant on the application or (2) the required liability insurance is no longer in full force and effect or (3) there is evidence that the license holder can no longer safely operate the golf cart or UTV or (4) for any reason that he/she feels is appropriate to insure the safety and well-being of the citizens of the City.

(G) The Chief of Police, or his/her designee, shall issue a notice of revocation of a license in writing and either hand deliver the notice to the license holder or send the notice by certified mail to the license holder at the address on the application. The revocation of a license shall be effective immediately after personal service, or on the third day after the post mark of the certified mail receipt.
24-12-5  ENFORCEMENT.

(A) The City may prosecute violators of this Article under the provisions of Section 1-1-20 “General Penalty” or Section 1-1-26 “Cafeteria Court” of the Municipal Code. (NOTE: The Cafeteria Court provision in Section 1-1-26 of Chapter 1 shall apply to this Chapter.)

(B) Each day a person fails to comply with the provisions of this Article constitutes a separate offense.

(C) Repeat offenders may have the privileges granted by this Article revoked by the City Council upon recommendation by the Police Department.

(D) Upon investigation by and the recommendation of the Police Department the City Council may suspend or revoke a permit granted hereunder upon a finding that there is evidence that the Permittee cannot safely operate the motorized golf cart or UTV on the designated streets.

(Ord. No. 08-19; 08-25-08)
ARTICLE XIII - PENALTY

24-13-1 PENALTY. The City may prosecute violators of this Chapter under the provisions of Section 1-1-20 “General Penalty” or Section 1-1-26 “Cafeteria Court” of the Municipal Code.

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
SCHEDULE “A”

STOP INTERSECTIONS

In accordance with the provisions of Section 24-3-3, the following streets are hereby designated as stop intersections, to-wit:

I. **ONE AND TWO-WAY STOPS.**

<table>
<thead>
<tr>
<th>THROUGH STREET</th>
<th>STOP STREET (DIRECTION)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front of High School</td>
<td>N. Main</td>
</tr>
<tr>
<td>W. Blackwood</td>
<td>N. Pierce (Both)</td>
</tr>
<tr>
<td>N. Calhoun</td>
<td>E. Harrison</td>
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<tr>
<td>N. Calhoun</td>
<td>E. Monroe (Both)</td>
</tr>
<tr>
<td>S. Calhoun</td>
<td>E. Adams</td>
</tr>
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<td>S. Calhoun</td>
<td>E. Jefferson</td>
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<tr>
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<td>W. Blackwood (Both)</td>
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<tr>
<td>N. Camfield</td>
<td>W. Hagerman</td>
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<tr>
<td>N. Camfield</td>
<td>W. Hunter</td>
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<tr>
<td>N. Camfield</td>
<td>W. Magill</td>
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<tr>
<td>N. Camfield</td>
<td>W. Scott (Both)</td>
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<tr>
<td>N. Camfield</td>
<td>W. Strain (Both)</td>
</tr>
<tr>
<td>W. Eden</td>
<td>S. 5&lt;sup&gt;th&lt;/sup&gt; St. (Both)</td>
</tr>
<tr>
<td>W. Eden</td>
<td>S. 6&lt;sup&gt;th&lt;/sup&gt; St. (Both)</td>
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<td>S. Catalpa</td>
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<td>Faith Ln.</td>
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<td>S. Grant (Both)</td>
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<tr>
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<tr>
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<td>Victory Ct.</td>
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<td>S. Graham</td>
<td>W. Adams</td>
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<tr>
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<td>W. Water</td>
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<td>W. Monroe (#15-12)</td>
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<td>W. Grider</td>
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<td>W. Hagerman</td>
<td>N. Graham (#13-15)</td>
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<td>W. Hagerman</td>
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<td>S. Washington (North) &amp; E. Jefferson (West)</td>
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<td>S. Graham (Both)</td>
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<td>Okaw Ct.</td>
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<tr>
<td>W. King</td>
<td>S. VanBuren (Both)</td>
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### SCHEDULE “A” (CONT’D.)

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<thead>
<tr>
<th>THROUGH STREET</th>
<th>STOP STREET (DIRECTION)</th>
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<tbody>
<tr>
<td>E. Lebanon</td>
<td>S. Patterson (#12-19)</td>
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<td>N. Lincoln</td>
<td>W. Blackwood (Both)</td>
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<tr>
<td>S. Lincoln</td>
<td>W. Water</td>
</tr>
<tr>
<td>N. Madison</td>
<td>E. Monroe (Both)</td>
</tr>
<tr>
<td>S. Madison</td>
<td>E. Adams (Both)</td>
</tr>
<tr>
<td>W. Magill</td>
<td>N. Main (Both)</td>
</tr>
<tr>
<td>W. Magill</td>
<td>N. VanBuren</td>
</tr>
<tr>
<td>N. Main</td>
<td>S. exit of parking lot across from school</td>
</tr>
<tr>
<td></td>
<td>(Both)</td>
</tr>
<tr>
<td>N. Main</td>
<td>N.W. exit of park</td>
</tr>
<tr>
<td>N. Main</td>
<td>S.W. exit of park</td>
</tr>
<tr>
<td>N. Main</td>
<td>Blackwood (Both)</td>
</tr>
<tr>
<td>N. Main</td>
<td>W. Hunter</td>
</tr>
<tr>
<td>N. Main</td>
<td>W. Monroe (Both)</td>
</tr>
<tr>
<td>N. Main</td>
<td>W. Scott (Both)</td>
</tr>
<tr>
<td>N. Main</td>
<td>W. Strain (Both)</td>
</tr>
<tr>
<td>S. Main</td>
<td>W. Adams</td>
</tr>
<tr>
<td>S. Main</td>
<td>W. Dony (Both)</td>
</tr>
<tr>
<td>S. Main</td>
<td>W. George (Both)</td>
</tr>
<tr>
<td>S. Main</td>
<td>W. Hale (Both)</td>
</tr>
<tr>
<td>S. Main (South)</td>
<td>W. Jefferson (East) &amp; S. Main (North)</td>
</tr>
<tr>
<td>S. Main</td>
<td>W. King (Both)</td>
</tr>
<tr>
<td>S. Main</td>
<td>W. Louis (Both)</td>
</tr>
<tr>
<td>S. Main</td>
<td>W. Synder (Both)</td>
</tr>
<tr>
<td>N. Market</td>
<td>W. Edwards</td>
</tr>
<tr>
<td>N. Market</td>
<td>W. Grider</td>
</tr>
<tr>
<td>N. Market</td>
<td>W. Hagerman</td>
</tr>
<tr>
<td>N. Market</td>
<td>W. Haydon</td>
</tr>
<tr>
<td>N. Market</td>
<td>W. Magill</td>
</tr>
<tr>
<td>S. Market</td>
<td>W. Adams</td>
</tr>
<tr>
<td>S. Market</td>
<td>W. Prairie</td>
</tr>
<tr>
<td>S. Market</td>
<td>W. Roane</td>
</tr>
<tr>
<td>E. Mattox</td>
<td>S. Madison (Both)</td>
</tr>
<tr>
<td>E. Mattox</td>
<td>Sunrise</td>
</tr>
<tr>
<td>E. Mattox</td>
<td>S. Washington (Both)</td>
</tr>
<tr>
<td>E. Mattox</td>
<td>S. Worth (Both) (#12-19)</td>
</tr>
<tr>
<td>THROUGH STREET</td>
<td>STOP STREET (DIRECTION)</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>W. Mattox</td>
<td>S. Main (Both)</td>
</tr>
<tr>
<td>W. Mattox</td>
<td>S. VanBuren (Both)</td>
</tr>
<tr>
<td>N. McClellan</td>
<td>W. Hunter (Both)</td>
</tr>
<tr>
<td>N. McClellan</td>
<td>W. Magill</td>
</tr>
<tr>
<td>N. McClellan</td>
<td>W. Milton</td>
</tr>
<tr>
<td>N. McClellan</td>
<td>W. Monroe (Both)</td>
</tr>
<tr>
<td>N. McClellan</td>
<td>W. Russell</td>
</tr>
<tr>
<td>N. McClellan</td>
<td>W. Scott (Both)</td>
</tr>
<tr>
<td>N. McClellan</td>
<td>W. Strain (Both)</td>
</tr>
<tr>
<td>N. Park</td>
<td>W. Grider (Both)</td>
</tr>
<tr>
<td>S. Patterson Rd.</td>
<td>Chad Ave.</td>
</tr>
<tr>
<td>S. Patterson Rd.</td>
<td>Corey Ave.</td>
</tr>
<tr>
<td>S. Patterson Rd.</td>
<td>Kaskaskia</td>
</tr>
<tr>
<td>S. Patterson Rd.</td>
<td>E. Mattox</td>
</tr>
<tr>
<td>S. Patterson Rd.</td>
<td>Sunshine</td>
</tr>
<tr>
<td>N. Pierce</td>
<td>W. Scott (#12-19)</td>
</tr>
<tr>
<td>N. Polk</td>
<td>E. Monroe (#15-12)</td>
</tr>
<tr>
<td>W. Raymond</td>
<td>NE entrance to Agri-Fab</td>
</tr>
<tr>
<td>W. Roane</td>
<td>S. 5&lt;sup&gt;th&lt;/sup&gt; St. (Both)</td>
</tr>
<tr>
<td>W. Roane</td>
<td>S. 6&lt;sup&gt;th&lt;/sup&gt; St. (Both)</td>
</tr>
<tr>
<td>W. Roane</td>
<td>S. Catalpa</td>
</tr>
<tr>
<td>W. Roane</td>
<td>S. Grant (Both)</td>
</tr>
<tr>
<td>Seth Dunscomb Dr.</td>
<td>W. Prairie (Both)</td>
</tr>
<tr>
<td>N. Seymour</td>
<td>W. Blackwood (Both)</td>
</tr>
<tr>
<td>N. Seymour</td>
<td>W. Monroe (Both)</td>
</tr>
<tr>
<td>E. Strain</td>
<td>N. Madison</td>
</tr>
<tr>
<td>E. Strain</td>
<td>N. Washington</td>
</tr>
<tr>
<td>W. Strain</td>
<td>N. Graham (Both)</td>
</tr>
<tr>
<td>W. Strain</td>
<td>N. Grant (Both)</td>
</tr>
<tr>
<td>W. Strain</td>
<td>N. Lincoln (Both)</td>
</tr>
<tr>
<td>W. Strain</td>
<td>N. Pierce (Both)</td>
</tr>
<tr>
<td>W. Strain</td>
<td>N. Seymour (Both)</td>
</tr>
<tr>
<td>W. Strain</td>
<td>N. VanBuren (Both)</td>
</tr>
<tr>
<td>Sunrise Dr.</td>
<td>Sunshine Dr. (#16-24)</td>
</tr>
<tr>
<td>N. VanBuren</td>
<td>W. Monroe</td>
</tr>
<tr>
<td>S. VanBuren</td>
<td>W. Adams (Both)</td>
</tr>
<tr>
<td>N. Washington (North)</td>
<td>E. Harrison (West) &amp; N. Washington (South)</td>
</tr>
<tr>
<td>N. Washington</td>
<td>E. Monroe (Both)</td>
</tr>
<tr>
<td>N. Washington</td>
<td>E. Scott (Both)</td>
</tr>
<tr>
<td>S. Washington</td>
<td>E. Adams (Both)</td>
</tr>
</tbody>
</table>
## SCHEDULE “A” (CONT’D.)

**THROUGH STREET** | **STOP STREET (DIRECTION)**
---|---
E. Water | S. Calhoun
E. Water | S. Madison
E. Water | S. Polk (Both)
E. Water | S. Washington
E. Water | S. Worth (Both)
W. Water | S. Main (Both)
W. Water | S. VanBuren (Both)

N. West | W. Edwards
N. Worth | N.E. entrance park
N. Worth | S.E. entrance park
N. Worth | E. Blackwood (Both)
N. Worth | E. Harrison (Both)
N. Worth | E. Monroe (Both)
N. Worth | E. Park
N. Worth | E. Scott
N. Worth | E. Strain
S. Worth | E. Adams (Both)
S. Worth | E. George
S. Worth | E. Jefferson (Both)
S. Worth | E. King
S. Worth | E. Louis (Both)
S. Worth | S. Polk – dead end at R.R.
S. Worth | Sunset
S. Worth | E. Waggoner (Both)
S. Worth | E. Wright

### II. FOUR WAY STOPS.

- W. Blackwood and N. McClellan (#13-10)
- N. Graham and W. Hunter (#13-4)
- S. Graham and W. Water (#16-21)
- N. Lincoln and W. Scott
- S. Lincoln and W. Roane (#16-21)
- S. Patterson and CR 1200N
- N. Washington and E. Blackwood (#15-12)

### III. THREE-WAY WAY STOPS.

- S. Worth and E. Chad (#13-3)
- S. Worth and E. Corey (#12-19)

*(Ord. No. 14-2; 02-11-14)*
**SCHEDULE “B”**

**ONE-WAY STREETS**

In accordance with the provisions of Section 24-3-2 the following are hereby designated as one-way streets, to-wit:

<table>
<thead>
<tr>
<th>STREET</th>
<th>DIRECTION</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams St.</td>
<td>(West Bd.)</td>
<td>Between Jefferson St. and Van Buren St.</td>
</tr>
<tr>
<td>Harrison St.</td>
<td>(West Bd.)</td>
<td>Between Washington St. and Main St.</td>
</tr>
<tr>
<td>Jefferson St.</td>
<td>(East Bd.)</td>
<td>Between Main St. and Washington St.</td>
</tr>
<tr>
<td>Madison St.</td>
<td>(North Bd.)</td>
<td>Between Jefferson St. and Harrison St.</td>
</tr>
<tr>
<td>Magill St.</td>
<td>(West Bd.)</td>
<td>Between Main St. and Hamilton St.</td>
</tr>
<tr>
<td>Main St.</td>
<td>(South Bd.)</td>
<td>Between Harrison St. and Jefferson St.</td>
</tr>
<tr>
<td>Washington St.</td>
<td>(North Bd.)</td>
<td>Between Jefferson St. and Harrison St.</td>
</tr>
</tbody>
</table>

**SCHEDULE “C”**

**YIELD RIGHT-OF-WAY INTERSECTIONS**

In accordance with the provisions of Section 24-3-4, the following streets are hereby designated as yield right-of-way intersections, to-wit:

<table>
<thead>
<tr>
<th>STREET</th>
<th>DIRECTION</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Adams</td>
<td></td>
<td>S. Polk (Both) (#12-19)</td>
</tr>
<tr>
<td>George</td>
<td></td>
<td>Madison</td>
</tr>
<tr>
<td>George</td>
<td></td>
<td>Washington</td>
</tr>
<tr>
<td>N. Graham</td>
<td></td>
<td>W. Blackwood</td>
</tr>
<tr>
<td>N. Graham</td>
<td></td>
<td>W. Monroe</td>
</tr>
<tr>
<td>N. Graham</td>
<td></td>
<td>W. Scott (Both) (#12-19)</td>
</tr>
<tr>
<td>N. Grant</td>
<td></td>
<td>W. Blackwood</td>
</tr>
<tr>
<td>N. Grant</td>
<td></td>
<td>W. Scott (Both) (#12-19)</td>
</tr>
<tr>
<td>S. Grant</td>
<td></td>
<td>W. Adams (Both)</td>
</tr>
<tr>
<td>E. King</td>
<td></td>
<td>S. Washington (#15-12)</td>
</tr>
<tr>
<td>Louis</td>
<td></td>
<td>Madison</td>
</tr>
<tr>
<td>Louis</td>
<td></td>
<td>VanBuren</td>
</tr>
<tr>
<td>Louis</td>
<td></td>
<td>Washington</td>
</tr>
<tr>
<td>N. Pierce</td>
<td></td>
<td>W. Monroe</td>
</tr>
<tr>
<td>N. Seymour</td>
<td></td>
<td>W. Scott (Both) (#12-19)</td>
</tr>
<tr>
<td>S. Seymour</td>
<td></td>
<td>Adams</td>
</tr>
<tr>
<td>W. Snyder</td>
<td></td>
<td>S. Van Buren (#15-12)</td>
</tr>
<tr>
<td>N. VanBuren</td>
<td></td>
<td>Blackwood</td>
</tr>
<tr>
<td>N. VanBuren</td>
<td></td>
<td>W. Scott</td>
</tr>
</tbody>
</table>

(Ord. No. 14-15; 05-27-14)
**SCHEDULE “D”**

**STREETS HAVING SPECIFIC SPEED LIMITS**

<table>
<thead>
<tr>
<th>STREET</th>
<th>SPEED LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corey Ave.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Eden St.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Edwards St.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Hamilton (north of Jackson)</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Harrison St. (except section on Courthouse Square)</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Hawthorne Ln.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Lebanon St.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Louis St.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Main (north of Jackson)</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Market St. (north of Jackson)</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Mattox St.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Patterson Rd.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Raymond St.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Roane St.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Sunrise Dr.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Sunset Dr.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Van Buren (north of Jackson)</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Water St. (east of Hamilton)</td>
<td>25 MPH</td>
</tr>
<tr>
<td>West St.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Worth (north of Jackson and south of Mattox)</td>
<td>25 MPH</td>
</tr>
</tbody>
</table>

Adams St. between McClellan and Pierce   20 MPH (*#16-21*)
Graham St. from S. Harrison St. south to the end of Graham St. at the railroad tracks 20 MPH (*#16-21*)
Harrison (section on north side of Courthouse Square) 20 MPH
Hydro-Gear Dr. 20 MPH
Jefferson (section on south side of Courthouse Square) 20 MPH
Magill St. (between Main and Hamilton, south of Middle School) 20 MPH
Main (section on west side of Courthouse Square) 20 MPH
Washington (section of east side of Courthouse Square) 20 MPH
Water St. between Syemour and Graham 20 MPH (*#16-21*)

Parkway Dr. 15 MPH
Wyman Park Rd. 15 MPH

*(Ord. No. 15-13; 08-24-15)*
## SCHEDULE “E”

### NO PARKING ZONES

In accordance with the provisions of **Section 24-6-4(C)**, the following streets are hereby designated as no parking zones, to-wit:

<table>
<thead>
<tr>
<th>STREET - SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grider St. (South)</td>
<td>From West St. to N. Park St.</td>
</tr>
<tr>
<td>Hamilton St. (Both)</td>
<td>From Jackson St. south to City limits</td>
</tr>
<tr>
<td>Hamilton St. (Both)</td>
<td>From Parkway Dr. to Magill St.</td>
</tr>
<tr>
<td>Jackson St. (Both)</td>
<td>From West St. to Eastview Dr.</td>
</tr>
<tr>
<td>Lincoln St. (Both)</td>
<td>From Jackson St. to Scott St.</td>
</tr>
<tr>
<td>Magill St. (North)</td>
<td>From Main St. to Hamilton St.</td>
</tr>
<tr>
<td>Main St. (Both)</td>
<td>From 20 ft. north of Magill St. to 380 ft. north of Magill St.</td>
</tr>
<tr>
<td>Main St. (East)</td>
<td>From Water St. to Adams St.</td>
</tr>
<tr>
<td>Monroe St. (North)</td>
<td>From Main St. to Van Buren St.</td>
</tr>
<tr>
<td>N. Park St. (East)</td>
<td>From Jackson St. to Grider St.</td>
</tr>
<tr>
<td>Raymond St. (Both)</td>
<td>From 5th St. to Hamilton St.</td>
</tr>
<tr>
<td>Seymour St. (East)</td>
<td>From Jackson St. to 100 ft. south of Jackson St.</td>
</tr>
<tr>
<td>VanBuren St. (East)</td>
<td>From Adams St. to 110 ft. north of Adams St.</td>
</tr>
<tr>
<td>VanBuren St. (Both)</td>
<td>From Magill St. to 150 ft. south of Magill St.</td>
</tr>
<tr>
<td>Water St. (Both)</td>
<td>From VanBuren St. to Hamilton St.</td>
</tr>
<tr>
<td>Worth St. (Both)</td>
<td>From Jackson St. to Monroe St.</td>
</tr>
<tr>
<td>Worth St. (East)</td>
<td>From Jackson St. to Scott St.</td>
</tr>
<tr>
<td>Worth St. (East)</td>
<td>From Strain St. to 375 ft. north of Strain St.</td>
</tr>
</tbody>
</table>

*(Ord. No. 17-23; 08-28-17)*
SCHEDULE “F”

LIMITED OR SPECIAL PARKING ZONES

In accordance with the provisions of Section 24-6-4(C), the following streets are hereby designated as no parking zones, to-wit:

I. BETWEEN THE HOURS OF 7:00 A.M. AND 5:00 P.M.

<table>
<thead>
<tr>
<th>STREET - SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamilton St. (Both)</td>
<td>From Lewis St. to George St.</td>
</tr>
<tr>
<td>Hamilton St. (Both)</td>
<td>From Scott St. to Jackson St.</td>
</tr>
<tr>
<td>Van Buren St. (East)</td>
<td>From Harrison St. to Monroe St.</td>
</tr>
</tbody>
</table>

II. TEMPORARY PARKING - THIRTY (30) MINUTES. It shall be unlawful for the operator or owner of any motor vehicle to park or stand a vehicle within the curb lengths hereafter described for more than thirty (30) consecutive minutes.

(A) West side of square - South Main Street. From the NE corner of Block 13, original Town of Sullivan, Illinois, measure easterly along the north line of said Block 13 extended, a distance of 12 feet; thence measure southerly parallel to the east line of said Block 13, a distance of 75.5 feet to the point of beginning; thence continue along the last described course extended, a distance of 41.8 feet.

(B) North side of square - East Harrison Street. From the SE corner of Block 8, original Town of Sullivan, Illinois, measure southerly along the east line of said Block 8 extended, a distance of 12.4 feet; thence measure westerly parallel to the south line of said Block 8, a distance of 94.8 feet to the point of beginning; thence continue along the last described course extended, a distance of 41.4 feet.

(C) East side of square - South Washington Street. From the SW corner of Block 12, original Town of Sullivan, Illinois, measure westerly along the south line of said Block 12 extended, a distance of 12 feet; thence measure northerly parallel to the west line of said Block 12, a distance of 52 feet to the point of beginning; thence continue along the last described course extended, a distance of 42 feet.

(D) South side of square - East Jefferson Street. From the NW corner of Block 17, original Town of Sullivan, Illinois, measure northerly along the west side of said Block 17 extended, a distance of 12 feet; thence measure easterly parallel to the north line of said Block 17, a distance of 88 feet, to the point of beginning; thence continue along the last described course extended, a distance of 41 feet.

III. ALL NIGHT PARKING PROHIBITED. No person shall park a vehicle on any street within one (1) City block of the Moultrie County Courthouse in Sullivan for a period of time longer than forty-five (45) minutes between the hours of 2:00 A.M. and 6:00 A.M., of any day, except physicians and emergency calls.
SCHEDULE “F” (CONT’D.)

IV. PARKING IS PROHIBITED EXCEPT FOR POLICE AND LAW ENFORCEMENT VEHICLES AS FOLLOWS:

(Ord. No. 08-05; 03-10-08)

V. PARKING TIME LIMITS. Except as otherwise provided herein, between the hours of 7:00 A.M. and 5:00 P.M., the continuous uninterrupted parking of a motor vehicle is prohibited for more than the time limit set forth hereafter at the following places:

(A) The first two angled parking spaces north of Harrison St. on the west side of Main St. (30 minutes).
(B) The first four angled parking spaces north of Jefferson St. on the east side of Madison St. (15 minutes).
(C) Seventy-five (75) feet west of Van Buren St. on the north side of Monroe St. (20 minutes).

VI. ANGLE PARKING. Those streets or parts of streets described below are hereby declared to be streets upon which vehicles shall be parked at an angle to the curb or approximately thirty (30) degrees or as indicated by painted markings upon the pavement.

Harrison St. From Hamilton St. to Madison St.
Jefferson St. From Hamilton St. to Washington St.
Jefferson St. From Washington St. to Madison St.
Magill St. (South) From Main St. to Hamilton St.
Main St. From Water St. to Jackson St.
Washington St. From Harrison St. to Monroe St.
Washington St. From Jefferson St. to Harrison St.

VII. PERPENDICULAR PARKING. Those streets or parts of streets described below are hereby declared to be streets which vehicles shall be parked perpendicular to the curb.

Jefferson St. From Washington St. east to the alley, on both sides of the street.
Van Buren St. From Harrison St. north to the alley on both sides of the street.
Washington St. From Jefferson St. north to the alley on both sides of the street.

VIII. SCHOOL VISITOR PARKING. Between the hours of 8:00 A.M. to 3:00 P.M., there shall be Visitor Parking Only, with No Parking Students or Staff Between Signs, on the west side of Main Street from Magill Street on the south to the north entrance of the high school parking lot on the north (650 feet north of Magill Street). (Ord. No. 18-17; 08-13-18)

IX. SCHOOL NO PARKING. Between the hours of 7:30 A.M. to 3:30 P.M. when school is in session, there shall be No Parking on the east side of Main Street from Magill Street on the south to the north entrance of the high school parking lot on the north (650 feet north of Magill Street). (Ord. No. 18-17; 08-13-18)

[Supplement No. 26; 01-01-20]
## SCHEDULE “H”

### HANDICAPPED PARKING ZONES

In accordance with the provisions of Section 24-6-5(E), the following streets and areas are hereby designated as handicapped parking spaces, to-wit:

<table>
<thead>
<tr>
<th>STREET - NUMBER OF SPACES</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>W. Adams (2)</td>
<td>2 spaces, (north side of street, south side of medical center)</td>
</tr>
<tr>
<td>Civic Center (3)</td>
<td>2 spaces north side of entrance to building, 1 space to south side to entrance of building</td>
</tr>
<tr>
<td>E. Harrison St. (1)</td>
<td>Corner east of S. Washington St. and E. Harrison (on south side of Harrison St.)</td>
</tr>
<tr>
<td>E. Harrison St. (1)</td>
<td>South side of street between S. Worth and S. Madison (First Baptist Church)</td>
</tr>
<tr>
<td>W. Harrison St. (2)</td>
<td>North side of street between S. Hamilton and S. Pierce, (south side of Methodist Church)</td>
</tr>
<tr>
<td>W. Harrison St. (1)</td>
<td>SE corner of Van Buren St. and W. Harrison St. (east of First National Bank ATM drive)</td>
</tr>
<tr>
<td>W. Harrison St. (1)</td>
<td>The first angled parking space west of Main St. on the north side of Harrison St. (City Building)</td>
</tr>
<tr>
<td>High School (2)</td>
<td>2 spaces main entrance to High School, on west side of N. Main St.</td>
</tr>
<tr>
<td>E. Jefferson St. (1)</td>
<td>Corner of E. Jefferson and Madison St. on the south side of the Senior Citizen Building</td>
</tr>
<tr>
<td>W. Jefferson St. (1)</td>
<td>NW corner of West Jefferson and South Main (located south of China King) (#19-15)</td>
</tr>
<tr>
<td>Jibby's Parking Lot (2)</td>
<td>2 spaces, one on south side of lot in the middle by alley, other space on NE corner of lot off of Monroe St.</td>
</tr>
<tr>
<td>Library (3)</td>
<td>3 spaces, one on north side of parking lot, two on south side of parking lot</td>
</tr>
<tr>
<td>S. Madison St. (2)</td>
<td>West side of street E. Harrison and E. Jefferson, (back entrance to senior citizens building) (#19-13)</td>
</tr>
<tr>
<td>N. Main St. (1)</td>
<td>NE corner of N. Main and E. Monroe (north of Shasteens on ease side of Main)</td>
</tr>
<tr>
<td>S. Main St. (1)</td>
<td>SE corner of S. Main and E. Harrison (NW corner of courthouse on Main)</td>
</tr>
</tbody>
</table>
SCHEDULE “H” (CONT’D.)

<table>
<thead>
<tr>
<th>STREET - NUMBER OF SPACES</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. Main St. (1)</td>
<td>East side of street between E. Jefferson and E. Adams (north of phone company office)</td>
</tr>
<tr>
<td>S. Pierce (3)</td>
<td>Between W. Harrison and W. Jefferson, (east side of Methodist Church)</td>
</tr>
<tr>
<td>Police Station (1)</td>
<td>1 space on parking lot</td>
</tr>
<tr>
<td>Tabor Park (1)</td>
<td>Enter from Cotton Tail Lane, SW corner of parking lot</td>
</tr>
<tr>
<td>N. Washington St. (East) (1)</td>
<td>The first space north of the alley of block between Harrison and Monroe St. (#03-03)</td>
</tr>
<tr>
<td>N. Washington St. (2)</td>
<td>NW and NE corners of N. Washington and E. Harrison (Little Theatre office, Sullivan Pharmacy)</td>
</tr>
<tr>
<td>S. Washington St. (1)</td>
<td>NW corner of S. Washington and E. Jefferson, (south east corner of courthouse)</td>
</tr>
<tr>
<td>Wyman Park (3)</td>
<td>South parking lot, south side of parking by sidewalks leading to pavilions</td>
</tr>
<tr>
<td>Wyman Park (3)</td>
<td>North parking lot, 2 spaces on north side of parking lot in front of pavilion, 1 space on south side in front of restroom</td>
</tr>
<tr>
<td>Wyman Park (3)</td>
<td>NE corner of parking lot in front of High School next to park utility shed and concession stand</td>
</tr>
</tbody>
</table>

Special Areas (Alleys, Etc.)

One space on the north side of the east-west alley at 16 North Washington Street (southwest side of O-Malley’s) (#01-14)

One space at the corner of W. Jefferson St. and S. Van Buren St. to be located on S. Van Buren St. at the Northeast Corner of Lot One (1) of Block Fifteen (15) of the original Town, now City, of Sullivan, Illinois. (#05-20)

One space on the east side of the northeast corner of the Sullivan Fire Protection District building located at 115 West Harrison Street. (#13-20)

One space on the west end of the SE corner of South Washington St. and West Jefferson St. (in front of The Makers Mercantile) (#19-15)
CHAPTER 25

NUISANCES

ARTICLE I - GENERALLY

25-1-1 SPECIFIC NUISANCES ENUMERATED. It is hereby declared to be a nuisance and to be against the health, peace and comfort of the City, for any person, firm or corporation within the limits of the City to permit the following: but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within three hundred (300) feet of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within eight hundred (800) feet of any occupied dwelling house.

(G) **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(I) **Bodies of Water.** To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which alters the condition of a natural body of water or ground surface, so that it harbors mosquitoes, flies or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(J) **Storing Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, including but not limited to tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious and dangerous to the health of individuals or the public.
(K) Underground Wells. To permit any salt water, oil, gas or other
wastes from any well drilled for oil, gas or exploratory purposes to escape to the
surface, or into a mine or coal seam, or into any underground fresh water supply, or
from one underground stratum to another.

(L) Harassment. To harass, intimidate or threaten any person who is
about to sell or lease or has sold or leased a residence or other real property, or is
about to buy or lease or has bought or leased a residence or other real property, when
the harassment, intimidation or threat relates to a person's attempt to sell, buy or lease
a residence, or other real property, or refers to a person's sale, purchase or lease of a
residence or other real property.

(M) Business. To establish, maintain and carry on any offensive or
unwholesome business or establishment within the limits of the City or within the
distance of one (1) mile beyond the City limits. (See 65 ILCS Sec. 5/11-42-9)

(N) Filthy Premise Conditions. To keep or suffer to be kept in a
foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar,
vault, drain, privy, sewer or sink upon any premises belonging to or occupied by him, or
any railroad car, building, yard, grounds, and premises belonging to or occupied by him.

(O) Expectorate. To expectorate on any public sidewalk or street, or
other public building or floor or walk of any public vehicle or hall.

(P) Litter on Streets. It shall be unlawful for any person to deposit
or allow trash, including but not limited to paper, cardboard, wire, dirt, rock, stone,
glass, brick, lumber, wood or litter of material objects of any size or description to fall
upon the streets of the City, or to be thrown by any person, or to throw from a moving
vehicle and to remain thereon.

(Q) Accumulation of Junk And Trash. To deposit, pile up, or place
any garbage, refuse or trash, including but not limited to rags, old rope, paper, iron,
brass, copper, tin, aluminum, ashes, garbage, refuse, hazardous waste, plastic, 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, street or public way within the City.

(R) Rodents. To cause or permit any condition or situation to exist
that shall attract, harbor, or encourage the infestation of rodents. The storing or
placing of ashes, refuse, old bricks, concrete, branches, brush, trash or the storing or
placing of any materials which may harbor rats, in any residential, office or commercial
zone of the City is hereby declared to be a nuisance.

(S) Bringing Nuisances into the City. To bring into the City, or keep
therein for sale or otherwise, either for food or for any other purpose, any dead or live
animal or any matter, substance or thing which shall be a nuisance or which shall occasion
a nuisance in the City, or which may or shall be dangerous or detrimental to health.

(T) Offensive Liquids. To keep nauseous, foul or putrid liquid or
substance or any liquid or substance likely to become nauseous, foul, offensive or putrid,
or permit any such liquid to be discharged, placed, thrown or to flow from or out of any
premise into or upon any adjacent premises or any public street or alley, nor permit the
same to be done by any person connected with the premises.
Motor Transport Engines. To operate motor vehicle transport engines in the nighttime between the hours of eight (8:00) o’clock P.M. and six (6:00) o’clock A.M., in any place in which a majority of the buildings, within a radius of four hundred (400) feet are used exclusively for residence purposes, excluding state and federal highways.

Unplugged Wells. To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged, after such well is no longer used for the purpose for which it was drilled.

Burn-Out Pits. To construct or operate any salt water pit or oil field refuse pit, commonly called “burn-out pit”, so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

Discarded Machinery. To permit concrete bases, discarded machinery and materials to remain around any oil or gas well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

Accumulation of Debris. To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

Generally. To commit any act which is determined by the City Council to be a nuisance or is otherwise declared a nuisance by any other Illinois statute, rule or regulation.

Nothing in this Section shall be construed to prevent the corporate authorities of this City from declaring what shall be nuisances, and abating them within the City limits.

25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY. No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the City if such use, keeping or maintaining shall be dangerous or detrimental to health.

25-1-3 NOTICE TO ABATE. Whenever the City Attorney, or the Board of Health finds that a nuisance exists, he shall direct the City Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

(A) A description of what constitutes the nuisance;
(B) The location of the nuisance;
(C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
NUISANCES 25-1-4

(D) A statement suggesting how such abatement might be accomplished;
(E) The date by which abatement must be completed;
(F) A statement indicating that if the nuisance is not abated by the date prescribed this Municipality will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 ABATEMENT OF NUISANCE BY CITY; UNKNOWN OWNER. It shall be the duty of the Mayor or other designated official 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 in unknown or cannot be found, the Chief of Police or a designated representative shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be paid by the person who may have created or suffered such nuisance to exist, in addition to any penalty or fine.

25-1-5 FAILURE TO COMPLY WITH NOTICE. If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The City shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

25-1-6 LIEN. Charges for removal of the specified nuisance shall be a lien upon the premises. A bill representing the cost and expense including any and all reasonable legal fees and court costs incurred by the City in enforcing this Article and incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:
(A) A description of the real estate sufficient for identification thereof.
(B) The amount of money representing the cost and expense incurred or payable for the service.
(C) The date or dates when said cost and expense was incurred by the City and shall be filed within sixty (60) days after the cost and expense is incurred.

25-1-7 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if the address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.
25-1-8  **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

(See 65 ILCS Sec. 5/11-60-2 and 720 ILCS Secs. 5/47-5; 5/47-10 and 5/47-15)

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
ARTICLE II - WEEDS

25-2-1 DEFINITION. "Weeds" as used in this Code shall include, but not be limited to the following:
Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, grass and all other noxious weeds as defined by the statutes of the State of Illinois.

25-2-2 HEIGHT. It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding eight (8) inches anywhere in the City. Any such plants, weeds, or grass exceeding such height are hereby declared to be a nuisance.

25-2-3 NOTICE. The Police Department or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within five (5) days after such notice has been duly served.

25-2-4 SERVICE OF NOTICE. Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5 ABATEMENT. If the person so served does not abate the nuisance within five (5) days, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

25-2-6 LIEN. Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense to include any and all reasonable legal fees and court costs incurred by the City in enforcing this Article and incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:
(A) A description of the real estate sufficient for identification thereof.
(B) The amount of money representing the cost and expense incurred or payable for the service.
(C) The date or dates when said cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

**25-2-7 PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

**25-2-8 FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City after the lien is in effect for **sixty (60) days**.

*(See 65 ILCS Secs. 5/11-20-6 and 5/11-20-7)*
ARTICLE III - GARBAGE AND DEBRIS

25-3-1 ACCUMULATION PROHIBITED. No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 NOTICE TO PERSON. The Chief of Police or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within five (5) days after such notice has been duly served.

25-3-3 SERVICE OF NOTICE. Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner’s address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 ABATEMENT. If the person so served does not abate the nuisance within five (5) days, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5 LIEN. Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense to include any and all reasonable legal fees and court costs incurred by the City in enforcing this Article and incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

(A) A description of the real estate sufficient for identification thereof.
(B) The amount of money representing the cost and expense incurred or payable for the service.
(C) The date or dates when said cost and expense was incurred by the City and shall be filed within sixty (60) days after the cost and expense is incurred.
25-3-6 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien.

(See 65 ILCS Sec. 5/11-20-13 and 720 ILCS Sec. 5/47-10)
ARTICLE IV - INOPERABLE MOTOR VEHICLE

25-4-1 DEFINITIONS. For the purpose of this Code, the following terms shall have the meanings ascribed to them as follows:

“INOPERABLE MOTOR VEHICLES” shall mean any motor vehicle which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power and/or does not have lawfully affixed thereto an unexpired license plate or plates registered to said vehicle. “Inoperable Motor Vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, but said vehicle shall have affixed thereto a current unexpired license plate or plates registered to said vehicle. (Ord. No. 08-18; 07-14-08)

25-4-2 DECLARATION OF NUISANCE. All inoperable motor vehicles, whether on public or private property in view of the general public, are hereby declared to be a nuisance.

25-4-3 NOTICE TO OWNER. The Police Chief or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable vehicles under his control. If the owner fails to dispose of said inoperable vehicle(s) after seven (7) days from the issuance of the notice, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the inoperable vehicle or parts thereof.

25-4-4 EXCLUSIONS. Nothing in this Article shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a licensed business engaged in the wrecking or junking of motor vehicles.

(See 65 ILCS Sec. 5/11-40-3)
ARTICLE V - BUILDING AS NUISANCE

25-5-1 BUILDING CONDITION - NUISANCE. The Building Inspector or his designated representative shall report to the City Council when any building or structure in the City is in a dangerous condition and constitutes a nuisance. Hereinafter, all references to Building Inspector shall include “his designated representative”.

25-5-2 TIME LIMIT. The owner of such building shall repair or alter it so as to make it safe within ninety (90) days from the time the notice is served upon him in the manner provided by law.

25-5-3 NOTIFICATION. The Building Inspector, with the approval of the City Council, shall place a notice on all “dangerous and unsafe buildings”, which notice shall read as follows:

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

25-5-4 DANGEROUS AND UNSAFE BUILDING DEFINED. All buildings or structures which have any or all of the following defects shall be deemed “dangerous and unsafe buildings”.

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

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

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

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

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

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

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

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.

(J) Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the Fire Prevention Code, or any other ordinances of the City.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

25-5-5 **STANDARDS FOR REPAIR, VACATION OR DEMOLITION.** The following standards shall be followed in substance by the Building Inspector in ordering repair, vacation, or demolition:

(A) If the “dangerous and unsafe building” is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the “dangerous and unsafe building” can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

(C) In any case where a “dangerous and unsafe building” if **fifty percent (50%)** damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a “dangerous and unsafe building” is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the City, or statute of the State of Illinois, it shall be demolished. (See “Non-Conforming Uses” of the Zoning Code)

25-5-6 **DANGEROUS AND UNSAFE BUILDINGS - NUISANCES.** All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore or hereinafter provided.
25-5-7 DUTIES OF THE ATTORNEY. The City Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Building Inspector.

25-5-8 LIENS. The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that within sixty (60) days after said cost and expense is incurred, the City or person performing the service by authority of the City, in his or its own names, shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

(A) A description of the real estate sufficient for identification therefor;
(B) The amount of money representing the cost and expense incurred or payable for the service; and
(C) The date or dates when said cost and expense was incurred by the City to include any and all reasonable legal fees and court costs incurred by the City in enforcing this Article.

Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the City or person in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced within three (3) years after the date of filing notice of lien.

(See 65 ILCS Sec. 5/11-31-1)

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
ARTICLE VI - COST OF ABATEMENT

25-6-1 COST OF ABATEMENT AS A LIEN.

(A) Whenever a bill for the reasonable costs of abatement or removal of a nuisance pursuant to this Chapter remains unpaid for thirty (30) days after it has been sent, the City Treasurer shall file a notice of lien with the County Recorder. Any notice of lien pursuant to this Article shall be filed within ninety (90) days after the cost and expense of abatement or removal of nuisance has been incurred by the City. 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 by the City; and
3. the date or dates when such cost and expense was incurred by the City.

However, any purchaser whose rights in such real estate have arisen subsequent to removal of the public nuisance and prior to the filing of such notice shall not be held liable for the costs of abatement or removal, and the lien of the City shall not have priority as to any mortgage, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice.

(B) Costs and expenses under this Chapter include, but are not limited to, the actual costs and expenses in time of City employees or City authorized contractors and in materials concerning the actual actions of abatement of the nuisance pursuant to this Chapter, transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosures and other related expenses, including but not limited to reasonable attorney’s expenses.

(C) A copy of the notice of lien shall be mailed by the City Treasurer to the owner of the property or to the occupant, or to the person or persons in whose name such real estate was last billed for property tax purposes.

(D) The real estate subject to a lien for such an unpaid assessment of such costs and expenses may be sold for nonpayment thereof, and the proceeds of the sale applied to pay the charges, after deducting costs.

(E) The City Attorney may institute proceedings in the name of the City in any court having jurisdiction over such matters against any property for which such costs and expenses have remained unpaid thirty (30) days after a statement of such costs and expenses have been mailed to the property owner, to the occupant or to the person or persons in whose name the property was last billed for property tax purposes.

(F) Upon payment of the costs and expenses, plus interest from the date thirty (30) days after the bill was sent after notice of lien has been filed the City Treasurer or designee shall file with the County Recorder a release of the lien.
(G) If the payment of the City’s costs of removal or abatement of the nuisance is not paid to the City within thirty (30) days of filing of the notice of lien, the City Attorney is empowered to commence proceedings in Court seeking a judgment from the owner or occupant of such property. The action authorized by this subsection shall be in addition to, and without waiver of, any other remedy.

25-6-2 EMPLOYEES OF THE CITY. Whenever in this Article duties are given to the City, such duties may be performed by employee(s) of the City assigned to such duty by the City Council.

25-6-3 VIOLATIONS.
(A) A separate offense shall be deemed committed on each day during or on which a violation of this Chapter continues unabated ten (10) days after the mailing of a notice pursuant to this Chapter. Any person violating this provision shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).

(B) The provisions for remedying violations of this Chapter are in addition to other applicable remedies, including but not limited to an action in court for an injunction.

(Ord. No. 06-25; 10-24-06)
ARTICLE VII - BUILDING AND PROPERTY MAINTENANCE

25-7-1 MAINTENANCE.

(A) Maintenance Required. All buildings and structures, and all parts thereof, shall be maintained in a safe, sanitary and nonhazardous manner. All means of egress, devices, safeguards and equipment shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereof shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance in conformity with all applicable ordinances of the City and so as to insure that the property itself may be preserved safely and that hazards to public health and safety are avoided.

(B) Maintenance Standards.

(1) Maintenance of Structures. Each owner and occupant shall keep all exterior components of every structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors, storefronts, signs, marquees and awnings.

(a) All surfaces shall be covered with a protective coating, such as paint, plastic or other material which preserves the structure and does not contribute to deterioration.

(b) All surfaces shall be maintained free of deterioration, including but not limited to, broken glass, loose or missing shingles or siding, crumbling brick, stone or mortar, and peeling, scaling or deteriorated paint.

(c) Overhanging structures, including canopies, marquees, signs, awnings, exterior stairways, fire escapes, and other structures with overhanging extensions shall be maintained in good repair, be securely anchored to the structure, and be protected from rust and other signs of decay by application of a weather protective material such as paint. Non-operative or broken electrical signs shall be repaired or removed. All obsolete signs and sign structures shall be removed.

(d) Except for display merchandise in nonresidential buildings, no storage of materials, goods, stock or inventory shall be permitted in building openings ordinarily exposed to public view unless such areas are screened from public view. All such screening shall be of clean material and will be maintained in a good state of repair.
(2) **Maintenance of Accessory Structures.** Each accessory structure shall be subject to the Maintenance Standards set forth above. Further, each structure shall:

(a) Provide weatherproof usable space and shall not harbor rodents, termites or other vermin.

(b) Inoperable vehicles must be stored within an enclosed building or effectively screened from view.

(3) **Maintenance of Premises and Landscape Elements.**

(a) All premises and landscape elements shall be maintained in a safe and sanitary condition, including but not limited to steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed.

(b) All paved driveways and walks which exist within the public right-of-way shall be maintained in safe condition.

(c) All fences, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair. Wooden elements or other elements subject to deterioration from weathering shall be maintained with chemicals or paint to preserve the element and to retard deterioration.

(d) Weeds and grass shall be kept trimmed and from becoming overgrown.

(e) Trees and shrubs which have branches projecting into the public right-of-way, including public sidewalks, public places or public highway, shall be kept trimmed to prevent interference with any person or vehicle lawfully using the right-of-way.

(f) Trees and shrubs afflicted with a form of decay or vegetation sickness which can be transmitted to other trees or shrubs shall be removed or shall be treated or sprayed by the owner or occupant of the property so as to eliminate the risk of any such decay or vegetation sickness being transmitted to other trees. Dead trees in proximity to rights-of-ways, buildings, structures, or congregations of people which may endanger such objects shall be removed.

(g) All yards, courts, or lots shall be kept free of accumulation of trash, garbage waste, rubbish, refuse, junk, and other noxious or offensive materials or substances which may cause a fire hazard or may act as a breeding place for vermin or insects.
(C) **Maintenance After Casualty Damage.** Within a period of **thirty (30) days** after casualty damage to any premises the owner and operator shall take the following steps:

1. Contract for the repair and restoration of damage areas and removal of debris; and
2. Contract for the demolition and removal of any part of the premises not to be repaired and restored and for the removal of debris in connection therewith.

(D) **Responsibility for Maintenance.** For the purposes of this Article, the term “Owner” shall also include occupant, agent, individual, partnership or corporation, or any other person in custody of any building or property governed by this Article.

(E) **Notice of Abatement.** A Notice to Abate shall be sent by certified mail by the City Clerk to the party responsible for the nuisance and to the party on whose property the nuisance exists. The written notice shall order that the nuisance be abated within a reasonable time. The Notice to Abate shall contain:

1. A description of what constitutes the nuisance;
2. The location of the nuisance;
3. A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
4. A statement suggesting how such abatement might be accomplished;
5. A date by which abatement must be completed;
6. A statement indicating that if the nuisance is not abated by the date prescribed this Municipality will abate the nuisance and assess the costs against the property and/or impose a fine.

(F) **Penalty.** A separate offense shall be deemed committed on each day during or on which a violation of this Article continues unabated **ten (10) days** after the date by which abatement must be completed according the Notice provisions herein.

1. Any person violating this provision shall be fined not less than **One Hundred Dollars ($100.00)** nor more than **Five Hundred Dollars ($500.00)** for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
2. The provisions for remedying the conditions are in addition to other applicable remedies, including, but not limited to, an action in court for an injunction.

*(Ord. No. 08-31; 12-08-08)*
CHAPTER 27
OFFENSES

ARTICLE I - DEFINITIONS

27-1-1 MEANINGS OF WORDS AND PHRASES. For the purpose of this Chapter the words and phrases of the Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19 and 2-20, as approved, adopted and amended are hereby adopted by the City, as fully as if set out herein. (See 65 ILCS Sec. 5/1-3-2)

27-1-2 CRIMINAL CODE ADOPTED. The Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City; the provisions thereof shall be controlling within the corporate limits of the City; provided, however, the penalties as provided by this Code shall apply. (See 65 ILCS Sec. 5/1-3-2 and 5/11-1-1)

ARTICLE II - GENERALLY

27-2-1 DISTURBING POLICE OFFICER. No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the City owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace. (See 65 ILCS Sec. 5/11-1-1)

27-2-2 IMPERSONATION OF OFFICER. No person in the City shall falsely represent himself to be an officer of the City or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of the City officer, or hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of the duties of his office. (See 65 ILCS Sec. 5/32-5.1)
27-2-3 **DISTURBING LAWFUL ASSEMBLIES.** It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct. *(See 65 ILCS Sec. 5/11-5-2)*

27-2-4 **UNLAWFUL ASSEMBLY.** It shall be illegal for persons to assemble unlawfully in the following situations:

(A) The use of force or violence disturbing the public peace by two (2) or more persons acting together and without authority of law; or

(B) The assembly of two (2) or more persons to do an unlawful act; or

(C) The assembly of two (2) or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. *(See 720 ILCS Sec. 5/25-1) (See 65 ILCS Sec. 5/11-5-2)*

27-2-5 **DISTURBING THE PEACE.** No person shall disturb the peace of any individual or private family, or of any lawful congregation within the City by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct. *(See 65 ILCS Sec. 5/11-5-2)*

27-2-6 **BARBED WIRE AND ELECTRIC FENCES.** It shall be unlawful for any person to erect or maintain any electrically-charged fence or barbed wire or other such sharp, pointed fence below eight feet (8') in height, except in an agricultural or conservation zone district.

27-2-7 **ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF.** It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.
27-2-8 SALE OF CIGARETTES OR TOBACCO TO MINORS. No minor under eighteen (18) years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under eighteen (18) years of age.

For the purpose of this Section, “smokeless tobacco” means any tobacco products that are suitable for dipping or chewing. (See 720 ILCS Sec. 675/1)

27-2-9 SMOKELESS TOBACCO.

A Definition. For the purposes of this Section, the term “smokeless tobacco” means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

B Sales of Smokeless Tobacco Products to Persons Under Eighteen (18). No person shall sell any smokeless tobacco product to any person under the age of eighteen (18).

C Distribution. No person shall distribute or cause to be distributed to any person under the age of eighteen (18), without charge or at a nominal cost, any smokeless tobacco product. (See 720 ILCS Sec. 680-1 et seq.)

27-2-10 UNLAWFUL CONDUCT ON A PUBLIC WAY.

A It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

B It shall be unlawful to impede or interfere with another person's use of a public way.

27-2-11 AID IN ESCAPE. It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge. (See 720 ILCS Sec. 5/31-7)

27-2-12 ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. (See 720 ILCS Sec. 5/31-6(C))
27-2-13  **FALSE PRETENSES.** It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-14  **RENTING PREMISES FOR UNLAWFUL PURPOSES.** It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-15  **AID TO AN OFFENSE.** It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-2-16  **POSTING BILLS.** It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper City and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

27-2-17  **INTOXICATION IN PUBLIC.** No person shall, in the City, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this City or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the City, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner. (See 65 ILCS Sec. 5/11-5-3)

27-2-18  **RESERVED.** (Ord. No. 19-2; 03-11-19)

27-2-19  **CONCEALED WEAPONS.** No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or colt, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor,
bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any sheriff or deputy sheriff or constable of this State, nor to any United States Marshal.

27-2-20 DISCHARGE OF FIREARMS OR BOW AND ARROW. It shall be unlawful to discharge any firearm, bow and arrow or air gun in the City limits or in such a manner that the bullet, arrow, missile or projectile therefrom enters the City limits without prior written permission from the Mayor. This Section shall not be construed to prohibit any officer of the law from the discharge of a firearm in the performance of his/her duty or during training or qualification at a City owned gun range; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the use of a bow and arrow by students upon school grounds while under the direct and immediate supervision of a teacher or other school supervisory personal. (Ord. No. 18-18; 09-24-18)

27-2-21 GAMES IN STREET. No person shall, upon any City street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-2-22 STORAGE OF EXPLOSIVES. (A) Nitroglycerine; Dynamite, Etc. No person shall have, keep, possess, or store at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them. (B) Blasting Powder, Etc. No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the City in any quantity exceeding five (5) pounds. (See 65 ILCS Sec. 5/11-8-4) (C) Exception. American Legion 68 may store firearms materials in the storage building at Wyman Park with the permission of the City Council.

27-2-23 THROWING ROCKS. No person in the City shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-24 DESTRUCTION OF PUBLIC PROPERTY. No person in the City shall deface, destroy, or in any way, injure any public property, or any other apparatus of the City.

27-2-25 FORTUNE TELLING. No person in the City shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.
27-2-26 **ABANDONED REFRIGERATORS OR ICEBOXES.** It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. *(See 720 ILCS Sec. 505/1)*

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air-tight door or lid, snap-lock or other locking device which may not be released from the inside, without first removing the door or lid, snap-lock or other locking device from the ice box, refrigerator or container.

27-2-27 **HALLOWEEN CURFEW.** It shall be illegal for any person to engage in Halloween practice, commonly called "Trick or Treat", by calling at the homes or dwelling places within the City, either masked or unmasked, except on a day designated by the City Council and no later than **8:00 P.M.** *(See 65 ILCS Sec. 5/11-1-5)*

27-2-28 **CURFEW.**

(A) **Established.** It shall be unlawful for a person less than seventeen (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 eighteen (18) years of age, approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than seventeen (17) years of age to perform:

1. Between 11:00 P.M. on Sunday to Thursday, inclusive and 6:00 A.M. on the following day.
2. Between 12:00 Midnight on Friday and Saturday, inclusive and 6:00 A.M. on the following day.

(B) **Responsibility of Parents and Guardians.** It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subsection (A) of this Section. *(See 65 ILCS Sec. 5/11-1-5)*

27-2-29 **THEFT OF RECYCLABLES UNLAWFUL.** It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the City limits unless said person is acting as an agent for the City or acting as an agent for a waste hauler licensed by the City.
27-2-30 **THROWING OBJECTS FROM MOTOR VEHICLES.** Pursuant to the police powers in 65 ILCS 5/11-1-1, it shall be unlawful for any person occupying or driving a motor vehicle, whether moving or not, to shoot, throw, cast, launch or drop any object, liquid or substance at any person, animal or structure, wherein the possibility of harm, injury or damage may occur as a result of these actions.

The driver and/or all passengers shall be, upon conviction, fined in accordance with the provisions of the City Code and shall be liable for all damage, injury or harm caused by the activity. *(See Section 27-3-2)*

27-2-31 **DEPOSITING SNOW AND ICE RESTRICTED.** No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts. *(See 65 ILCS Sec. 5/11-80-13)*

27-2-32 **HITCHHIKING.** It shall be unlawful for any person to hitchhike, “thumb-ride” or go upon public streets and highways of the City for the purpose of soliciting free transportation.

27-2-33 **HORSE RACING.** It shall be unlawful for any person to be engaged in any way, in any horse race or mule race within the corporate limits of the City.

27-2-34 **HORSES LEFT UNHITCHED.** It shall be unlawful for any person to leave a horse or mule, a horse or mule under saddle, or a team of horses, mares, or mules, or any horse, mare or mule, hitched to a buggy or other vehicle, within the corporate limits of the City, without hitching the same to a rack or some suitable or secure place.

27-2-35 **FIGHTING OF ANIMALS UPON EXHIBITION.** It shall be unlawful for any person to maintain any place where fowls or any animals are suffered to fight upon exhibition or for sport upon any water.

27-2-36 **POISONING DOGS.** It shall be unlawful for any person to poison any dog or dogs or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or dogs.
27-2-37  **DEFACING OR DESTROYING PROPERTY.** It shall be unlawful to injure or break, destroy or deface, or assist in injuring, breaking, destroying or defacing any bridge, fence, building, school house, church, depot or other public or private building or structure, street sign, lamp post, electrical line or pole, electrical lamp or any appurtenance thereto, alarm box, hydrant or any other public or private property within the City.

27-2-38  **INTERFERING WITH STREET LIGHTS.** It shall be unlawful to light or extinguish any street lamp, or in any manner to interfere therewith, without authority so to do.
ARTICLE III
OFFENSES AGAINST PROPERTY

27-3-1   **PETTY THEFT.** A person commits a petty theft when the value of the property is under **Three Hundred Dollars ($300.00)** and he knowingly:

(A) obtains or exerts unauthorized control over property of the owner; or
(B) obtains by deception, control over property of the owner; or
(C) obtains by threat, control over property of the owner; or
(D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

(1) intends to deprive the owner permanently of the use or benefit of the property;
(2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;
(3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(E) It shall be unlawful to commit a petty theft.

*(See 720 ILCS Sec. 5/16-1)*

27-3-2   **CRIMINAL DAMAGE TO PROPERTY.** Any of the following acts by a person shall be a violation of this Code.

(A) To knowingly damage any property of another without his consent; or
(B) recklessly, by means of fire or explosive, damage property of another; or
(C) knowingly start a fire on the land of another without his consent; or
(D) knowingly injure a domestic animal of another without his consent; or
(E) knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building. *(See 720 ILCS Sec. 5/21-1)*

27-3-3   **CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.** No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. *(See 720 ILCS Sec. 5/21-1.1)*
27-3-4  **INJURY TO UTILITY WIRES AND POLES.** It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric lightpost, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

27-3-5  **DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED.** It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the City.

27-3-6  **TAMPERING WITH PUBLIC NOTICE.** It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted.  *(See 720 ILCS Sec. 5/32-9)*

27-3-7  **SKATEBOARDS, ETC. PROHIBITED.** The practice of riding or propelling oneself upon a device commonly known or referred to as a skateboard, roller skates or blade skates, is hereby prohibited upon any publicly-owned property within the City limits.
ARTICLE IV

PUBLIC HEALTH, SAFETY AND DECENCY

27-4-1  **DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE.** A person commits disorderly conduct when he knowingly:

(A) does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(B) transmits in any manner to the Fire Department of any City, town, City or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(C) transmits in any manner to another a false alarm to the effect that a bomb or other explosive device of any nature is concealed in such a place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive device is concealed in such a place; or

(D) transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

(E) enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it;

(F) while acting as a collection agency as defined in the “Collection Agency Act” or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(G) transmits a false report to the Department of Children and Family Services.

*(See 720 ILCS Sec. 5/26-1)*

27-4-2  **RESISTING OR OBSTRUCTING A PEACE OFFICER.** A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. *(See 720 ILCS Sec. 5/31-1)*

27-4-3  **REFUSING TO AID AN OFFICER.** A person who refuses or knowingly fails, upon command, to reasonably aid a person known by him to be a peace officer in the following commits a misdemeanor:

(A) apprehending a person whom the officer is authorized to apprehend; or

(B) preventing the commission by another of any offense.

*(See 720 ILCS Sec. 5/31-8)*

[Supplement No. 26; 01-01-20]
27-4-4 ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.

(A) Drive-in Business. A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) Declared Public Places. For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

(2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:

(a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.

(b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.

(c) For three (3) or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.

(d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.
(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, one (1) or more signs bearing the following legend in letters at least two inches (2") or more in height and readable:

"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."

(See 65 ILCS Sec. 5/11-5-2)

**27-4-5 EXCAVATIONS.** It shall be unlawful for any person who owns, maintains, uses, abandons, any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing. This Section shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. **(See 720 ILCS Sec. 605/1)**

**27-4-6 UNLAWFUL USE OF WEAPONS.**

(A) A person commits the offense of unlawful use of weapons when he knowingly sells, manufacturers, purchases, possesses or carries any bludgeon, black-jack, sling-shot, sand club, sandbag, metal knuckles, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or

(B) Carries or possesses with the intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or

(C) Carries on or about his person or in any vehicle, a tear-gas gun projector, or bomb or any object containing noxious liquid gas or substance; or

(D) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or

(E) Sets a spring-gun; or

(F) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(G) Carries or possesses any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted; or
(H) Carries or possesses in a vehicle or about his person within the corporate limits of the City except when on his land or in his own abode or fixed place of business any loaded pistol, revolver, or other firearm.

(I) This Section shall not apply to or affect persons exempted under provisions of Chapter 38, Section 24-1 of the Illinois Criminal Code pertaining to unlawful use of weapons.

27-4-7 DISCHARGE OF FIREARMS. It shall be unlawful to discharge firearms within the City, provided, however, that this Section shall not be construed to prevent any police officer from discharging a firearm in the performance of his duty, nor any citizen from discharging any firearm when lawfully defending his person or property.

27-4-8 CARRYING OR DISCHARGING BOWS AND ARROWS OR CROSSBOWS.

(A) It is unlawful for any person to carry any bow or crossbow on the public streets, roads, highways or public lands of the City unless such person carries such bow or crossbow unloaded.

(B) It is unlawful for any person to discharge an arrow or dart from any bow or crossbow on any public or private land, street, sidewalk, road, or highway, or any other place in the City except on a safely constructed target range.

(C) A safely constructed target range shall be one that is constructed in such manner as to prevent the arrow, dart or other projectile from passing over any grounds or space outside the limits of such grounds or residence upon which said range is constructed. Prior to usage, all such ranges shall be inspected for safety and compliance with the terms and conditions of this Chapter by a police officer of the City designated by the Chief of Police to perform said inspections.

27-4-9 CARRYING OR DISCHARGING SLING-SHOTS OR AIR GUNS.

(A) It is unlawful for any person under thirteen (13) years of age to carry any air rifle or sling-shot on the public street, roads, highways or public lands of the City unless such person under thirteen (13) years of age carries such rifle or sling-shot unloaded.

(B) It is unlawful for any person to discharge any rifle or sling-shot from or across any street, sidewalk, road, highway or public land or any public place of the City except on a safely constructed target range.

(C) “Air rifle” means and includes any air gun, air pistol, spring gun, spring pistol, BB gun, pellet gun or any implement that is not a firearm which impels a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm.
ARTICLE V - ANTI-LITTER

27-5-1  DEFINITIONS.  For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

"AIRCRAFT" is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

(A) advertise for sale any merchandise, product, commodity or thing; or

(B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

"LITTER" is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.
“PUBLIC PLACE” means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

“PUBLIC RECEPTACLES” means any receptacles provided by or authorized by the City.

“VEHICLE” is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 LITTERING PROHIBITED. No person shall deposit any litter within the City except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 PREVENTION OF SCATTERING. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 RECEPTACLES - UPSETTING OR TAMPERING. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 SIDEWALKS AND ALLEYS FREE FROM LITTER. Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 OWNER TO MAINTAIN PRIVATE PREMISES.
   (A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.
   (B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.
27-5-7 **LITTERING FROM VEHICLES.**

(A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

(B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the City unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8 **LITTERING FROM AIRCRAFT.** No person in an aircraft shall throw out, drop or deposit any litter within the City.

27-5-9 **LITTER IN PARKS.** No person shall deposit litter in any park within the City except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 **HANDBILLS.**

(A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.
(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

### 27-5-11 POSTING NOTICES PROHIBITED.

No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

### 27-5-12 CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

### 27-5-13 LOADING AND UNLOADING DOCKS.

The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

### 27-5-14 PARKING LOTS.

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of one (1) refuse container for every fifty (50) parking spaces.

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of twenty (20) gallons or 75.7 liters shall be used.
(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

**27-5-15 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY THE CITY.** The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Mayor or his designated representative shall be responsible for the implementation of this enforcement program.

*(See 65 ILCS Sec. 5/11-80-15)*
ARTICLE VI - TRESPASS

27-6-1 TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of Section 27-6-1 hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of Section 27-6-1, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) the pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

(See 65 ILCS Sec. 5/11-5-2)
ARTICLE VII
PAREN TAL RESPONSIBILITY REG ULATIONS

27-7-1
DEFINITIONS. For the purpose of this Article, the following definitions shall apply:

“ACTS OF VANDALISM AND SIMILAR OFFENSES” shall include any of the following acts:
   (A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the City, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership, or association; or
   (B) maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person; or
   (C) maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or
   (D) maliciously, recklessly or knowingly depositing on land or in the building of another person, without his consent, any stink bomb or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or
   (E) maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

“LEGAL GUARDIAN” shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the Illinois Juvenile Court Act.

“MINOR” shall include a person who is above the age of eleven (11) years, but not yet eighteen (18) years of age.

“PARENT” shall include the lawful father and mother of a minor child whether by birth or adoption.

“PROPERTY” shall include any real estate including improvements thereon and tangible personal property.

27-7-2
PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS. The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to
exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

(A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and

(B) Said parent or legal guardian shall have received a written notice thereof, either by certified mail, return receipt requested, or by personal service, with a certificate of personal service returned from the City, following said adjudication or non-judicial sanctions; and

(C) If, at any time within one (1) year following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.
ARTICLE VIII - OBSCENITY

27-8-1  OBSCENITY.

(A)  Elements of the Offense.  A person commits an obscenity when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

(1)  sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or

(2)  presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or

(3)  publishes, exhibits or otherwise makes available anything obscene; or

(4)  performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or

(5)  creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or

(6)  advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(B)  Obscene Defined.  Any material or performance is obscene if:

(1)  the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and

(2)  the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and

(3)  taken as a whole, it lacks serious literary, artistic, political or scientific value.

(C)  Interpretation of Evidence.  Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.
In any prosecution for an offense under this section, evidence shall be admissible to show:

(1) the character of the audience for which the material was designed or to which it was directed;
(2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
(3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
(4) the degree, if any, of public acceptance of the material in this State;
(5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
(6) purpose of the author, creator, publisher or disseminator.

Prima Facie Evidence. The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies, or the possession of more than three (3) copies of obscene material shall be prima facie evidence of an intent to disseminate. (See 65 ILCS Sec. 5/11-5-1)

27-8-2 HARMFUL MATERIAL.

(A) Elements of the Offense. A person who, with knowledge that a person is a child; that is, a person under eighteen (18) years of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

(B) Definitions.

(1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.

(2) “Material” as used in this Code means any writing picture, record or other representation or embodiment.

(3) “Distribute” means to transfer possession of material whether with or without consideration.

(4) “Knowing” as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.
(C) **Interpretation of Evidence.** The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.

(D) **Affirmative Defenses.**

1. Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.

2. Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.

3. Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:
   a. A document issued by the federal government or any state, county or municipal government, or subdivision or agency thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.

4. In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement:
or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

"**NOTICE:** It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor."

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor. **(See 65 ILCS Sec. 5/11-5-1)**

27-8-3 **TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS.** Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense. **(See 720 ILCS Sec. 5/11-22)**
ARTICLE IX - OPEN BURNING

27-9-1  DEFINITIONS. Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

"AGRICULTURAL WASTE" means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

"GARBAGE OR HOUSEHOLD TRASH" means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

"LANDSCAPE WASTE" means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

"OPEN BURNING" means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

27-9-2  BURNING PROHIBITED. It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

27-9-3  RESTRICTIONS ON BURNING OF LANDSCAPE WASTE. The open burning of landscape waste shall be permitted only on the following conditions:

(A) Landscape waste shall be burned on the premises on which such waste is generated; and

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D) Open burning of landscape waste may only take place during daylight hours with a person over eighteen (18) years of age in attendance during the entire period of burning; and,

(E) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F) No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fire hazardous and dangerous.
ARTICLE X - PENALTIES

27-10-1 PENALTY. The Cafeteria Court penalties contained in Section 1-1-26 of the Municipal Code shall apply to violations of this Chapter, unless otherwise provided.

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
CHAPTER 28
PARKS AND RECREATION

ARTICLE I – DEPARTMENT OF PARKS AND RECREATION

28-1-1 ORGANIZATION. The Department of Parks and Recreation shall be a subordinate department of the Department of Accounts and Finances. The Department of Parks and Recreation shall consist of a Park Foreman and such other subordinate employees as may be appointed to the Department of Parks and Recreation from time to time by the Commissioner of the Department of Accounts and Finances.

28-1-2 APPOINTMENT, COMPENSATION. Whenever a vacancy occurs in the position of Park Foreman, such position shall be filled by appointment by the Commissioner of the Department of Accounts and Finances, subject to the approval of the Council. The Park Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council.

28-1-3 DUTIES. Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Accounts and Finance, the Park Foreman shall have the power to make purchases and supplies, to recommend the employ and discharge of subordinate employees, to generally supervise all operations for the maintenance, improvement and care of all City parks, and to have charge of all machinery, tools and implements used by said City in connection with the operation of the City parks. The Park Foreman shall be responsible for any injury or loss of any such machinery, tools and implements caused by his negligence, and shall keep an accurate list of such property of the City as he may, from time to time, have in his custody, which list shall be open to inspection of any member of the Council at any time. In addition to the duties involved in the care and upkeep of the City Parks, the Park Foreman shall have the care and custody of any birds or animals owned by the City and housed or kept in a City park. He shall also supervise any arrangements for picnics and public gatherings of the City parks and may require that advance arrangements be made for such gatherings as might interfere with the normal operation of such parks, or might require any special arrangements on the part of such Park Foreman. The Park Foreman shall have the authority, in the interests of the City, to direct the work of all subordinate employees in the Department of Parks and Recreation and to effectively recommend to the Commissioner of the Department of Accounts and Finances the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of their grievances.

28-1-4 POLICE POWER. The Park Foreman shall have the authority to issue a “notice to appear” as defined in Section 117.1(c) of the Code of Criminal Procedure of 1963 (705 ILCS 1107-1(c)) for any violation of the rules and regulations established for any City park by City ordinance and for such limited purpose the Park Foreman is hereby designated as a “peace officer” within the meaning of Section 2-3 of the Criminal Code of 1961 (720 ILCS 5/2-13).

(Ord. No. 12-20; 10-23-12)
ARTICLE II - PARK BOARD

28-2-1 MEMBERS, APPOINTMENT, TERM. The Park Board for the City shall consist of five (5) persons, chosen from the citizens at large who shall be appointed by the Mayor with the approval of the City Council. Said members shall hold office for a term of five (5) years, or until their successors are appointed and have qualified, except that the members of the Board first appointed shall be appointed for such terms that the term of one (1) member shall expire annually thereafter on the thirtieth (30th) day of April, whereupon the Mayor shall appoint a successor. If a vacancy occurs in the office of any Board member, the Mayor shall appoint a successor to serve for the unexpired term.

28-2-2 CONSIDERATION. The members of the Park Board shall serve without compensation.

28-2-3 POWERS AND DUTIES OF BOARD. The Park Board shall have the power to establish, conduct and maintain the recreation system and program in Wyman Park. It shall maintain, equip and operate the playgrounds and recreational facilities of said park, and may employ recreation leaders, supervisors or such other officers or employees as they may deem proper.

28-2-4 GRANTS OR DONATIONS OF MONEY OR PROPERTY. The Park Board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation, the principal or income of which is to be applied for either temporary or permanent use for recreation purposes. But if the acceptance thereof for recreation purposes will subject the City to expense for improvements, maintenance, or renewal, the acceptance shall be subject to the approval of the City Council. Money received for recreation purposes, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the City Treasurer to the account of the Park Board. This money may be withdrawn and paid out in the same manner as money appropriated for recreation purposes.

28-2-5 CONTROL OF PUBLIC PARKS. All parks within the City shall be under the supervision and control of the Commissioner of the Department of Accounts and Finances.
ARTICLE III - PARK REGULATIONS

28-3-1 DESTRUCTION OF PARK PROPERTY. Within the municipal parks, no person except park personnel on official business shall:
   (A) cut, break, injure, destroy, take, or remove any tree, shrub, timber, plant, or natural object;
   (B) kill, cause to be killed, or pursue with intent to kill any bird or animal except in areas where the City has authorized hunting;
   (C) willfully mutilate, injure or destroy any buildings bridge, table, bench, fireplace, guidepost, notice, tablet, fence, monument, or other park property or appurtenances.

28-3-2 LITTERING - WATER POLLUTION.
   (A) No person shall deposit any trash within the municipal parks except in proper receptacles where these are provided.
   Where receptacles are not provided, all trash shall be carried away from the parks by the person responsible for its presence and shall be properly disposed of elsewhere.
   (B) No person shall discharge or otherwise place or cause to be placed in the waters of any fountain, lake, stream, or other body of water in or adjacent to any park or in any tributary, stream, storm sewer or drain flowing into such waters any substance or thing, liquid or solid which will or may result in the pollution of the waters.

28-3-3 FIRES IN PARKS.
   (A) No person shall light or use any unenclosed picnic fire within the municipal parks. Fires may be built only in fireplaces or on grills constructed for that purpose in designated areas.
   (B) In camping areas, no person shall leave any campfire unattended by a competent person.
   (C) Every person who has lighted or used any fire in a municipal park shall extinguish such fire before leaving the park.

28-3-3.1 FIREWORKS. It shall be unlawful for any person to have in their possession or set off any fireworks in the municipal parks, except at a public exhibition held pursuant to permits issued in the forms provided hereinafter as Appendix “CC” and “DD”. (Ord. No. 02-01; 02-25-02)

28-3-4 GENERAL REGULATIONS. The following regulations and restrictions shall apply to the park.
   (A) Swimming or Boating. There shall be no boating or swimming in Wyman Lake.
   (B) Metal Detectors. It shall be unlawful to use metal detectors in Wyman Park.
   (C) Speed Limit. The speed limits established in Chapter 24 of the City Code shall be under control of the Street Department and enforced by the Police Department. No vehicle shall be driven in Wyman Park at a speed greater than fifteen (15) miles per hour.
28-3-5 PICNICS. No person shall picnic in the municipal parks except in areas designated for that purpose. Park personnel are hereby authorized to regulate the activities in such areas when necessary to prevent congestion or to secure the maximum use, comfort, and convenience of all. Visitors shall comply with any directions given to achieve this end.

28-3-6 ERECTION OF STRUCTURES. No person shall build or place any tent, building, booth, stand, or other structure in or upon any municipal park or other recreational facility unless he has obtained a permit to do so from the City.

28-3-7 SIGNS. No person shall place within any municipal park or affix to any object therein any sign or device designated to advertise any business, profession, exhibition, event or thing unless he has obtained a permit to do so from the City.

28-3-8 ANIMALS. No person shall:
   (A) bring any dangerous animal into any municipal park; or
   (B) permit any dog to be in any park unless such dog is on a leash; or
   (C) ride or lead any horse in any municipal park or recreational area except upon paths or other ways expressly provided and posted for that purpose.

28-3-9 MOTOR VEHICLES PROHIBITED. No person other than municipal personnel on official business shall drive or park any motor vehicle, including snowmobiles, in any municipal park except on a roadway or parking lot.

28-3-10 SALES; AMUSEMENTS FOR GAIN. Within the parks of this Municipality, no person shall, without having first obtained a permit from the City:
   (A) sell or offer for sale any goods or services; or
   (B) conduct any amusement for gain or for which a charge is made.

28-3-11 NO ADMISSION FEES TO BE CHARGED; GAMBLING AND LIQUOR PROHIBITED. No circus, sideshow, menagerie, or other tent show shall exhibit in said park. No amusement shall be conducted within said park for which an admission or entrance fee is charged or collected to gain admission; that horse racing and all kinds of gambling and the sale, possession, and consumption of alcoholic liquor shall be prohibited in said park.
28-3-12 APPLICATION FOR PERMIT. Applications for all permits required by this Chapter shall be made in writing to the Commissioner not less than seven (7) days before the proposed date of the activity for which the permit is sought. Each application shall include the following information:

(A) A statement briefly describing the nature of the proposed activity;
(B) name, address and telephone number of the person or organization wishing to conduct such activity;
(C) the date when such activity is to be conducted;
(D) the hour when such activity will start and terminate;
(E) the park or portion thereof for which such permit is desired; and
(F) an estimate of the anticipated attendance.

28-3-13 DECISION ON PERMIT APPLICATION. If a permit is issued to an applicant, the Commissioner of the Park will issue the permit with Council approval.

28-3-14 ISSUANCE OR DENIAL OF PERMIT.

(A) Notification by regular mail or by telephone shall be made promptly by the Commissioner to every permit applicant of the decision on his application.
(B) If such decision is favorable, the Commissioner shall issue the permit. As a condition of the issuance of any permit, the Commissioner may require that an indemnity bond be obtained if, in their opinion, such bond is necessary to protect this Municipality from liability or to protect municipal property from damage.
(C) The Commissioner shall inform each applicant who has been denied a permit regarding the reasons for the denial and the procedure for appeals.

28-3-15 HOURS. The City Council does hereby establish the hours of operation of the municipal park from 5:00 A.M. to 11:00 P.M. every day of the week. No one shall be in the park without the Commissioner's permission after the established hours.

28-3-16 TERRITORY OUTSIDE OF CORPORATE LIMITS TO BE GOVERNED BY PARK ORDINANCE. All ordinances of the City now in force or that may hereafter be passed by the City Council, pertaining in any way thereto or that may be applicable herein shall extend to and cover all of the territory constituting City parks, not only that lying within the corporate limits of the City, but also that portion of the parks lying adjoining the said corporate limits and not included within the corporate limits of the City.
ARTICLE IV - SULLIVAN CIVIC CENTER

28-4-1 ORGANIZATION. The Sullivan Civic Center shall be a subordinate facility of the Department of Accounts and Finances. The Sullivan Civic Center shall consist of a Director and such other subordinate employees as may be appointed to the facility from time to time by the Commissioner of the Department of Accounts and Finances. (Ord. No. 12-20; 10-23-12)

28-4-2 DIRECTOR, APPOINTMENT, SALARY. Whenever a vacancy occurs in the position of Director of the Sullivan Civic Center, such position shall be filled by appointment by the Commissioner of the Department of Accounts and Finances, subject to the approval of the Council. The Director of the Sullivan Civic Center shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council. (Ord. No. 12-20; 10-23-12)

28-4-3 DIRECTOR, DUTIES. The Director of the Sullivan Civic Center shall have the supervision of all operations for the maintenance, improvement and care of the Sullivan Civic Center, and as such Director, shall be responsible for the safety, scheduling, programming and control of all activities at said Civic Center. He shall keep an accurate list of such property of the City as he may, from time to time, have in his custody, which list shall be open to inspection of any member of the City Council at any time. The Director of the Sullivan Civic Center shall have the authority, subject to the approval of the Commissioner of the Department of Accounts and Finances, to hire a sufficient number of suitable and qualified subordinate employees to perform the duties of maintaining, improving and caring for the Sullivan Civic Center, to direct the work of any such subordinate employees and to effectively recommend to the Commissioner of the Department of Accounts and Finances the suspension, layoff, discharge, reward or discipline of any such personnel, including the adjustment of grievances. (Ord. No. 12-20; 10-23-12)

28-4-4 POLICE POWER. The Director of the Sullivan Civic Center shall have the authority to issue a “notice to appear” as defined in Section 107.1(c) of the Code of Criminal Procedure of 1963 (705 ILCS 5/107-1(c)) for any violation of the rules and regulations established for the Civic Center by City Ordinance and for such limited purpose the Director of the Sullivan Civic Center is hereby designed as a “peace officer” within the meaning of Section 2-13 of the Criminal Code of 1961 (720 ILCS 5/2-13). (Ord. No. 12-20; 10-23-12)

28-4-5 OATH AND BOND. The Director of the Sullivan Civic Center, before entering upon his duties, shall take and subscribe an official oath and shall execute and deliver a bond to the City in the penal sum of Two Thousand Dollars ($2,000.00), to be approved by the City Council, conditioned that he will account for all moneys that may come into his hands as such Director belonging to said City, and that at the expiration of his term of office, he will deliver to his successor in office, or to such person as shall be designated by the Commissioner of the Department of Accounts and Finances, all books and property of every kind or description belonging to said City, which he shall have in his possession by virtue of his said office, and that he will fulfill the duties of his office to the best of his knowledge and ability.
CHAPTER 30
PUBLIC SAFETY

ARTICLE I - CIVIL EMERGENCY

30-1-1 DEFINITIONS.

“CIVIL EMERGENCY” is hereby defined to be:
   (A) A “riot or unlawful assembly” characterized by the use of actual force
        or violence or any power to execute by three (3) or more persons acting together without
        authority of law; or
   (B) Any “natural disaster” or “man-made calamity”, including flood,
        conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the
        City resulting in the death or injury of persons or the destruction of property to such an
        extent that extraordinary measures must be taken to protect the public health, safety and
        welfare.

“CURFEW” is hereby defined as a prohibition against any person or persons walking,
running, loitering, standing or motoring upon any alley, street, highway, public property or
vacant premises within the corporate limits of the City excepting officials of any
governmental unit and persons officially designated to duty with reference to the civil
emergency.

30-1-2 DECLARATION OF EMERGENCY. Whenever an emergency as
defined in Section 30-1-1 exists, the Mayor shall declare the existence by means of a
written declaration, setting forth the facts which constitute the emergency.

30-1-3 CURFEW. After proclamation of a civil emergency by the Mayor, he
may order a general curfew applicable to such geographical areas of the City or to the City
as a whole as he deems advisable and applicable during such hours of the day or night as
he deems necessary in the interest of the public safety and welfare.

30-1-4 AUTHORITY OF MAYOR TO ISSUE ORDERS. After the
proclamation of a civil emergency, the Mayor may also, in the interest of public safety and
welfare, make any or all of the following orders.
   (A) Order the closing of all retail liquor stores including taverns and
       private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is
       permitted.
   (B) Order the discontinuance of the sale of alcoholic liquor by any
       wholesaler or retailer.
(C) Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(D) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(E) Issue such other orders as are imminently necessary for the protection of life and property.

30-1-5 EFFECTIVENESS. The proclamation herein authorized shall be effective for a period of forty-eight (48) hours unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each forty-eight (48) hour period during the time the civil emergency exists.

30-1-6 NOTIFICATION. Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the City and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the following places within the City:

(A) The City Hall.
(B) The Post Office.
(C) The Court House.

(See 65 ILCS Sec. 5/11-1-6)
ARTICLE II - POLICE DEPARTMENT

DIVISION I - DEPARTMENT ESTABLISHED

30-2-1 ORGANIZATION. The Police Department of the City shall be a subordinate department of the Department of Public Affairs. The Police Department shall consist of the Mayor, the Commissioner of the Department of Public Affairs, the Chief of Police, an assistant Chief of Police, and such number of regular policemen, part-time policemen, auxiliary policemen and radio operators as may be appointed by the Mayor or Commissioner of the Department of Public Affairs from time to time, and such other employees of the City as may hereinafter be required to exercise police power by City Code.

30-2-2 APPOINTMENTS. The Chief of Police shall be appointed by the Mayor, subject to the approval of the City Council. All other appointments or promotions within the Department, or removals from office of personnel within the Department shall be made by the Commission of the Department of Public Affairs.

30-2-3 CHIEF OF POLICE; DUTIES. The Chief of Police shall, under the supervision of the Mayor, exercise general supervision and control over the Police Department and its personnel, and shall see that all other police officers are prompt and efficient in the discharge of their duties. He shall enforce rules and regulations of the Police Department as may be, from time to time, established by City Code or by the Commissioner of the Department of Public Affairs. It shall be the further duty of the Chief of Police to see that the ordinances of the City and the statutes of the State of Illinois are observed and enforced within the City limits. He shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the City Council. He shall receive as his salary such sum as the City Council shall, by proper resolution, determine, such salary to be payable in equal bi-weekly installments.

30-2-4 ASSISTANT CHIEF OF POLICE; DUTIES. The Assistant Chief of Police shall exercise such authority and perform such duties as shall be assigned him or her by the Chief of Police or the Commissioner of the Department of Public Affairs. He shall, also, in the absence of the Chief of Police, have the same authorized duties as the Chief of Police.

30-2-5 POLICEMEN; DUTIES. It shall be the duty of the members of the Police Department to see that the ordinances of the City and the statutes of the State of Illinois are observed and enforced within the City limits. When any violation of law or any ordinance shall come to the knowledge of any member of the Police Department he shall, without delay, cause the proper complaint to be made before some court having jurisdiction and cause the
necessary witnesses to be subpoenaed for the proper prosecution of the offender. The Mayor or any Commissioner or City employee in whom police power has been vested by ordinance may, and all other police officers shall, 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; shall commit arrested persons for examination; shall, if necessary, detain arrested persons in custody overnight or Sunday in any safe place, or until they can be brought before the proper court; and shall exercise all the powers as conservators of the peace. Policemen shall be at least twenty-one (21) years of age, shall have a valid Illinois driver’s license, shall have no criminal record, shall pass a background investigation, be of sound mind and character, be physically able to perform police tasks, shall complete successfully any and all mandatory training as may be prescribed by federal, state and local laws and regulations, and shall be qualified under all federal, state and local laws, ordinances and regulations to be a law enforcement officer.

30-2-6 MUTUAL AID CONTRACT. The Police Department, with the approval of the City Council, may enter into an agreement to provide police protection to neighboring municipalities.

30-2-7 SPECIAL POLICEMEN. The Mayor may, on special occasions when, in his judgment for public peace and order of the City shall require, appoint and commission any number of special policemen as may be necessary and shall fix in order of their appointment, the time during which each shall serve all such special policemen, during such time, shall possess the powers and exercise the duties of regular police patrolmen; provided that their appointment, if for more than ten (10) days shall be subject to the consent of the City Council in the manner that other appointments to office by the Mayor are subject. Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only in uniform and in the performance of their duties.

30-2-8 LEGAL PROCESSES. All police shall have the power and authority to execute City warrants or other similar legal processes outside the corporate limits of the City and within such distance therefrom as authorized by law in all cases when any ordinance of the City Council made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the City.

30-2-9 ASSISTING POLICE OFFICER. Every police officer of the City may, at any time, call upon any able-bodied person(s) above the age of eighteen (18) years to aid him in the arresting, retaking or holding in custody of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act.
30-2-10 **AIDING FIRE DEPARTMENT.** Every police officer shall aid the fire department by giving the alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.

30-2-11 **FAILURE TO PERFORM.** Any member of the Police Department who shall neglect or refuse to perform any duty required of him by this Code or the rules and regulations of the Department, or who shall be, in the discharge of his official duties, guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

30-2-12 **AIDING IN ESCAPE.** It shall be unlawful for any person in this City to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

30-2-13 **USE OF INTOXICATING LIQUOR.** No member on an active tour of duty or while wearing the official policeman's badge of the City shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

30-2-14 **WITNESS FEES.** Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the City Treasurer.

30-2-15 **RULES AND REGULATIONS.** The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable and such rules, when approved by the Mayor, shall be binding on such members.

30-2-16 **TRAINING.** All policemen, prior to entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures by the proper authorities as established by the State of Illinois for firearms training. Such courses of
training shall not be less than **four hundred (400) hours** in duration. Upon completion of the course of training, the applicant shall file with the Mayor a certificate attesting to the completion of the course.

**30-2-17 STOLEN PROPERTY.** The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the City.

**30-2-18 PART-TIME POLICE.**

(A) The Mayor may appoint with the advice and consent of the City Council part-time police officers. The Mayor and the Police Chief may discipline and discharge part-time police officers.

(B) A part-time police officers shall have all the responsibilities of a full-time police officer in such specific duties as shall be delineated in the general orders of the Sullivan Police Department. The number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (**50 ILCS 705/1 et seq.**) and the rules and requirements of the Illinois Law Enforcement Training and Standards Board.

(C) 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 **twenty-one (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.
7. Any individual who has served in the U.S. military must have been honorably discharged.

(D) Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police, but if no Chief of Police shall have been appointed then said officer shall be under the disciplinary jurisdiction of the Police Chief. They shall serve at the discretion of the City Council. They shall have no property rights in said employment and may be removed by the City Council at any time. Part-time police officers shall comply with all applicable rules and general orders issued by the Police Department.

*(Ord. No. 12-17; 09-24-12)*

**30-2-19 - 30-2-24 RESERVED.**

*(See 65 ILCS Sec. 5/11-1-2)*
DIVISION II - AUXILIARY POLICE

30-2-25  **APPOINTMENT.** The Mayor is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the City Council. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C. for any possible criminal record. No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude. All appointees shall be at least **eighteen (18) years** of age. The appointment of any or all auxiliary policemen may be terminated by the Mayor subject to the advice and consent of the City Council.

30-2-26  **NOT MEMBERS OF POLICE DEPARTMENT.** Auxiliary policemen shall not be members of the Regular Police Department and shall be residents of the City. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by the Regular Police Department and shall be selected and chosen by the Chief of Police of this City. Auxiliary policemen shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police.

30-2-27  **POWERS AND DUTIES.** Auxiliary policemen shall have the following powers and duties when properly assigned and on duty:

(A) To aid or direct traffic in the municipality.
(B) To aid in control of natural or man-made disasters.
(C) To aid in case of civil disorder.
(D) To perform normal and regular police duties when assigned by the Chief of Police on occasions when it is impractical for members of the regular Police Department to perform normal and regular duties.
(E) 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.
(F) To commit arrested persons for examination.
(G) If necessary, to detain arrested persons in custody overnight or Sunday in any safe place or until they can be brought before the proper magistrate.
(H) To exercise all other powers as conservators of the peace that the corporate authorities may prescribe.
(I) To serve and execute all warrants for the violation of municipal ordinances, or the State Criminal Law, within the corporate limits of the City, and also on any property owned and controlled by the City beyond its corporate limits and for this purpose, to have all the common law and statutory power of sheriffs.
30-2-28 **FIREARMS PROHIBITED.** Part-time policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

30-2-29 **TRAINING.** Part-time policemen, before entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures appropriate for the exercise of the powers conferred upon them under this Code. The training and course of study shall be determined and provided by the Chief of Police.

30-2-30 **COMPENSATION.** Auxiliary policemen may receive compensation as provided by the City Council.

30-2-31 - 30-2-34 **RESERVED.**

(See 65 ILCS Sec. 5/ 3.1-30-20)
DIVISION III - POLICE CODE

30-2-35  CHIEF OF POLICE.
   (A)  Authority.  The Chief of Police is the Chief Executive Officer of the Department and the final departmental authority in all matters of policy, operations and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the department.

   (B)  Responsibilities.  Through the Chief of Police the Department is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. He is responsible for planning, directing, coordinating, controlling and staffing all activities of the Department, for its continued and efficient operation, for the enforcement of rules and regulations within the Department for the completion and forwarding of such reports as may be required by competent authority, and for the Department's relations with the citizens of the City, the City government and other agencies.

   (C)  Duty Hours.  The Chief of Police shall be on duty during the hours the Mayor establishes for the office and shall be available for duty in case of emergency at all other times.

30-2-36  RULES AND REGULATIONS FOR ALL MEMBERS AND EMPLOYEES.
   (A)  Code of Ethics.  Law enforcement is an honorable calling. Service in this field demands a professional rather than an occupational philosophy. Personal honor, a desire for professional status and devotion to service above self are the motives which impel a police officer to discharge his responsibilities in full measure.

   A police officer's life is one of self-sacrificing service to a high ideal, based upon his recognition of the responsibilities entrusted to him and the belief that law enforcement is an honorable vocation. He fully accepts his responsibilities to defend the right to protect the weak, to aid the distressed and to uphold the law in public and private living. He accepts the obligation to report facts and to testify without bias or display of emotion, and to consider all information coming to his knowledge by virtue of his position as a sacred trust, to be used for official purposes only. He gives his loyal and faithful attention to the identification and apprehension of criminals, being equally alert to protect the innocent and prosecute the guilty. He performs the functions of his office without fear, favor, or prejudice and does not engage in unlawful or improper practices.

   He does not disclose to unauthorized persons any information concerning pending matters which might be prejudicial to the interest of the State, City or the Department. He does not seek to benefit personally by any confidential information which has come to him by virtue of his assignment. He is faithful and loyal to his organization, constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies and their representatives in matters of mutual interest and obligation.
Rigid adherence to the principles set out above is mandatory for anyone accepting a position in the Police Department. Acceptance of these principles should not be perfunctory; it should be weighed carefully. Citizens are quick to criticize any misconduct of the members of the Department; the community places a trust in police officers and expects them to so conduct themselves as to merit this trust. Members should be proud to hold a position that demands so much.

There must be a moral philosophy and strong appreciation of the need for service in any profession. Unwavering adherence to such a moral philosophy will earn for police officers the respect and support of the public.

Each member of the Police Department will be required to conform to the Law Enforcement Code of Ethics.

(B) **Oath of Office.** New members shall take the following oath of office:

"I, _________________________ do solemnly swear that I will support and comply with the Constitution of the United States of America; the Constitution and the laws of the State of Illinois; the charter, laws and ordinances of the City of Sullivan, Illinois; the rules and regulations of the City of Sullivan Police Department; and the Law Enforcement Code of Ethics, and that I will faithfully discharge the duties of my office as _____ ________________ to the best of my ability."

(C) The Police Department does hereby operate in compliance with the Standard Operating Procedures as developed with and approved by the applicable State agencies.

30-2-37 **PROFESSIONAL CONDUCT AND RESPONSIBILITIES.**

(A) **Standard of Conduct.** Members and employees shall conduct their private and professional lives in such a manner as to avoid bringing the Department into disrepute.

(B) **Loyalty.** Loyalty to the Department and to associates is an important factor in departmental morale and efficiency. Members and employees shall maintain a loyalty to the Department and their associates as is consistent with the law and personal ethics.

(C) **Cooperation.** Cooperation between the ranks and units of the Department is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation within the Department.

(D) **Assistance.** All members are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be pending.

(E) **General Responsibilities.** Within the City, members shall, at all times, take appropriate action to:

1. Protect life and property.
2. Preserve the peace.
3. Prevent crime.
(5) Enforce all federal, state and local laws and ordinances coming within departmental jurisdiction.

(F) **Duty Responsibilities.** Members of the Department are always subject to duty although periodically relieved of its routine performance. They shall, at all times, respond to the lawful orders of superior officers and other proper authorities as well as calls for police assistance from citizens. Proper police action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

(G) **Insubordination.** Failure or deliberate refusal of any member or employee to obey a lawful order given by a superior officer shall be insubordination. Ridiculing a superior officer or his orders, whether in or out of his presence, is also insubordination.

(H) **Questions Regarding Assignment.** Members and employees in doubt as to the nature or detail of their assignment shall seek such information from the Chief or Senior Officer in charge.

(I) **Knowledge of Laws and Regulations.** Every member is required to establish and maintain a working knowledge of all laws and ordinances in force in the City, the rules and policies of the Department and the orders of the Department and divisions thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule and policy in question.

(J) **Performance of Duty.** All members and employees shall perform their duties as required or directed by law, departmental rule, policy or order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed notwithstanding the general assignment of duties and responsibilities.

(K) **Obedience to Laws and Regulations.** Members and employees shall observe and obey all laws and ordinances, all rules and regulations of the Department and all general or special orders of the Department.

(L) **Establishing Elements of Violation.** Existence of facts establishing a violation of a law, ordinance or rule is all that is necessary to support any allegation of such as a basis for a charge under this Section. It is not necessary that a formal complaint be filed or sustained.

Nothing in this Manual of Rules prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in departmental orders, or in laws and ordinances within the cognizance of the Department.

(M) **Reporting Violations of Laws, Ordinances, Rules or Orders.** Members and employees knowing of other members or employees violating laws, ordinances or rules of the Department or disobeying orders, shall report the same in writing to the Chief of Police.
Conduct Toward Superior and Subordinate Officers and Associates. Members and employees shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another.

Criticism of Orders. Members and employees shall not publicly criticize instruction or orders they have received.

Manner of Issuing Orders. Orders from superior to subordinate shall be in clear, understandable language, civil in tone and issued in pursuit of departmental business.

Unlawful Orders. No command of supervisory officer shall knowingly issue any order which is in violation of any law or ordinance or departmental rule.

Obedience to Unlawful Orders. Obedience to an unlawful order is never a defense for an unlawful action. Therefore, no member or employee is required to obey any order which is contrary to federal or state law or local ordinance. Responsibility for refusal to obey rests with the member. He shall be strictly required to justify his action.

Obedience to Unjust or Improper Orders. Members or employees who are given orders which they feel to be unjust or contrary to rules and regulations must first obey the order to the best of their ability and then may proceed to appeal as provided below.

Conflicting Orders. Upon receipt of an order conflicting with any previous order or instruction, the member affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order.

If so directed, the latter command shall be obeyed first. Orders will be countermanded or conflicting orders will be issued only when reasonably necessary for the good of the Department.

Reports and Appeals - Unlawful, Unjust, Improper Orders. A member or employee receiving an unlawful, unjust, or improper order shall, at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra-departmental action regarding such an appeal shall be conducted through the office of the Chief of Police.

Gifts, Gratuities, Fees, Rewards, Loans, Etc., Soliciting. Members and employees shall not, under any circumstances, solicit any gift, gratuity, loan or fee where there is any direct or indirect connection between the solicitation and their departmental membership or employment.

Other Transactions. Members and employees are prohibited from buying and selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any active case which has come to their attention or which arose out of their departmental employment, except as may be specifically authorized by the Chief of Police.

Rewards. Members and employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency, except lawful salary and that which may be authorized by law.
Disposition of Unauthorized Gifts, Gratuities, Etc. Any unauthorized gift, gratuity, loan, fee, reward or other thing falling into these categories coming into the possession of any member or employee shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances connected therewith.

Free Admissions and Passes. Members and employees shall not solicit or accept free admission to places of amusement for themselves or others, except in the line of duty.

Debts. Members of the Police Department shall pay when due all just bills and obligations owed by such member, and such member shall not incur or become liable for obligations which he, in the reasonable course of events, could not possible meet at their maturity.

Intercession by Another. No member/employee of the Police Department shall solicit any person to intercede with the Chief of Police, Mayor, City Council, Safety Committee, or any elected or appointed official in relation to promotions, departmental assignment, scheduling, disposition of pending charges or findings on a disciplinary proceeding. This Section shall not apply to licensed attorneys of the State of Illinois when representing an employee/member of the Police Department.

Right to Appeal. The Sullivan Police Department has a Standard Operating Procedure (SOP) that covers right to appeal.

Disclosure of Departmental Business. Discussion of the operations and official business of the Department without the permission of the Chief of Police is not permitted. (For purposes of this Section, all Department documents and orders, written or oral, are to be considered confidential unless otherwise directed by the Chief of Police.) This Section does not apply to orders that are of such nature that they must be communicated to others within the Police Department.

RESIGNATIONS. An officer who desires to resign from the Police Department must give at least ten (10) days notice of such intention. His resignation must be in writing and addressed to the Chief of Police.

GENERAL CONDUCT ON DUTY.

Prohibited Activity on Duty. Members and employees are prohibited from engaging in the following activities while on duty with the exceptions as noted:

(1) Sleeping, loafing, idling.
(2) Recreational reading (except at meals).
(3) Conducting private business.
(4) Carrying newspapers or other articles (except in the performance of police duty).
(5) Drinking intoxicating beverages (except in performance of a police duty, and then only with the specific consent of the Chief of Police and never in uniform).
(6) **House of Ill Repute.** A member shall not enter any house of ill repute except in the performance of duty.

(7) **Gambling.** Unless to further a police purpose, no games of chance for stakes or wagers shall be played in the station.

(B) **Loitering.** All members on duty or in uniform shall not enter taverns, theaters or other places, except to perform a police task.

(C) **National Colors and Anthem.** Uniformed members will render full military honors to the national colors and anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the national colors and anthems at appropriate times.

(D) **Relief.** All members and employees are to remain at their assignments and on duty until property relieved by another member or employee or until dismissed by competent authority.

(E) **Meals.** Meals and breaks shall be of a reasonable amount of time.

(F) **Reporting.** Members and employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.

(G) **Absence from Duty.** Every member or employee who fails to appear for duty at the date, time and place specified for so doing without the consent of competent authority is **“absent without leave”**. Such absences may result in disciplinary action.

(H) **Notification of Command.** Whenever any member of the Department becomes sick or disabled, the Chief of Police or the person in charge shall be notified without delay. Members unable to report for duty owing to sickness or disability shall notify the Chief of Police or person in charge not less than one (1) hour, if possible, prior to time of reporting for duty.

(I) **Training.** All members shall attend in-service training in the theory and practice of law enforcement at the direction of the Chief of Police. Such attendance is considered a duty assignment.

(J) **Physical Fitness for Duty.** All members of the Department shall maintain good physical condition so that they can handle the strenuous physical contacts often required of a law enforcement officer.

No member or employee of the Department shall become so physically obese as to hamper his or her ability to perform all aspects of the employment for which he or she was hired.

(K) **Consumption of Intoxicants.** Members and employees shall not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that ability to perform duty is impaired.

(L) **Intoxication.** Members and employees shall not, at any time, be intoxicated while on duty. They shall not, at any time, on or off duty, be intoxicated in public view so as not to bring discredit to the Department.

(M) **Intoxicants on Departmental Premises.** Members and employees shall not bring into or keep any intoxicating liquor on departmental premises. Liquor brought in departmental premises in the furtherance of a police task shall be properly identified and stored according to current policy.
(N) **Smoking While on Duty.** Members and employees shall not smoke on duty while in direct contact with the public, nor when in uniform in public view, except that smoking is permitted in public view at meal times and while patrolling in police automobiles, at which times it shall be as inconspicuous as possible.

(O) **Address and Telephone Numbers.** All members of the Department shall reside in the City limits, unless accepted by Mayor and Police Chief’s approval and immediately upon reporting for duty, members and employees shall record their correct residence address and telephone number with the Chief of Police. Members and employees are required to have telephones in the place where they reside. Changes in address or telephone numbers shall be reported to the Chief of Police within **twenty-four (24) hours** of change.

(P) **Uniforms, Equipment and Appearance.** All members of the Department shall maintain in good order a regulation uniform. Members shall be neat appearing and well-groomed while in uniform.

(Q) **Hair and Grooming.** Hair shall be neat and well-groomed.

(R) **Uniform Regulations.** All articles of uniform shall conform to the departmental uniform regulations. Civilian clothing will not be worn with any distinguishable part of the uniform, except for reasons of safety.

(S) **Wearing the Uniform.** Uniforms shall be kept neat, clean and well-pressed at all times. While wearing the uniform, members shall maintain a military bearing, avoiding mannerisms such as slouching, shuffling and keeping hands in pockets.

(T) **Manner of Dress on Duty.** Normally, members will wear the duty uniform on a tour of duty; however, Chief of Police may prescribe other clothing as required by the nature of the duty to which a particular member is assigned.

(U) **Equipment.** All equipment must be clean, in good working order and conform to Department specifications.

(V) **Off-Duty Equipment.** At all times, members may carry an authorized weapon and shall carry official identification when off duty and in public.

(W) **Registering Equipment With the Department.** Members are required to register with the Department the description and serial numbers of all personal police weapons they own or carry on duty.

(X) **Firearms – Display, Discharge and Marksmanship.** Members shall never display firearms unnecessarily or draw them in any public place except for inspection or official use. Members are required to report any deliberate or accidental discharge of firearms (except routine target practice). This report is to be made to the Chief of Police as soon as possible, and without unnecessary delay. Members shall exhaust every other means of apprehension before resorting to the use of firearms.

(Y) **Uniform and Equipment Damage Claim.** Any claims for damage to clothing, equipment, and eyeglasses caused by performance of duty shall be made in accordance with current departmental directives.

(Z) **Compensation for Other Damages Sustained On Duty.** Members and employees shall not seek in any way nor accept from any person, money or other compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police.
Compensation for Damages Off Duty. Members and employees who have received salary from the City for injury sustained off duty or illness shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury. This notice shall be filed before any action is taken. It shall include the fact of the claim and the name of the respondent.

DEPARTMENT PROPERTY AND EQUIPMENT. Members and employees are responsible for the proper care of Department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

DAMAGED/INOPERATIVE PROPERTY OR EQUIPMENT. Members and employees shall immediately report to their commanding officer on designated forms any loss of or damage to departmental property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any Department equipment or property.

CARE OF DEPARTMENT BUILDINGS. Members and employees shall not mar, mark or deface any surface in the Department building. No material shall be affixed in any way to any wall in Department buildings without specific authorization from the Chief of Police or Mayor.

NOTICES. Members and employees shall not mark, or deface any posted notice of the Department. Notices or announcements shall not be posted on bulletin boards without permission of the Chief of Police. No notices of a derogatory nature will be posted at any time.

MAINTENANCE OF MANUALS. All members and employees who are issued manuals are responsible for their maintenance and will make appropriate changes or inserts as they arise.

SURRENDER OF DEPARTMENTAL PROPERTY. Members and employees are required to surrender all Department property in their possession upon separation from the service. Failure to return non-expendable items may cause the person to reimburse the Department for the fair market value of the article(s).
30-2-46 **USE OF DEPARTMENTAL VEHICLES.** Members shall not use any departmental vehicle without the permission of the Chief of Police. Mileage and maintenance logs shall be kept at all times on all vehicles.

30-2-47 **VEHICLES - PERSONAL BUSINESS.** Departmental vehicles may be used for personal business only within the City limits.

30-2-48 **TRANSPORTING CITIZENS.** Citizens will be transported in departmental vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with departmental policy or at the direction of a command officer.

30-2-49 **REPORTING ACCIDENTS.** Accidents involving City personnel, property and/or equipment must be reported in accordance with adopted procedures.

30-2-50 **PRESUMPTION OF RESPONSIBILITY.** In the event that City property is found bearing evidence of damage which has not been reported, it shall be prima facie evidence that the last person using the property or vehicle was responsible.

30-2-51 **COMMUNICATIONS - CORRESPONDENCE.**

(A) **Restrictions.** Members and employees shall not:

(1) Use departmental letterheads for private correspondence.

(2) Give out license number information to private citizens without permission of the officer in charge.

(3) Send correspondence out of the Department over the signatures without the general permission of the Chief of Police.

(4) Give out listed or unlisted phone numbers of police officers or other Department personnel.

(B) **Department Address (Private Use Of).** Members and employees shall not use the Department as a mailing address for private purposes. The Department address shall not be used on any motor vehicle registration or operator’s or chauffeur’s license.

(C) **Telephones.** Departmental telephone equipment may not be used for the transmission of private messages without prior approval of the Chief of Police.

(D) **Radio Discipline.** All members of the Department operating the police radio shall strictly observe regulations for such operations as set forth in departmental orders and by the Federal Communications Commission.
30-2-52 DEATH AND INJURY NOTIFICATIONS.

(A) Death or Serious Injury. When a member is killed or seriously injured on or off duty, immediate verbal notification will be made to the Chief of Police or to the officer acting in the Chief’s absence. This will be followed by a written report no later than the following work day. Information shall include the date, location, cause, extent of injuries and property damage. Serious injury in this instance means an injury could result in death or disability.

(B) Non-Serious Injury. In cases where the injuries are other than of a serious nature, a written report will be submitted on the first (1st) work day following the incident including all information required above. These reports are in addition to those accident and sick reports otherwise required.

(C) Death of Member or Employee. Any member or employee receiving notice of the death of any member, employee or retired member during regular business hours shall notify the Chief of Police. At other times, the officer in charge shall be notified and he shall relay such information to the Chief of Police.

(D) Notification of Family. The family of a member or employee injured or dying on duty shall be notified immediately by the senior available officer.

30-2-53 INVESTIGATIONS, ARRESTS AND DETentions.

(A) Command of Scene. At the scene of any crime, accident or other police incident, the ranking officer present shall assume command and direction of police personnel in such a manner as to assure the most orderly and efficient accomplishment of the police task. When two (2) or more officers of the same rank are present and one of these is assigned to the investigative detail that will follow up the investigation, that ranking officer will be in charge. This provision is intended to provide for the coordination of the efforts of the several subordinate members who may be assigned to the incident; therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

(B) General Responsibilities of Members at Crime Scenes. The first member to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:

1. Summoning medical assistance and administering first aid as required to prevent further injury or loss of life.
2. Arrest of violator(s).
3. Security of the scene and to prevent the damage, destruction or loss of any evidence at the crime scene.

(C) Responsibilities of Assigned Member at Crime Scene. The members officially assigned to perform the preliminary or other investigation of an alleged crime or other incident are responsible for the duties in paragraph (B) of this Section as they may be necessary, and the completion of the preliminary or other investigation as directed. This shall include (but is not necessarily limited to), securing statements and other information which will aid in the successful completion of the investigation and locating, collecting and preserving physical evidence material to the issue.
(D) **Identification as Police Officer.** Except when impractical or unfeasible, or where the identity is obvious, officers shall identify themselves by displaying the departmental badge or identification card before taking police action.

(E) **Arrests.** In making arrests, members shall strictly observe the laws of arrest and the following provisions:

1. Only necessary restraint to assure safe custody and the safety of the officer shall be employed.
2. The arresting officer is responsible for the safety and protection of the arrested person while in his custody. He shall notify the transporting officers of any injury, apparent illness or other conditions which indicate that the arrested person may need special care.
3. The arresting officer is responsible for the security of the personal property in the possession of the arrested person or under his control at the time of arrest. Except for vehicles, this responsibility transfers to the transporting officers when they accept custody of the arrested person.

(F) **Custody of Prisoners.** Officers charged with the custody of prisoners shall observe all laws and departmental orders regarding this activity. Prisoners shall be kept securely, treated firmly and humanely, and shall not be subjected to unnecessary restraint.

(G) **Transportation of Prisoners.** Officers transporting prisoners shall do so in accordance with departmental policy. All prisoners conveyed in a police vehicle shall be searched for weapons/contraband before being placed in a car.

Prisoners requiring medical attention shall be delivered to the appropriate emergency hospital and the transporting officers shall be responsible for the security of the prisoner until properly relieved by a guard officer unless otherwise directed by a superior officer.

Prisoners and their property shall be surrendered at the jail to custodial officers or as otherwise directed by competent authority.

Any prisoner transported to a hospital in a private ambulance shall be accompanied and guarded by an officer unless police exigencies dictate otherwise. In the latter case, a guard will be arranged for the prisoner as soon as possible.

(H) **Use of Physical Force.** Malicious assaults or batteries committed by members constitute gross misconduct. The use of physical force shall be restricted to circumstances specified by law when necessary to accomplish a police task successfully. Whenever a member, either on or off duty, is required to strike or use considerable physical force against another person, he immediately shall call a superior officer to the scene, or if not practical, contact him as soon as possible following the incident and submit a written report to the Chief of Police.

(I) **Reports and Bookings.** No member or employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false or improper information on records of the Department.
(J) **Press Relations at Crime Scene.** Insofar as is consistent with sound police practice, members in control of a crime scene shall grant access and supply information regarding the incident to the working press. Whenever a member feels that release of information or access to the scene is contrary to sound police practice, he shall refer the press to the Chief of Police for further decision.

(K) **Security of Departmental Business.** Members and employees shall not reveal police information outside the Department except as provided elsewhere in this manual or as required by law or competent authority. Specifically, information contained in police records, other information ordinarily accessible only to members and employees and names of informants, complainants, witnesses, and other persons known to the police are considered confidential. Silence shall be employed to safeguard confidential information. Violation of the security of this type of information reflects gross misconduct.

(L) **Compromising Criminal Cases.** Members and employees shall not interfere with the proper administration of criminal justice.

Members and employees shall not attempt to interrupt legal process except where a manifest injustice might occur, nor participate in or be concerned with any activity which might interfere with the process of law.

Except in the interest of justice, members and employees shall not attempt to have any traffic citation or notice to appear reduced, voided or stricken from the calendar.

Any employee or member having knowledge of such action and failing to inform his superior officer thereof shall be subject to charges.

(M) **Assisting Criminals.** Members and employees shall not communicate in any manner, either directly or indirectly, any information which might assist persons guilty of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose or secrete evidence of unlawful activity or money, merchandise or other property unlawfully obtained.

(N) **Recommending Attorneys is Prohibited.** Members and employees shall not suggest, recommend, advise or otherwise counsel the retention of any attorney to any person coming to their attention as a result of police business.

This does not apply when a relative of the member seeks such service.

In no case may such advice be given where a fee, gratuity, or reward is solicited, offered or accepted from the attorney.

Soliciting business for an attorney is gross misconduct.

(O) **Acting as Bailor Prohibited.** Members and employees cannot act as bailors for any person in custody except relatives, and in no case where any fee, gratuity or reward is solicited or accepted.

30-2-54 **PUBLIC ACTIVITIES.**

(A) **Publicity.** Members and employees shall not seek personal publicity in the course of their employment.

(B) **Commercial Testimonials.** Members and employees shall not permit their names and photographs to be used to endorse any product or service which is in any way connected with law enforcement without the permission of the Chief of Police. They shall not,
without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the Department.

(C) **Public Appearance Requests.** All requests for public speeches, demonstrations and the like will be routed to the Chief of Police for approval and processing. Members and employees directly approached for this purpose shall suggest that the party submit his request to the Chief of Police.

(D) **Outside Employment.** Prior to engaging in any outside business or employment, the member or employee shall submit a request for permission to do so to the Chief of Police. The decision of the Chief of Police to issue or deny permission to work outside the Department is final.

(E) **Membership in Organizations.** Except for the Armed Forces Reserve components, members and employees shall not affiliate themselves with any organization or group, the constitution or by-laws of which in any way exacts prior consideration or which would prevent its members from rendering proper and efficient service to the Department.

(F) **Subversive Organizations.** No member or employee shall knowingly become a member of or connected with any subversive organization, except when necessary in the performance of duty and then only under the direction of the Chief of Police.

(G) **Personal Preferment.** No member or employee may seek the influence or intervention of any person outside the Department for purposes of personal preference, advantage, transfer, or advancement.

(H) **Conduct Toward Public.** Members and employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane, or insolent language, and shall always remain calm regardless of provocation to do otherwise. Upon request, they are required to supply their name and badge or DSN in a courteous manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the Department.

(I) **Impartial Attitude.** All members, even though charged with vigorous and unrelenting enforcement of the law, must remain completely impartial toward all persons coming to the attention of the Department. Violations of the law are against the people of the State and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partially for or against a person because of race, creed or influence is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interest of justice is conduct unbecoming an officer.

(J) **Caring for Lost, Helpless, Injured or Ill Persons.** Members shall always be alert to assist lost, helpless, injured or ill persons.

(K) **Availability When on Duty.** Members on duty shall not conceal themselves, except for some police purpose. They shall be immediately and readily available to the public during duty hours.

(L) **Responding to Calls.** Members of the Department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence; however, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, is misconduct. Except under the most extraordinary
circumstances or when otherwise directed by competent authority, no member shall fail to answer any landwire or radio call directed to him. The communications center will be informed when leaving the air and when returning to a duty status, and when a car is leaving and returning to the City limits.

30-2-55  JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCES AND TESTIFYING.

(A) Court Appearances. Attendance at a court or quasi-judicial hearing as required by subpoena is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court either the official uniform or clothing conforming to standards imposed on officers working in plain clothes shall be worn. Weapons will not be displayed unless wearing the uniform. Members shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court, such as gum chewing and smoking.

(B) Testifying for the Defendant. Any member or employee subpoenaed to testify for the defense in any trial or hearing, or against the City or Department in any hearing or trial, shall notify the Chief of Police upon receipt of the subpoena. He shall notify the governmental attorney.

(C) Departmental Investigation - Testifying. Members or employees are required to answer questions by or render material and relevant statements to a competent authority in a departmental personnel investigation when so directed.

(D) Truthfulness. Members and employees are required to be truthful at all times whether under oath or not.

(E) Civil Action Interviews. Civil action interviews involving members or employees which arise out of departmental employment shall be conducted according to current departmental directives.

(F) Civil Action, Court Appearances - Subpoenas. A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will not accept all subpoenas legally served. If the subpoena arises out of departmental employment or if the member or employee is informed that he is a party to a civil action arising out of departmental employment, he shall immediately notify his Chief of Police and the governmental attorney of the service or notification, and of the testimony he is prepared to give. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current directives.

(G) Civil Dispositions and Affidavits. Members and employees shall confer with the Chief of Police before giving a deposition or affidavit on a civil case.

(H) Civil Cases. Members shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained. They shall avoid entering into civil disputes, particularly while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.

30-2-56 - 30-2-59  RESERVED.
DIVISION III - INFECTIOUS MATERIALS AND DISEASE CONTROL

30-2-60 POLICY. It shall be the policy of the Police Department to comply with regulations of the Federal Occupational Safety and Health Act relating to occupational exposure to blood or other potentially infectious materials, and to inform Department members of appropriate precautionary measures to be taken in circumstances where members may be exposed to infectious materials.

30-2-61 DEFINITIONS. All definitions found in Section 29 CFR 1910.1030(b) of the Occupational Safety and Health Act entitled Bloodborne Pathogens, a copy of which is attached as Appendix A of this procedure, and is hereinafter made part of this Division shall apply when referred to herein.

30-2-62 MEMBERS INCLUDED. The following members of the Police Department can be reasonably anticipated to be exposed to blood or other infectious materials:

(A) All sworn police personnel.
(B) All community service officers.
(C) The property/evidence custodian.
(D) Communications personnel who serve as matrons.

30-2-63 PRECAUTIONS.

(A) Universal precautions as defined under 1910.1030(b) shall be taken by all members of the Department to prevent contact with blood or other potentially infectious materials.

(B) Department members shall treat all blood and other potentially infectious materials as defined in the O.S.H.A. regulations as potentially infectious, and follow all precautionary measures outlined in this Division at all times.

(C) Whenever any member's skin comes in contact with blood or other potentially infectious materials, the member shall immediately, or as soon as possible, wash their hands and any other skin with soap and warm water, or flush mucous membranes with water following the contact.

(D) Whenever a member of the Department while at the police facility, is exposed to any blood or potentially infectious materials, the member, as soon as possible, shall be required to wash their hands in running warm water with a non-abrasive soap, and then dry their hands with a clean cloth, paper towel or hand blower device.

(E) Members exposed to blood or other potentially infectious materials, who are in the field and not in the police facility, shall use antiseptic hand cleaners or towelettes, when handwashing facilities are not available.
(1) When antiseptic hand cleaners or towelettes are used, hands shall be washed with soap and warm running water as soon as possible.

(F) Members wearing protective gloves or other personal equipment, as soon as possible after removal of same, shall wash their hands immediately or as soon as possible, using soap and warm water.

(G) Whenever any member’s skin comes in contact with blood or other potentially infectious materials, the member shall immediately, or as soon as possible, wash their hands and any other skin with soap and warm water, or flush mucous membranes with water following the contact.

30-2-64 PERSONAL PROTECTIVE EQUIPMENT.

(A) The Department shall provide personal protective equipment to Department members. This equipment shall not permit blood or other potentially infectious materials to pass through or reach the employee’s work clothes, street clothes, undergarments, skin, eyes, mouth, or mucous membranes under normal conditions when the personal protective equipment is worn.

(B) Personal protective equipment shall be available at the following locations:

(1) All marked and unmarked police vehicles;
(2) All workstations of members who may be exposed to blood or potentially infectious materials;
(3) All supervisory offices;
(4) The jail.

(C) Personal protective equipment shall consist of the following:

(1) Disposable single use gloves;
(2) Face shields and masks;
(3) Gowns;
(4) Surgical caps or hoods and/or shoe covers;
(5) CPR pocket mask.

(D) Personal protective equipment shall be worn by Department members as follows:

(1) Disposable gloves shall be worn whenever a member can be reasonably expected to have contact with blood, other potentially infectious materials, mucous membranes, or non-intact skin, and also, whenever a member handles or touches contaminated items or surfaces.

(2) Face shields, masks and gowns shall be worn by Department members whenever splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably expected.
(3) Surgical caps or hoods and/or shoe covers shall be worn in instances where gross contamination can reasonably be expected. (Example: Autopsy)

(4) CPR pocket masks shall be worn by members whenever they perform cardio-pulmonary resuscitation (CPR) to provide a physical barrier between the victim and the member performing mouth to mouth resuscitation.

(E) Supervisory members shall ensure that subordinates use appropriate personal protective equipment as required in this Division.

(F) In those cases where a member temporarily and briefly declined to use personal protective equipment, when, under rare and extraordinary circumstances, it was the member’s professional judgment that in the specific instance the use of such protective equipment would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the member or another member, the circumstances shall be investigated and documented by the member’s immediate supervisor to determine whether changes can be instituted to prevent such occurrences in the future.

(G) Personal protective equipment provided by the Department shall be of a disposable type, and not laundered or re-used.

(H) Personal protective equipment shall be removed by Department members prior to leaving the location of the incident where protective equipment use was required.

(I) All personal protective equipment once used, shall be disposed of by the member who used the equipment as follows:

(1) The personal protective items shall be placed in the biohazard labeled bag provided with each personal protective kit;

(2) The member shall place the biohazard labeled bag in the biohazard marked disposal receptacle placed in the property/evidence common area of the police department.

(3) An additional biohazard disposal receptacle shall be placed in the jail area for use by jail personnel.

(4) Biohazard labels shall conform to the requirements of the Occupational Safety and Health Act and be either fluorescent orange or orange-red in color.

(5) The Department shall dispose of all biohazard labeled materials in accordance with current legal requirements and regulations governing same.

30-2-65 HOUSEKEEPING - GENERAL.

(A) Members of the Department shall ensure that all worksite areas where they are assigned are maintained in clean and sanitary condition.

(B) All working surfaces shall be cleaned and decontaminated with an appropriate disinfectant as soon as possible after coming into contact with blood or other potentially infectious materials. Disinfectants shall be of a tuberculocidal type.
(C) Surfaces, (i.e., the inside of police vehicles), where blood or other potentially infectious materials are overtly contaminated, or after any spill of blood or other potentially infectious materials has occurred shall, whenever possible, be cleaned and decontaminated immediately after the spill or overt contamination incident.

(D) Surfaces which may have been contaminated since the last cleaning shall be cleaned and disinfected at the end of the member’s shift, if the surface may have been contaminated since the last cleaning.

(E) Receptacles used for disposing of blood or other potentially infectious materials shall be inspected for contamination on a daily basis, and cleaned and decontaminated immediately or as soon as possible once visibly contaminated. These containers, in addition to bearing the required biohazard labels shall:

   (1) Be closable;
   (2) Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;
   (3) Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;
   (4) If the containers themselves are contaminated on the outside, they shall be placed in a second container. The second container shall be:
       (a) Closable;
       (b) Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;
       (c) Handled in accordance with Section 30-2-64(1)(1-4) of this Division as a biohazard.
       (d) Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport or shipping.

(F) Contaminated needles and sharps shall be disposed of without shearing or breaking. These items shall be disposed of puncture resistant, biohazard labeled containers, having leakproof sides and bottoms.

(G) Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, State of Illinois and any other County or local regulations.

(H) Disposal of all regulated waste shall be performed by a vendor, approved by the Chief of Police, at a licensed disposal facility. The approved vendor for the Police Department is Precision Energy Systems, 1040 N. Main Street, Lombard, Illinois 60148, TX: (708) 916-1661.

30-2-66

(A) Contaminated laundry shall include, but not necessarily be limited to the following:

   (1) Member uniforms and clothing items worn on duty, including undergarments, socks, shoes and outerwear, whether supplied by the Department or personally owned, which have been exposed to
blood or other potentially infectious material while a member was performing his/her official duties.

(2) All non-disposable blankets, bedding materials, prisoner clothing supplied by the Department, and wiping cloths of a non-disposable nature, used in the jail facility, regardless of whether the aforementioned items were exposed to blood or other potentially infectious material or not.

(B) Contaminated laundry shall be contained in the location where used, and handled as little as possible, with a minimum of agitation, and bagged or containerized at the location where it was used, and not sorted or rinsed in the location of use.

(C) Containers and bags used for storing contaminated laundry shall be constructed of materials which prevent soaking through or leakage of fluids to the exterior.

(D) Any member handling contaminated laundry shall wear disposable protective gloves. When circumstances indicate the possibility of splashing or spillage of blood or other potentially infectious materials on (date) from laundry, whether contained or not, the appropriate additional personal protective equipment shall be worn by any member when handling same.

(1) In the case of a member’s uniforms or clothing items being exposed to blood or other potentially infectious materials, the member shall change clothes at the police facility as soon as possible after the exposure and bag the uniform items with a biohazard label.

(2) In no case shall a member launder any clothing items, including uniform items at their home, a commercial laundromat or cleaners, or at the police facility, which have been exposed to blood or other potentially infectious materials.

(3) All contaminated laundry shall be cleaned and decontaminated by the Department at Department expense, at a Department approved cleaners. The approved cleaners shall be designated by annual contract in accordance with City bid and purchasing procedures.

30-2-67 TRAINING.

(A) All members of the Police Department performing duties likely to involve occupational exposure to blood or other potentially infectious materials shall receive training within ninety (90) days of the issuance of this procedure.

(B) The training shall be provided by the Department and shall consist of the following:

(1) A copy of the OSHA standards on bloodborne pathogens shall be provided to each member before or during the training.

(2) A general explanation of the epidemiology and symptoms of bloodborne diseases.

(3) An explanation of the modes of transmission of bloodborne pathogens.
(4) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.

(5) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices and personal protective equipment.

(6) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment.

(7) An explanation of the basis for selection of personal protective equipment.

(8) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine will be offered free of charge.

(9) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.

(10) Information on the post-exposure evaluation and follow-up that the Department/City is required to provide for the employee following an exposure incident.

(11) An explanation of the biohazard signs or color-coding methods used to mark blood or other potentially infectious materials.

(12) An opportunity for interactive questions and answers with the person conducting the training session.

(C) Training shall be conducted by a person knowledgeable in the subject matter covered as it related to the duties of those members who could be occupationally exposed to blood or other potentially infectious materials.

(D) Newly hired Department members shall receive mandatory training on the OSHA bloodborne pathogen standards and this Division during their initial orientation.

(E) Additional training shall be provided to Department members when changes such as modification of tasks or procedures or the institution of new tasks or procedures affects the member’s occupational exposure. The training may be limited solely to addressing the new exposures created.

30-2-68 RECORDKEEPING.

(A) The Deputy Chief of Support Services shall establish and maintain an accurate record for each member with occupational exposure to including the following:

(1) The name and social security number of each member.

(2) A copy of all hepatitis B vaccination records of members, including the dates of vaccinations and any medical records relative to the member’s ability to receive hepatitis B vaccinations.
(3) Healthcare professional written opinions on whether a member has received hepatitis B vaccinations or any medical records relative to a member's ability to receive vaccinations.  
(4) Declination forms from members who do not wish to be vaccinated.  
(5) A copy of the information provided to the healthcare professional as specified in Section 30-2-70(G) of this Division.  
(6) A copy of post-exposure information supplied to the Department of the healthcare professional as specified in Section 30-2-70(J) of this Division.  

(B) All medical records as specified in this Division shall be kept confidential, and are not disclosed or reported without the member's express written consent to any person within or outside of the Department except as required by this Division or as may be required by law.  

(C) Training Records.  

(1) The following information shall be maintained by the Training Division on the required training outlined in this procedure:  
(a) The dates of the training sessions.  
(b) Contents or a summary of the sessions.  
(c) The names and job titles of all persons attending the sessions.  
(d) The names and qualifications of the person(s) conducting the training.  

(2) The aforementioned records shall be maintained at least three (3) years after the training was attended/provided.  

30-2-69 Vaccinations.  

(A) Hepatitis B vaccinations shall be made available to all Department members, free of charge, after the member receives the initial training as specified in Section 30-2-67 of this Division.  

(B) The nearest hospital shall be the Department's approved vendor for vaccinating Department members, unless otherwise provided.  

(C) Members may receive the vaccinations, or decline them.  

(D) Any member who declines to be vaccinated shall do so in writing in the manner prescribed by OSHA. (See Appendix B of this Division.)  

(E) If a member initially declines the hepatitis B vaccination but at a later date decides to accept the vaccination, the Department shall make available hepatitis B vaccination at that time.  

(F) If a booster dose of hepatitis B vaccine is recommended at a later date, the Department shall make the vaccination opportunity available to all members requiring booster doses.
30-2-70 POST-EXPOSURE EVALUATION AND FOLLOW-UP.

(A) If a member of the Department has an exposure incident, the Department shall make immediately available to the member a confidential medical evaluation and follow-up to include at least the following elements:

1. Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred.
2. Identification and documentation of the source individual, unless the Department can establish that identification is infeasible or prohibited by State or local law.

(B) The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the Department shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

(C) When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

(D) Results of the source individual's testing shall be made available to the exposed Department member, and the member shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

(E) Collection of blood from Department members who may have been exposed to HBV or HIV shall be in accordance with all state and federal regulations pertaining to same.

(F) Post-exposure prophylaxis, counseling and an evaluation of reported illnesses may also be recommended by the treating healthcare professional for any Department member.

(G) The Department shall ensure that the treating healthcare professional is given a copy of the OSHA standard on bloodborne pathogens, (Appendix A) of this Division, in all cases where the healthcare professional is evaluating a member after an exposure incident. In addition, the healthcare professional shall receive the following:

1. A description of the exposed member's duties as they relate to the exposure incident.
2. Documentation of the route(s) of exposure and circumstances under which exposure occurred.
3. Results of the source individual's blood testing, if available.
4. All medical records relevant to the appropriate treatment of the member, including vaccination status, which the Department is responsible for maintaining.

(H) The Department shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within **fifteen (15) days** of the completion of the evaluation.

(I) The healthcare professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for a member, and if the member has received such vaccination. This Section only applies in those cases where a
member, by himself/herself was vaccinated for hepatitis B prior to the implementation of this procedure, or in the event any member at any time elects to be vaccinated other than as provided by the Department.

(J) In the case of a post-exposure incident, the following information shall be provided by the healthcare professional to the Department:
   (1) That the employee has been informed of the results of the evaluation; and
   (2) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

(K) All other findings or diagnoses shall remain confidential and shall not be included in the written report.

(L) Members who have an exposure incident shall immediately notify their supervisor. The member shall immediately seek treatment at a Department approved healthcare facility.

(M) Any member involved in an exposure incident shall fully document, in memorandum form, an incident evaluation that explains the routes of exposure, circumstances surrounding the exposure and the description of the protective gear used. The memorandum shall be forwarded to the member’s immediate supervisor, who shall review it and forward the memorandum to the Deputy Chief of Support Services for final evaluation and review.

Appendix A - OSHA Bloodborne Pathogen Standards
Appendix B - Hepatitis B Vaccine Declination
ARTICLE III
EMERGENCY SERVICES AND DISASTER AGENCY (ESDA)

30-3-1 POLICY AND PROCEDURES.

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this Municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this Municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

1. To create a municipal emergency services and disaster agency;
2. To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (65 ILCS Sec. 5/11-1-6).
3. To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency services and disaster operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the Municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the Municipality that all emergency management programs of this Municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.
30-3-2 LIMITATIONS. Nothing in this Code shall be construed to:
(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;
(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;
(D) Limit, modify, or abridge the authority of the Mayor and the City Council to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

30-3-3 DEFINITIONS. As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:
(A) Coordinator means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.
(B) Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.
(C) Emergency Management means the efforts of this Municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.
(D) Emergency Operations Plan means the written plan of the Municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.
(E) Emergency Services means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection,
temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

### 30-3-4 EMERGENCY SERVICES AND DISASTER AGENCY.

(A) There is hereby created an emergency services and disaster agency and a Coordinator of the emergency services and disaster agency, herein called the “Coordinator”, who shall be the head thereof. The Coordinator shall be appointed by the Mayor with the advice and consent of the City Council. He shall serve at the pleasure of the Mayor.

(B) The Emergency Services and Disaster Agency shall obtain, with Council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The Coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Service and Disaster Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency services and disaster operations of this Municipality. He shall coordinate the activities of all organizations for emergency services and disaster operations within this Municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

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

(D) The Municipal Emergency Services and Disaster Agency shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal emergency services and disaster agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Services and Disaster Agency shall:

1. Determine the requirements of the Municipality for food, clothing and other necessities in the event of an emergency;
2. Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
3. Biannually review and revise the local Emergency Operations Plan;
4. Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
5. Establish a register of government and private response resources available for use in a disaster;
(6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.

(7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;

(8) Initiate and coordinate planning for:
   (a) The establishment of an emergency operating center;
   (b) The implementation of a 911 system.

(9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

30-3-5 EMERGENCY SERVICES AND DISASTER POWERS OF THE MAYOR.

(A) The Mayor shall have the general direction and control of the emergency services and disaster agency, and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency services and disaster operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:

(1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.

(2) To cause to be prepared a comprehensive plan and program for the emergency management of this Municipality which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
   (a) Prevention and minimization of injury and damage caused by disaster;
   (b) Prompt and effective response to disaster;
   (c) Emergency relief;
   (d) Identification of areas particularly vulnerable to disasters;
   (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
(f) Assistance to local officials in designing local emergency action plans;
(g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
(h) Organization of municipal manpower and chains of command;
(i) Coordination of local emergency management activities;
(j) Other necessary matters.

(3) In accordance with such plan and program for the emergency management of this Municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency services and disaster organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.

(4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this Municipality as may be necessary to ascertain the capabilities of the Municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.

(D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the emergency services and disaster agency as its office.

30-3-6 FINANCING.

(A) It is the intent of the City Council and declared to be the policy of the Municipality that every effort shall be made to provide funds for disaster emergencies.

(B) It is the City Council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the Municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the City Council for the purpose of enacting ordinances as the City Council may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the City Council is
capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the City Council can convene.

(C) Nothing contained in this Section shall be construed to limit the Mayor’s authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-3-7 LOCAL DISASTER EMERGENCIES.

(A) A local disaster emergency may be declared only by the Mayor or City Council. If declared by the Mayor, it shall not be continued for a period in excess of seven (7) days except by or with the consent of the City Council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the Municipal Clerk.

(B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.

(C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by “The Illinois Emergency Management Agency Act”, provided that, if the City Council meets at such time, he shall act subject to the directions and restrictions imposed by that body.

30-3-8 TESTING OF DISASTER WARNING DEVICES. The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10 o’clock in the morning.

30-3-9 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS. The Coordinator for emergency services and disaster operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in Section 30-3-3 of this Code, it shall be the duty of each local and department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.
30-3-10 COMMUNICATIONS. The local Emergency Services and Disaster Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

30-3-11 IMMUNITY. Neither the Municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-3-12 PROFESSIONS, TRADES AND OCCUPATIONS. If such disaster as is described in Section 30-3-3 occurs in this Municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this Municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this Municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this Municipality pursuant to the order of the head of that political subdivision and upon the request of the Municipality, or if otherwise requested so to do by the Mayor or the Coordinator of this Municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this Municipality without being licensed or registered in this Municipality.

30-3-13 APPROPRIATIONS AND LEVY OF TAX. The City Council may make appropriations for emergency services and disaster operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The City Council may also levy for emergency services and disaster operations a tax not to exceed .05% of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the Municipality for the current year. However, the amount collectible under such a levy shall in no event exceed Twenty-Five Cents ($0.25) per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.
30-3-14 **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.** Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the Municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the Municipality, acting through the Mayor or through its City Council, may accept such offer and upon such acceptance the Mayor or the City Council may authorize any officer of the Municipality to receive such services, equipment, supplies, materials or funds on behalf of the Municipality.

30-3-15 **ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until ten (10) days after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in Section 30-3-7, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Services and Disaster Agency established pursuant to this Code, and the Coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The local Emergency Services and Disaster Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

30-3-16 **UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In carrying out the provisions of this Code, the Mayor and the coordinator of the emergency services and disaster agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the Municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency services and disaster agency.

30-3-17 **SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.
30-3-18  NO PRIVATE LIABILITY.

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the Municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the Municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

30-3-19  SUCCESSION. In the event of the death, absence from the Municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the Coordinator of the Emergency Services and Disaster Agency shall succeed to the duties and responsibilities of the Mayor.

30-3-20  COMPENSATION. The City Council, by its annual appropriations ordinance, may provide for the payment of the salary of the Coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

30-3-21  PERSONNEL OATH. Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the Coordinator of the municipal Emergency Service and Disaster Agency before a person authorized to administer oaths in this Municipality, which oath shall be filed with the coordinator of the Emergency Services and Disaster Agency, and which oath shall be substantially as follows:
“I, _________________________ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the City, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

30-3-22 EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.

(A) Declaration of Emergency Condition. When in the judgment of the Mayor or City Council, as provided herein in Section 30-3-7(A), a local disaster emergency requires the termination or reduction of electrical service, the Mayor or City Council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

30-3-23 PENALTY. Any person convicted of violating this Code or any order thereunder shall be punished by a fine of not exceeding Seven Hundred Fifty Dollars ($750.00).

(See 20 ILCS Sec. 3305/1 et seq.)

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
CHAPTER 33

STREET REGULATIONS

ARTICLE I - DEPARTMENT ESTABLISHED

33-1-1 ORGANIZATION. The Street Department shall be a subordinate department of the Department of Streets and Public Improvements. The Street Department shall consist of a Street Foreman and such other subordinate employees as may be appointed to the Street Department from time to time.

33-1-2 APPOINTMENT, COMPENSATION. Whenever a vacancy occurs in the position of Street Foreman, such position shall be filled by appointment by the Commissioner of the Department of Streets and Public Improvements, subject to the approval of the Council. The Street Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council.

33-1-3 DUTIES. Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Streets and Public Improvements, the Street Foreman shall have the responsibility for all operations relating to the maintenance and improvement of the streets, alleys, storm sewers and other public property of the City, to recommend the employ and discharge of subordinate employees, and to have the general management of all subordinate employees of the Street Department. He shall have custody and control of all machinery, tools and implements used by the City in connection with the operation of the Street Department, and he shall be responsible for any injury or loss of the same caused by his negligence. He shall keep an accurate list of such property of the City as he may, from time to time, have in his custody, which list shall be open to inspection of any member of the Council at any time. The Street Foreman shall have the authority, in the interests of the City, to direct the work of all subordinate employees and to effectively recommend to the Commissioner of the Department of Streets and Public Improvements the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of their grievances.

33-1-4 POLICE POWER. The Street Foreman shall have the authority to issue a “notice to appear” as defined in Section 107.1(c) of the Code of Criminal Procedure of 1963 (725 ILCS 5/ 107-1(c)) for any violation of any ordinance of the City in relation to the Street Department that may come to his knowledge, and for such limited purpose the Street Foreman is hereby designated as a “peace officer” within the meaning of Section 2-13 of the Criminal Code of 1961 (720 ILCS 5/ 2-13).

(Ord. No. 12-20; 10-23-12)
ARTICLE II - GENERAL REGULATIONS

33-2-1  **UNDERMINING.** No person shall undermine in any manner, any street or any other ground or real estate situated in the City or belonging to any private person.

33-2-2  **OPEN DOORS.** No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the City for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-2-3  **REPAIRING SIDEWALKS, ETC.** Whenever any sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the Street Superintendent to immediately report such fact to the Commissioner, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

33-2-4  **STAIRWAY - RAILING.** Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

33-2-5  **CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

33-2-6  **SIGNS ACROSS STREET.** No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the City, unless he has written approval of the City Council.  **(See 65 ILCS Sec. 5/11-80-17)**

33-2-7  **VEHICLES AND SKATEBOARDS ON SIDEWALKS.** No person shall operate any skateboard or motor vehicle on or over any sidewalk, except in crossing the same to go into a yard or parking lot.
DEPOSITS ON SIDEWALKS. It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than four (4) feet; and provided that no such article shall remain on such walk for more than twenty-four (24) hours.

OBSTRUCTING STREET.
(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, or any grass clippings, or to cause a lawn mower to blow grass clippings onto a street or any other articles such as glass which may cause injury to any person, animal or property.
(B) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the City, any debris, materials, or obstruction, except as may be permitted by this Code.
(C) It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once. (See 65 ILCS Sec. 5/11-80-3)

OBSTRUCTIONS ON STREETS OR SIDEWALKS. It shall be unlawful for any person or persons to place, erect, or cause to be placed or erected on any public ground, or any street, lane or alley, or sidewalk of the City, any building, scaffold, tree, shrub or overhanging limb or other obstruction of any kind owned by him, her or them, to remain on any public ground or any public street, lane, alley or sidewalk of the City, unless permission is first given by the City Council and shown upon the minutes of the City, and the same shall be deemed a nuisance, and any person so offending shall be notified by the Chief of Police to remove the same, on or before a day to be fixed in the notice.

BUILDING MATERIALS IN STREET. The Street Superintendent may move any obstruction on any street or sidewalk of the City, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than one-half (1/2) of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material. (See 65 ILCS Sec. 5/11-80-3)

MERCHANDISE ON PUBLIC STREET. It shall be unlawful for any person, firm or corporation to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the City Council. Should such permission be granted, goods or merchandise or other articles, may be displayed along the front of
commercial buildings but shall not protrude thirty-six (36) inches maximum from the building onto public property. The placement of merchandise shall not be such that it would be in violation of any Federal, State, or local laws, such as the Americans with Disabilities Act. (See 65 ILCS Sec. 5/11-80-3)

(A) **Insurance.** A business owner shall be required to have a **One Million Dollar** ($1,000,000) liability policy providing coverage for any accident relating to the placement or maintenance of said merchandise on public property, and the City must be named as an additional insured. A copy of said policy shall be delivered to the City annually, at the time application for a permit is made. Failure to submit a certificate of insurance to the City shall be a violation of this Section and the business owner shall be required to remove said merchandise from public property. (Ord. No. 14-13; 05-27-14)

33-2-13 **RAINWATER DRAINS.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the City Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Street Superintendent and no such permit shall be issued unless he shall have found that the City Code would be complied with by the installation of such storm water drain or drainage pipe and, that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the City.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the City and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than eighteen (18) inches above the ground or pavement.

33-2-14 **ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-15 **POSTING BILLS.** It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate without the consent, in writing, of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate.

33-2-16 **SIGNS ON POLES.** No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.
33-2-17 **INJURY TO NEW PAVEMENTS.** It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

33-2-18 **BARBED-WIRE FENCES.** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within three feet (3') of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least eight feet (8') above the level of such public place.

33-2-19 **BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, lumber, straw, trash, rubbish or other combustible substances upon any of the public streets, sidewalks, alleys or vacant lots in the City.

33-2-20 **MOVING BUILDINGS.** It shall be unlawful for any person, firm or corporation to move or attempt to move any building over any street or alley in the City without first obtaining a written permit or license so to do from the Superintendent of the Electric Department or the City Council and the Superintendent shall have full power, and it shall be his duty to investigate the building proposed to be moved, and to prescribe the route over which the same may be moved and propose any and all other necessary and reasonable conditions and restrictions properly to safeguard the streets, alleys, street crossings, poles, wires and other public property or property of public utilities likely to be affected.

33-2-21 **CLOSING ALLEY OR STREET.** All legal documents closing any street or alley shall have a detailed map of area showing location by street and also adjoined by what lot number in described area. *Ord. No. 03-03; 05-12-03*
ARTICLE III - TREES AND SHRUBS

33-3-1 PLANTING. It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the City Council. All trees and shrubs so planted shall be placed subject to the directions and approval of the City Council.

33-3-2 PLANTING TREES IN RIGHT-OF-WAY. It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement.

33-3-3 REMOVAL. It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the City Council before permission shall be granted.

33-3-4 INJURY. It shall be unlawful to injure any tree or shrub planted in such public place.

33-3-5 ADVERTISEMENTS OR NOTICES. It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

33-3-6 DANGEROUS TREES. Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than eight (8) feet or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Street Superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.
33-3-7 Wires. It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the City Council.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.
ARTICLE IV - EXCAVATIONS

33-4-1  PERMIT REQUIRED.  It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the City without having obtained a permit as is herein required or without complying with the provisions of this Article or in violation of or variance from the terms of any such permit.  (See the Street Regulations Permit in Appendix “O”.)

33-4-2  APPLICATIONS.  Applications for such permits shall be made to the Clerk and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm or corporation doing the actual excavating work; and the name of the person, firm or corporation for whom or for which the work is being done, and it shall also contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

33-4-3  BOND.  No such permit shall be issued unless and until the applicant therefor has filed with the Clerk a bond in the sum of Fifty Thousand Dollars ($50,000.00), conditioned to indemnify the City for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation.  Such bond shall have as surety a corporation licensed to do business in the state as a surety company.  The City Council may waive the bond provided for herein.

33-4-4  DEPOSIT.  No such permit shall be issued unless and until the applicant therefor has deposited with the Clerk a cash deposit in the sum of Two Hundred Fifty Dollars ($250.00) if no pavement is involved, and One Thousand Dollars ($1,000.00) if the excavation is a paved area, to insure the proper restoration of the ground and laying of the pavement, if any.  From this deposit shall be deducted the expense of the City of relaying the surface of the ground or pavement and of making the refill if this is done by the City or at its expense and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.  The City Council may waive the deposit in this Section.

33-4-5  MANNER OF EXCAVATING.  It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor.  Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.
No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels; and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the City department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree, shrub or the roots thereof.

33-4-6 **SIDEWALKS.** If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users. The temporary sidewalk is subject to inspection by the Street Superintendent and shall not be open for use until approved by him.

33-4-7 **RESTORING SURFACE.** Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the City shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant in compliance with the regulations of the City and under the supervision of the Street Superintendent.

33-4-8 **SUPERVISION.** The Street Superintendent shall, from time to time, inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, alley or other place in the City to see to the enforcement of the provisions of this Code. Notice shall be given to him at least ten (10) hours before the work of refilling any such tunnel or excavation commences.

33-4-9 **TUNNELING.** It shall be unlawful to make any excavation in any portion of a street or sidewalk in the City which is paved with a concrete or asphalt paving. Where necessary, and where a proper permit has been secured, tunnels may be driven or excavated under any such pavement, provided that upon completion of the work involved, the tunnel shall be backfilled with compacted sand.

33-4-10 **PROTECTIVE MEASURES AND ROUTING OF TRAFFIC.** It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public.

(A) Barriers, warning signs, and lights shall conform to the requirements of all applicable provisions of this Code. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day.
(B) Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace light sources.

(C) The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. When traffic conditions permit, the Street Superintendent may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. Such written approval may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

(D) Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the Street Superintendent.

33-4-11 CLEARANCE FOR VITAL STRUCTURES. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and all other vital equipment as designated by the Street Superintendent.

33-4-12 PROTECTION OF TRAFFIC. The permittee shall maintain safe crossings for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossing for pedestrians at intervals of not more than three hundred (300) feet. If any excavation is made across any public street, alley or sidewalk adequate crossing shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half (1/2) of the sidewalk width shall be maintained along such sidewalk line.

33-4-13 RELOCATION AND PROTECTION OF UTILITIES. The permittee shall not interfere with any existing facility without the written consent of the Street Superintendent and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. The facility owned by the City shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately-owned facilities shall be similarly borne by the permittee unless other arrangements are made with the person owning the facility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. The permittee shall secure approval of method of support and protection from the owner of the facility.
In case of any said pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose, pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this Section that the permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The City shall not be made a party to any action because of this Section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

33-4-14 ABANDONMENT OF SUBSTRUCTURES. Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to serve single properties, the person owning, using, controlling, or having an interest therein shall, within thirty (30) days after such abandonment, file with the Street Superintendent a statement in writing giving in detail the location of the substructure so abandoned. If such abandoned substructure is in the way or subsequently becomes in the way of an installation of the City or any other public body, which installation is pursuant to a governmental function, the owner shall remove such abandoned substructure or pay the cost of its removal during the course of excavation for construction of the facility by the City or any other public body.

33-4-15 PROTECTION OF ADJOINING PROPERTY. The permittee shall, at all times, and at his or its own expense, preserve and protect from injury, any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where, in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain consent from the owner of such private property for such purpose and if he cannot obtain such consent, the Street Superintendent may authorize him to enter the private premises solely for the purpose of making the property safe.

At the permittee's own expense, all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work shall be shored up and protected, and the permittee shall be responsible for all damage to public or private property or highways resulting from failure to properly protect and carry out the work. Whenever it may be necessary for the permittee to trench through any lawn area, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily any trees or shrubs which exist in parking street areas without first obtaining the consent of the appropriate City department or official having supervision of such property.
33-4-16 **PLACEMENT OF EXCAVATED MATERIAL.** All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as to eliminate danger to those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Street Superintendent shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Street Superintendent, whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Street Superintendent to prevent the spreading of dirt into traffic lanes.

33-4-17 **CLEAN-UP.** As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Street Superintendent. From time to time as may be ordered by the Street Superintendent and in any event, immediately after completion of the work, the permittee shall, at his or its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Street Superintendent, said work may be done by the Superintendent and the cost thereof charged to the permittee and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

33-4-18 **PROTECTION OF WATERCOURSES.** The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one (1) foot in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings, or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

33-4-19 **BREAKING THROUGH PAVEMENT.**

(A) Heavy duty pavement breakers may be prohibited by the Street Superintendent when the use endangers existing substructures or other property.
(B) Saw cutting of Portland cement concrete may be required when the nature of the work or the condition of the street warrants. When required, the depth of the cut shall not be less than one (1) inch in depth; however, depths greater than one (1) inch may be required by the Street Superintendent when circumstances warrant. Saw cutting may be required by the Superintendent outside the limits of the excavation over cave-outs, overbreaks and small floating sections.

(C) Approved cutting of bituminous pavement surface ahead of excavations may be required by the Street Superintendent to confine pavement damage to the limits of the trench.

(D) Sections of sidewalks shall be removed to the nearest score line or joint.

(E) Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.

(F) Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

(G) Cutouts outside of the trench lines must be normal or parallel to the trench line.

(H) Boring or other methods to prevent cutting of new pavement may be required by the Street Superintendent.

(I) The permittee shall not be required to repair pavement damage existing prior to excavation unless his cut results in small floating sections that may be unstable, in which case, the permittee shall remove and pave the area.

33-4-20 DEPTH OF STRUCTURES. No person shall, without written permission of the Street Superintendent, install any substructure except manholes, vaults, valve casings, culverts, and catch basins at a vertical distance less than:

(A) Streets. Twenty-four (24) inches below the established flow line of the nearest gutter. If said flow line is not established, then the depth shall be at a minimum of twenty-four (24) inches below the surface of the nearest outermost edge of the traveled portion of the street.

(B) Parkway.

(1) The minimum depth of any substructure shall be sixteen (16) inches below established gutter grade when said substructure parallels the parkway.

(2) The minimum depth of any substructure shall be twelve (12) inches below the top of the established sidewalk or curb when such substructure is at right angles to the parkway.

(C) Other Public Places. The minimum depth of any substructure in any other public place shall be twelve (12) inches below the surface.

Nothing in this Section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface unless the grade in said substructure interferes with the maintenance of or travel on a public street.
33-4-21 BACKFILLING. Fine material, free from lumps and stone, selected from the soil shall be thoroughly compacted around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed to the subgrade of the pavement in lifts consistent with the type of soil involved and the degree of consolidation specified by the City Council. Broken pavement, large stones, roots and other debris shall not be used in the backfill.

The number and size of each lift shall be dependent upon the type of soil involved. Such backfill shall be done in a manner that will permit the restoration of the surface to a density condition not less than that existing prior to excavation unless otherwise specified. The Street Superintendent may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in his opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements as prescribed by the City Council. All expense of such tests shall be borne by the permittee.

33-4-22 TRENCHES IN PIPE LAYING. The maximum length of open trench permissible at any time shall be in accordance with existing codes and regulations; however at night no more than fifty (50) feet may be open with proper barriers.

33-4-23 PROMPT COMPLETION OF WORK. After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be so as not to obstruct the public place or travel thereon more than is reasonably necessary.

33-4-24 URGENT WORK. When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Street Superintendent shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible.

33-4-25 EMERGENCY ACTION. Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Street Superintendent for such a permit on the first working day after such work is commenced.
33-4-26 NOISE, DUST AND DEBRIS. Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of 10:00 P.M. and 7:00 A.M., shall not use except in case of emergency as otherwise provided herein, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

33-4-27 PRESERVATION OF MONUMENTS. Any monument set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the City shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the City Council to do so. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of the monument by the City.

33-4-28 INSPECTIONS. The Street Superintendent shall make such inspections as are reasonably necessary in the enforcement of this Article. The Superintendent shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Article.

33-4-29 LOCATION RECORDS. Every public utility, after the enactment of this Article, shall maintain records showing the location of all of its underground facilities except relatively minor facilities which connect a particular premise or building to a facility serving more than one premise or building and except oil or gas-gathering or field lines. Every public utility shall maintain equipment which can locate such facilities in the field.

33-4-30 LIABILITY OF PERSONS TO CITY FOR DAMAGE. If any person violates any provision of this Code and any person or property in consequence thereof is injured or damaged, the person so guilty of such violation shall be liable to the City in relation thereto, and no prosecution or other proceeding by the City of such person for any penalty imposed for a violation shall constitute a bar to such action by the City for such damages.

(See 65 ILCS Secs. 5/11-80-1 through 5/11-80-23)
ARTICLE V - STREET IMPROVEMENTS

33-5-1 SIDEWALKS.
(A) Grade. No sidewalk shall be built above or below the established grade of the City and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the Street Superintendent and the City Council. No one shall build a sidewalk unless it consist of new construction. No one shall remove or destroy a sidewalk without replacing the same with a new sidewalk.
(B) Permit. It shall be unlawful for any person to build, lay or construct any sidewalk along any property in the City or along any of the streets, alleys, or public highways thereon, without first filing an application for a permit with the City Clerk and approved by the City Council. See Appendix “O” for Permit Form. (Ord. No. 12-9; 05-14-12)
(C) Cost to Owner. If the funds are available and the City Council approves the request, the property owner shall pay one-half (1/2) of the cost of the construction, including engineering fees, and thereafter, the sidewalk shall be maintained by the City.
(D) Subdivisions. This Section is not applicable to new subdivisions. (See 65 ILCS Sec. 5/11-80-13)

33-5-2 CURBS AND GUTTERS.
(A) Request in Writing. Any person owning property within the City who desires to have new curbs and gutters constructed, along the street adjoining his premises shall file an application for a permit with the City Clerk and approved by the City Council. See Appendix “O” for Permit Form. (Ord. No. 12-9; 05-14-12)
(B) Cost to Owner. If the funds are available and the City Council approves the request, the property owner shall pay one-half (1/2) of the cost of the construction, including engineering fees, and thereafter, the curbs and gutters shall be maintained by the City.
(C) Approval by City Council. The approval of the request for construction of curbs and gutters by the City Council shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the City as determined by the City Council.
(D) Subdivisions. This Section is not applicable to new subdivisions. (See 65 ILCS Sec. 5/11-80-11)
33-5-3  STORM SEWERS.

(A) Description of Storm Water Sewers. Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders, or storm waters, rain waters, or other waters other than sanitary sewage.

(B) Supervision. The Superintendent of the Water and Sewer Departments shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.

(C) Permits. Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Superintendent or his designated representative. See Appendix “O” for Permit Form. (Ord. No. 12-9; 05-14-12)

(D) Requirements: Use of Storm Water Sewers. Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the City. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system.

(See 65 ILCS Sec. 5/11-80-7)

(See the Street Regulations Permit for this Article in Appendix “O”.)
ARTICLE VI - SIDEWALK CONSTRUCTION

33-6-1 SIDEWALKS TO BE BUILT BY SPECIAL TAXATION. All sidewalks hereinafter constructed or renewed in the City along or upon any street or part thereof may be constructed and paid for by special assessment against the lot, lots, or parcels of land touching the land where any sidewalk shall be constructed by levying the total cost thereof upon such lot, or parcels of land in proportion to their frontage upon such sidewalks.

33-6-2 WHEELCHAIR RAMPS, REQUIREMENT. In order to enable persons using wheelchairs to travel freely and without assistance, at each crosswalk a ramp with non-slip surface shall be built into the curb so that the sidewalk and street blend to a common level. Such ramp shall be not less than thirty-two (32) inches wide and shall not have a slope greater than one (1) inch rise per twelve (12) inches length. Where because of surrounding buildings or other restrictions it is impossible to conform the slope with this requirement, the ramp shall contain a slope with as shallow a rise as possible under the circumstances. In all ramps there shall be a gradual rounding at the bottom of the slope. All new curbs, and all existing curbs which are a part of any reconstruction, within any block which is contiguous to any highway and in which more than fifty percent (50%) of the territory is devoted to or zoned for business, commercial or industrial use shall comply with this Section.

33-6-3 CONSTRUCTION TO GRADES. All sidewalks or parts or portions thereof built or constructed within the City, where not provided for by special ordinance, shall be built and constructed upon a grade to be furnished by the Superintendent of Streets to the property owners or lessees upon request.

33-6-4 DATUM PLANE FIXED. The base or datum plane for the City is hereby established as a standard from which all elevations shall be computed and referred to, which said plane shall be located one hundred (100) feet below that portion of the Northeast corner of the iron door sill at the East entrance of the First National Bank building at the Southwest corner of Main and Harrison Streets in the City of Sullivan.

33-6-5 CONSTRUCTING SIDEWALK CONTRARY TO CODE. If any person shall build, lay, or relay or attempt to build, lay or relay or knowingly assist in so doing any public sidewalk or portion thereof without first obtaining a grade thereof from the Superintendent of Streets, or upon a grade contrary to that established therefor by the Superintendent of Streets, or in any manner contrary to any of the provisions of the general ordinances of the City, or the special ordinance relating to such sidewalk, the Commissioner of
Streets and Public Improvements is hereby authorized to stop any further work on such sidewalk and to cause such portion thereof as shall have been constructed to be removed and to cause said sidewalk to be reconstructed in accordance with the provisions of this Code, and the total cost thereof, including grading, materials and the laying down, shall be taxed and charged against such lot or parcel of land adjacent thereto.

33-6-6 SURVEYING AND GRADING. It shall be the duty of the Commissioner of the Department of Streets and Public Improvements when any proposed sidewalk is to be built in the City, before the construction of any such sidewalk, or before the preparation of any or before the preparation of any special ordinance for the construction of any proposed sidewalk, concrete curb, gutter, or other street improvement, to cause to be made a survey of the line of the said proposed sidewalk, curb, gutter or other street improvement, for the purpose of establishing a grade for the same, and to have a profile of said grade made and filed in the office of the City Clerk, and to have established by Engineer's survey the proper property line, street line, or boulevard line along which said improvement is to be constructed, and such survey grade map or profile shall be approved, or approval thereof shall be obtained by the property owner, lessee, or contractor contracting such improvement before work thereon shall begin.

33-6-7 UNSAFE OR BROKEN SIDEWALKS. Whenever any sidewalk shall from breakage therein, natural wear or age become unsafe for ordinary travel thereon, or whenever for any cause it is necessary for public safety and convenience that any sidewalk or portion thereof should be replaced, it should be the duty of the Commissioner of the Department of Streets and Public Improvements to notify in writing the owner of the lot or lots abutting upon such sidewalk, or his or their duly authorized agents, to repair or rebuild such sidewalk as the public safety may require, and if such owner or his agent shall fail to comply with the requirements of such notice, the Commissioner aforesaid shall report such failure to comply to the City Attorney, with his recommendations thereon, and cause to be prepared an ordinance for the construction of a new sidewalk for the replacement of the sidewalk so broken or out of repair and submit such Code at the next regular meeting of the City Council for passage without delay; provided, however, that nothing in this Section contained shall excuse the Commissioner aforesaid from repairing or causing to be repaired any sudden break in any sidewalk or removing such sidewalk or repairing the same where delay would endanger or seriously inconvenience travelers thereon.

33-6-8 BORING OR TUNNELING UNDER STREET OR SIDEWALK. No person, firm or corporation shall hereafter tunnel, bore or excavate underneath the surface of any street, alley, sidewalk or other public place for the purpose of placing any shaft, cable, pipe main, conduit, wire or other transmitting or conducting device, or for the purpose of
making any repair thereto or for any other purpose whatsoever without first obtaining a permit so to do from the Commissioner of Streets and Public Improvements, except as otherwise provided by Ordinance.

33-6-9  **USE OF SPACE UNDER STREETS; PERMIT REQUIRED.** No person, firm or corporation shall use any space underneath the surface of any street, sidewalk or other public place, or construct or maintain any structure thereunder, without first obtaining a permit so to do from the City Council. No such permit shall be issued, except as hereinafter provided, and no permit shall be transferred or assigned, nor shall any right or privilege thereunder be transferred or assigned without the written consent of the Commissioner of Streets and Public Improvements. *(See the Street Regulations Permit in Appendix “O”.*

33-6-10  **APPLICATION FOR PERMIT TO USE SPACE UNDER STREETS.** Application for such space shall be made in writing, stating specifically the space desired, its length, breadth, and depth, the use intended to be made thereof and the type of construction. No permit shall be issued hereunder for the use of any space under the surface of the roadway of any street, and nothing herein contained shall preclude the City from revoking any permit issued hereunder when the space described in such permit is needed for public use or from providing by general ordinance a fee for the use of such space. *(See the Street Regulations Permit in Appendix “O”.*

33-6-11  **SPACE UNDER STREETS – LIABILITY OF OWNER.** The owner, person, firm or corporation in control or possession of the abutting property on any sub-sidewalk space shall be held responsible to the City for any and all damages to persons or property in consequence of any defect in construction of the work, or any portion thereof, or for failure to keep the same in good repair or in consequence of openings therein that may at any time be not properly or safely covered and protected. Whenever any coal hole vault or structure under any sidewalk, or any aperture constructed in any sidewalk is not covered or secured to the satisfaction of the Commissioner of Streets and Public Improvements, he may order the same to be placed in a safe condition satisfactory to him, and if the same shall not be done within **two (2) days** from the service of notice on the owner or person in possession of the premises, the Commissioner of Streets and Public Improvements may make such change, and the expense thereof shall be paid by such owner or person in possession of the premises forthwith or his permit shall be revoked.
ARTICLE VII – ENCROACHMENT ON PUBLIC RIGHT OF WAY

33-7-1 DEFINITIONS.
(A) **Roadway Right of Way** is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also the areas acquired by temporary easement during the time the easement is in effect.
(B) **Project Right of Way** is defined as those areas within the project right-of-way lines established jointly by the City, State and Federal Highway Administration which will be free of encroachments except as hereinafter defined.
(C) **Encroachment** is defined as any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.
(D) **Permissible Encroachment** is defined as any existing awning, marquee, advertising sign or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway; the permissive retention of overhanging signs is not to be constructed outside the project right-of-way line and not confined by adjacent buildings.
(E) **Construction Easement Area** is defined as the area lying between the project right-of-way limits and the platted street limits within which City, by concurrence in the establishment of the project right-of-way lines, will permit the State to enter to perform all necessary construction operations.

33-7-2 ENCROACHMENTS. It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (hereinafore defined), except as provided in **Section 33-7-1(D)**, within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.
ARTICLE VIII - SNOW REMOVAL

33-8-1 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Article.

“BUSINESS DAY” is any day not a Sunday or a National Holiday.

“BUSINESS DISTRICT” shall include all those areas zoned for business, commercial and industrial purposes in the Zoning Code and accompanying map as amended or other applicable regulations.

“BUSINESS HOURS” are the hours between 8:00 A.M. and 5:00 P.M. on any business day.

“ROADWAY” means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

“SIDEWALK” means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

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

33-8-2 DEPOSITING OF SNOW AND ICE RESTRICTED. No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts. (See 65 ILCS Sec. 5/11-80-13)

33-8-3 MAYOR’S AUTHORITY. The Mayor is hereby authorized on behalf of the City to cause sidewalks to be cleared upon the request of the person or entity charged with snow and ice removal. Any person or entity whose sidewalk is cleared pursuant to this Section shall reimburse the City for the costs of such clearing.
ARTICLE IX - OUTDOOR SIDEWALK FOOD SALES

33-9-1 PERMIT. An application generated by the City of Sullivan (hereinafter “City”) shall be provided to any owner of a licensed restaurant within the City who desires to implement outdoor dining and seeks to utilize public sidewalk right-of-way for restaurant sales. Outdoor dining on private property within these districts is also allowed subject to compliance with regulations except as noted herein.

33-9-2 FEE. There shall be no annual permit fee.

33-9-3 CRITERIA FOR GRANTING OF THE PERMIT. In reviewing the application the City Clerk or his designee must ascertain that the following criteria are satisfied prior to granting the permit.

(A) Arrangement. A drawing of the proposed sidewalk utilization identifying placement of all tables, chairs and any other item to be placed on the sidewalk must accompany the application if the permit application is to be reviewed for compliance. Said drawing shall be identified as the arrangement of tables and chairs (hereinafter “Arrangement”).

(B) The City Clerk or his designee shall review the proposed Arrangement within the Area to determine whether the Arrangement allows for pedestrian, vendor and handicapped access consistent with the width of the sidewalk and the relationship of the sidewalk to streets, crosswalks, parking and access to adjacent businesses. However, at a minimum, the Arrangement shall demonstrate that at least five (5) feet of unobstructed space is set aside on the sidewalk between the Arrangement and the curb or nearest obstacle. Signs are not allowed in the outside table service area. Further, a divider shall be required which shall separate the sidewalk café from the remaining sidewalk area by a removable divider constructed of a sturdy material such as wrought iron, metal or wood posts and chains, or other such materials deemed safe to the appropriate location. The divider shall not be less than three (3) feet nor more than four (4) feet in height. The entirety of the Arrangement shall be enclosed within this divider. On private property these regulations shall be applicable as to the divider requirement only.

(C) Applicant must acknowledge by signature his awareness that food may be sold outdoors only under the provisions of the permit granted under this Article, and only within the Arrangement as defined and under the following conditions:

(1) Sales shall occur only within an area of the zoned premises approved by the City and that limits access to the outdoor dining area.

(2) Alcoholic beverages cannot be sold within the outdoor dining area under any circumstances.

(D) Area. The area in which sidewalk dining is authorized shall abut the outside front wall of the restaurant to which it is an extension and shall not extend parallel in either direction beyond the outside front wall of the restaurant. Not applicable as to private property.
33-9-4  **REGULATIONS.** The use of the space by the permittee must conform to the Arrangement which was approved as part of the application process.

(A)  All tables and furniture shall be kept in a good state of repair and be maintained in a clean, safe, and sanitary condition and in accordance with Moultrie County Health Department Regulations.

(B)  A covered trash container of at least thirty-two (32) gallon capacity, containing a disposable plastic liner or bag shall be provided with each sidewalk café area and shall be emptied and washed as often as necessary to prevent overflow or other unsanitary conditions. It shall be the responsibility of the permittee to maintain such area, including sidewalks, and all equipment and furnishings in such conditions so as to be lean, sanitary, and safe at all times.

(C)  All components of the Arrangement shall be placed indoors at the close of the business day or 10:00 P.M. whichever is earlier every day, i.e. leaving the outside space free of any furnishings whatsoever.

(D)  No music, recorded or live, or other amplified sound shall be allowed within the area of the Arrangement, and umbrellas, when used, shall have canopies which extend to at least the same diameter as the tables served by the umbrellas and shall be anchored with a weighted base. No text, graphics, or logos shall be allowed on the umbrellas or tables, and all umbrellas must be matching in color and sized. The umbrella can be of any one of the following colors: black, white, dark green, dark blue, beige, dark red, or maroon and must be approved by the City Clerk or his designee. The umbrella panels may alternate colors so long as no more than two (2) colors are used alternating on the umbrella panels. However the umbrellas used throughout the Arrangement must be identical in size and colors chosen.

(E)  The City may suspend or modify the permits granted under this Article at any time, including but not limited to, the time in which the City may grant permits for special events. The City Clerk upon petition of the Commissioner of the Department of Public Works and Buildings shall have the authority to require any sidewalk café operating under a permit issued pursuant to this Article to suspend operation and clear such area, or to move or modify the location and operation of the sidewalk café, and to set a required time period for compliance with the order of the City Clerk.

33-9-5  **INDEMNIFICATION OF THE CITY.**

(A)  As a condition of issuance, the approved applicant and any person acting under or pursuant to said approval, agrees to indemnify, hold harmless, release and defend (even if the allegations are false, fraudulent, or groundless) to the maximum extent allowed by law, the City Clerk, the City, its City Council, and each member thereof, and its officers, employees, advisory board members and representatives, from and against any and all liability, loss, suits claims, damages, costs, judgments, and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, arise out of, or are claimed to result from or to arise out of any acts, negligence, errors, or omissions of approved applicant, its employees, representatives, contractors, subcontractors, or agents by reason of or arising out of, or in any matter connected with, any and all acts, operations, privileges authorized, allowed or undertaken pursuant to the use approval under their ordinance including, without limitation, any condition or property used in operations.

(B)  This agreement of indemnity includes, but is not limited to, personal injury (including death at any time), and property or other damage sustained by any person or
persons (including, but not limited to, companies, corporations, approved applicant and its employees or agents, and members of the general public).

(C) As a further condition of issuance of the approval, the approved applicant covenants not to sue the City Clerk, or designee, City, its City Council and each member thereof, and its employees, agents and representatives and shall cause its insurers to waive subrogation against the same with respect to any action, claim or demand in any way resulting from or connected with any or all undertakings and operations conducted pursuant to the use approval.

33-9-6 LIABILITY INSURANCE. The approved applicant shall be required to have general liability insurance providing for the following limits naming the City as an additional insured in the following minimum amounts: **One Million Dollars ($1,000,000.00)** per occurrence, and **One Million Dollars ($1,000,000.00)** umbrella coverage. Not applicable as to private property.

33-9-7 PENALTIES FOR VIOLATION. Any violation of this Article shall be punished by a fine up to **One Hundred Dollars ($100.00)** for each offense via citation. Each day in which a violation continues shall constitute a separate offense.

33-9-8 SEVERABILITY. It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and words of this Article are severable, and if any word, clause, sentence, paragraph, or section of this Article shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this Article, because the same would have been enacted by the Council without the incorporation in this Article of any such unconstitutional or invalid word, clause, sentence, paragraph, or section.

(Ord. No. 15-3; 03-10-15)
ARTICLE X – SMALL CELL ANTENNA/TOWER RIGHT-OF-WAY SITING

33-10-1 DEFINITIONS. For purposes of this Article, the following terms will have the following meanings:

(A) **Alternative Antenna Structure.** An existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a utility pole or a City-owned infrastructure.

(B) **Antenna.** Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

(C) **Applicant.** Any person or entity submitting an application to install personal wireless telecommunication facilities or structures to support the facilities within a public right-of-way.

(D) **City-Owned Infrastructure.** Infrastructure in public right-of-way within the boundaries of the City, including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the City.

(E) **Distributed Antenna System (DAS).** A type of personal wireless telecommunication facility consisting of a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Generally serves multiple carriers.

(F) **Landscape Screening.** The installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of a personal wireless telecommunication facility from public view.

(G) **Monopole.** A structure composed of a single spire, pole or tower designed and used to support antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure.

(H) **Personal Wireless Telecommunication Antenna.** An antenna that is part of a personal wireless telecommunications facility.

(I) **Personal Wireless Telecommunication Equipment.** Equipment, exclusive of an antenna, that is part of a personal wireless telecommunications facility.

(J) **Personal Wireless Telecommunications Facility.** An antenna, equipment, and related improvements used, or designed to be used, to provide wireless transmission of voice, data video streams, images, or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

(K) **Small Cell Facilities.** A Personal Wireless Telecommunications Facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area. Generally single-service provider installation.

(L) **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure. [Except as otherwise provided for by this Article, the requirements for a tower and associated antenna facilities shall be those required in this Article.]

(M) **Utility Pole.** An upright pole designed and used to support electric cables, telephone cables, telecommunications cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function.
(N) **Variance or Variation.** A grant of relief by the City Administrator, his/her designee or Commissioner of Streets & Public Improvements.

(O) **Wi-Fi Antenna.** An antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.

### 33-10-2 STANDARDS AND REGULATIONS.

Personal wireless telecommunication facilities will be permitted to be placed in right-of-way within the jurisdiction of the City as attachments to existing utility poles, alternative antenna structures, or City-owned infrastructure subject to the following regulations:

(A) **Number Limitation.** Only one personal wireless telecommunication facility may be located on a single utility pole.

(B) **Separation and Clearance Requirements.** Personal wireless telecommunication facilities may be attached to a utility pole, alternative antenna structure, monopole, or City-owned infrastructure only where such pole, structure or infrastructure is located no closer than **twenty-five (25) feet** to any residential building and no closer than **five hundred (500) feet** from any other personal wireless telecommunication facility. A lesser separation or clearance may be allowed by the City Administrator or his/her designee as an administrative variance to this Article when the Applicant establishes that the lesser separation or clearance is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so.

(C) **Co-Location.** Unless otherwise authorized by the City Administrator or his/her designee as a variance for good cause shown, only one personal wireless telecommunications facility is allowed on each utility pole, alternative antenna structure, or single unit of City-owned infrastructure for the use of a single personal wireless telecommunications facility operator. This subsection does not preclude or prohibit co-location of personal wireless telecommunication facilities on towers or monopoles that meet the requirements as set forth elsewhere in this subsection or as required by federal law.

(D) **City-Owned Infrastructure.** Personal wireless telecommunication facilities can only be mounted to City-owned infrastructure including, but not limited to, streetlights, traffic signal, towers or buildings, if authorized by a license or other agreement between the owner and the City.

(E) **New Towers.** No new monopole or other tower to support personal wireless telecommunication facilities in excess of **sixty (60) feet** is permitted to be installed on right-of-way within the jurisdiction of the City unless the City Council finds, based on clear and convincing evidence provided by the applicant, that locating the personal wireless telecommunications facilities on the right-of-way is necessary to close a significant coverage or capacity gap in the Applicant’s services or to otherwise provide adequate services to customers, and the proposed new monopole or other tower within the right-of-way is the least intrusive means to do so.

(F) **Attachment Limitations.** No personal wireless telecommunication antenna or facility within the right-of-way will be attached to a utility pole, alternative antenna structure, tower, or City-owned infrastructure unless all of the following conditions are satisfied:

(1) **Surface Area of Antenna.** The personal wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped antennas, cannot have a surface area of more than **seven (7) cubic feet** in volume.
(2) **Size of Above-Ground Personal Wireless Telecommunication Facility.** The total combined volume of all above-ground equipment and appurtenances comprising a personal wireless telecommunication facility, exclusive of the antenna itself, cannot exceed seventeen (17) cubic feet.

(3) **Personal Wireless Telecommunication Equipment.** The operator of a personal wireless telecommunication facility must, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than ten (10) feet above grade.

(4) **Personal Wireless Telecommunication Services Equipment Mounted at Grade.** In the event that the operator of a personal wireless telecommunication facility proposes to install a facility where equipment or appurtenances are to be installed at grade, screening must be installed to minimize the visibility of the facility. Screening must be installed at least three (3) feet from the equipment installed at-grade and eight (8) feet from a roadway.

(5) **Height.** The top of the highest point of the antenna cannot extend more than seven (7) feet above the highest point of the utility pole, alternative antenna support structure, tower or City-owned infrastructure. If necessary, the replacement or new utility pole, alternative support structure or City-owned infrastructure located within the public right-of-way may be no more than ten (10) to seventy (70) feet higher than existing poles adjacent to the replacement or new pole or structure, or no more than ninety (90) feet in height overall, whichever is less.

(6) **Color.** A personal wireless telecommunication facility, including all related equipment and appurtenances, must be a color that blends with the surroundings of the pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover.

(7) **Antenna Panel Covering.** A personal wireless telecommunication antenna may include a radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering must be of a color that blends with the color of the pole, structure, tower or infrastructure on which it is mounted.

(8) **Wiring and Cabling.** Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the version of the National Electric Code and National Electrical Safety Code adopted by the City and in force at the time of the installation of the facility. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.
(9) **Grounding.** The personal wireless telecommunication facility must be grounded in accordance with the requirements of the most current edition of the National Electric Code adopted by the City and in force at the time of the installation of the facility.

(10) **Guy Wires.** No guy or other support wires will be used in connection with a personal wireless telecommunication facility unless the facility is to be attached to an existing utility pole, alternative antenna support structure, tower or City-owned infrastructure that incorporated guy wires prior to the date that an applicant has applied for a permit.

(11) **Pole Extensions.** Extensions to utility poles, alternative support structures, towers and City-owned infrastructure utilized for the purpose of connecting a personal wireless telecommunications antenna and its related personal wireless telecommunications equipment must have a degree of strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the applicable structural integrity standards as set forth in (12) below. An extension must be securely bound to the utility pole, alternative antenna structure, tower or City-owned infrastructure in accordance with applicable engineering standards for the design and attachment of such extensions.

(12) **Structural Integrity.** The personal wireless telecommunication facility, including the antenna, pole extension and all related equipment must be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures. For any facility attached to City-owned infrastructure or, in the discretion of the City, for a utility pole, tower, or alternative antenna structure, the operator of the facility must provide the City with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation must be prepared by a professional structural engineer licensed in the State of Illinois.

(G) **Signage.** Other than signs required by federal law or regulations or identification and location markings, installation of signs on a personal wireless telecommunication facility is prohibited.

(H) **Screening.** If screening is required under Section 33-10-1(F)(4) above, it must be natural landscaping material or a fence subject to the approval of the City and must comply with all regulations of the City. Appropriate landscaping must be located and maintained and must provide the maximum achievable screening, as determined by the City, from view of adjoining properties and public or private streets. Notwithstanding the foregoing,
no such screening is required to extend more than nine (9) feet in height. Landscape screening when permitted in the right-of-way must be provided with a clearance of three (3) feet in all directions from the facility. The color of housing for ground-mounted equipment must blend with the surroundings. For a covered structure, the maximum reasonably achievable screening must be provided between such facility and the view from adjoining properties and public or private streets. In lieu of the operator installing the screening, the City, at its sole discretion, may accept a fee of One Thousand Five Hundred ($1,500.00) from the operator of the facility for the acquisition, installation, or maintenance of landscaping material by the City.

(I) Permission to Use Utility Pole or Alternative Antenna Structure. The operator of a personal wireless telecommunication facility must submit to the City written copies of the approval from the owner of a utility pole, monopole, or an alternative antenna structure, to mount the personal wireless telecommunication facility on that specific pole, tower, or structure, prior to issuance of the City permit.

(J) Licenses and Permits. The operator of a personal wireless telecommunication facility must verify to the City that it has received all concurrent licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of said facility have been obtained and will be maintained.

(K) Variance Requirements. Each location of a personal wireless telecommunication facility within a right-of-way must meet all of the requirements of this Article, unless a variance has been obtained in accordance with this Article.

(L) Abandonment and Removal. Any personal wireless telecommunication facility located within the corporate limits of the City that is not operated for a continuous period of twelve (12) months, shall be considered abandoned and the owner of the facility must remove same within ninety (90) days of receipt of written notice from the City notifying the owner of such abandonment. Such notice shall be sent by certified or registered mail, return-receipt-requested, by the City to such owner at the last known address of such owner. In the case of personal wireless telecommunication facilities attached to City owned infrastructure, if such facility is not removed within ninety (90) days of such notice, the City may remove or cause the removal of such facility through the terms of the applicable license agreement or through whatever actions are provided by law for removal and cost recovery.

33-10-3 GOVERNMENTAL WIRELESS TELECOMMUNICATION FACILITIES. This Article will NOT apply to personal wireless telecommunication facilities owned by the City.

33-10-4 PERMITS AND APPLICATION FEES AND PROCEDURES. Permits for placement of personal wireless telecommunication facilities in right-of-way within the City are required. Except as otherwise provided for by in this Article, the procedures for the application for, approval of, and revocation of such a permit must be in compliance with City permit applications contained in the City Code. Any applications must demonstrate compliance with the requirements of this Section. Unless otherwise provided by franchise, license, or similar agreement, or federal, State or local law, all applications for permits pursuant to this Section must be accompanied by a fee in the amount of no less than Five Hundred Dollars ($500.00). The application fee will reimburse the City for regulatory and administrative costs with respect to the work being performed.
33-10-5  **CONFLICT OF LAWS.** Where the conditions imposed by any provisions of this Article regarding the siting and installation of personal wireless telecommunication facilities are more restrictive than comparable conditions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Article will govern.

(Ord. No. 17-3; 02-27-17)

ARTICLE XI - PENALTY

33-11-1  **CAFETERIA COURT.** The City may prosecute violators of this Chapter under the provisions of Section 1-1-20 “General Penalty” of Chapter 1.

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
CITY OF SULLIVAN, ILLINOIS

GENERAL WORK AGREEMENT

1. The undersigned hereby request the ________________ Department of the City of Sullivan, Moultrie County, Illinois to perform the following work or installation at or upon the premises located at:


2. Electric
Gas
Water
Sewer
Street & Alley

3. The work or installation to be performed being described as:

4. The undersigned hereby represents that he is the owner of said premises, or an authorized agent, and agrees to pay for said work or installation the sum of $_________ _____, or at the rate of ______________________, within ________________ _____ after receiving a statement from the said City upon completion, and upon failure to do so acknowledges that a lien may be filed against said real estate.

Signed at Sullivan, Illinois, this ____ day of ________________, A.D. __.

________________________________________
(Owner or Agent)

_______________________________________
(Witness)
CHAPTER 36
TAXATION

ARTICLE I - GENERALLY

36-1-1 CORPORATE RATE. The maximum rate for general corporate purposes of the City be and the same is hereby established at a rate of .279%. (See 65 ILCS Sec. 5/8-3-1)

36-1-2 POLICE TAX. The maximum rate for police protection purposes of the City be and the same is hereby established at a rate of .075%. (See 65 ILCS Sec. 5/11-1-3)

36-1-3 AUDIT TAX. The City Council may levy a "Municipal Auditing Tax" upon all taxable property in the City which will produce an amount which will equal the cost of all auditing for the City. (See 65 ILCS Sec. 5/8-8-8)

36-1-4 F.I.C.A. TAX. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to participate in the federal Social Security System. (See 40 ILCS Sec. 5/21-101 et seq.)

36-1-5 GENERAL LIABILITY. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to purchase general liability insurance for the City.

36-1-6 LIBRARY TAX. The maximum tax for Library purposes, be and the same is hereby established at a rate of .15%. (See 75 ILCS Sec. 5/3-1 and 5/3-4)

36-1-7 WORKMEN'S COMPENSATION. The maximum tax for Worker's Compensation and Occupational Diseases Claims purposes, be and the same is hereby established at a rate to pay for legal services, purchase insurance, purchase claim services, pay for judgments and settlements. (See 745 ILCS Sec. 10/9-107)

36-1-8 PUBLIC PARKS TAX. The maximum tax for Public Park purposes, be and the same is hereby established at a rate of .075%. (See 65 ILCS Sec. 5/11-98-1)
36-1-9  **ROAD AND BRIDGE.** The maximum tax for Street and Bridge purposes, be and the same is hereby established at a rate of .06%. *(See 65 ILCS Sec. 5/11-81-1 and 5/11-81-2)*

36-1-10  **I.M.R.F.** The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to participate in the Illinois Municipal Retirement Fund. *(See 40 ILCS Sec. 5/7-171 et seq.)*

36-1-11  **UNEMPLOYMENT INSURANCE.** The City Council may levy an Unemployment Insurance tax at whatever rate is necessary to purchase said coverage. *(See 745 ILCS Sec. 10/9-107)*

36-1-12  **RECREATION TAX.** The City Council may levy a maximum tax rate of .05% for the purpose of recreation in the City. *(See 65 ILCS Sec. 5/11-95-7)*
ARTICLE II

TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

36-2-1 DEFINITIONS. As used herein, the following terms shall have the following meanings:

(A) "Gross Charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the City, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. “Gross charges” for private line service shall include charges imposed at each channel point within the City, charges for the channel mileage between each channel point within the City, and charges for that portion of the interstate inter-office channel provided within the City. However, “gross charges” shall not include:

(1) any amounts added to a purchaser’s bill because of a charge made under:
   (a) the fee imposed by this Section,
   (b) additional charges added to a purchaser’s bill under Section 9-221 or 9-222 of the Public Utilities Act,
   (c) amounts collected under Section 8-11-17 of the Illinois Municipal Code,
   (d) the tax imposed by the Telecommunications Excise Tax Act,
   (e) 911 surcharges, or
   (f) the tax imposed by Section 4251 of the Internal Revenue Code;

(2) charges for a sent collect telecommunication received outside the City;

(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the City;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(8) charges paid by inserting coins in coin-operated telecommunications devices; or

(9) charges for telecommunications and all services and equipment provided to the City.

(B) "Public Right-of-Way" means any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the City has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public Right-of-Way" shall not include any real or personal City property that is not specifically described in the previous sentence and shall not include City buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

(C) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.
(D) “Sale of telecommunications at retail” means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(E) “Service address” means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, “service address” shall mean the location of the customer’s primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

(F) “Telecommunications” includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, “telecommunications” shall also include wireless telecommunications as hereinafter defined. “Telecommunications” shall not include value-added services in which computer-processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. “Telecommunications” shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provisions and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. “Telecommunications” shall not include the provision of cable service through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Section 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the City through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

(G) “Telecommunications provider” means (1) any telecommunications retailer; and (2) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

(H) “Telecommunications retailer” or “retailer” or “carrier” means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The City may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the City, furnishes adequate security to ensure collection
and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business in the City.

(I) “Wireless telecommunications” includes cellular mobile services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. §331(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

36-2-2 REGISTRATION OF TELECOMMUNICATIONS PROVIDERS.

(A) Every telecommunications provider as defined by this Article shall register with the City within thirty (30) days after the effective date of this Article or becoming a telecommunications provider, whichever is later, on a form to be provided by the City, provided, however, that any telecommunications retailer that has filed a return pursuant to Section 36-2-4(C) of this Article shall be deemed to have registered in accordance with this Section.

(B) Every telecommunications provider who has registered with the City pursuant to Section 36-2-2(A) has an affirmative duty to submit an amended registration form or current return as required by Section 36-2-4(C), as the case may be, to the City within thirty (30) days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the City.

36-2-3 MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.

(A) A City telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of one percent (1%) of all gross charges charged by the telecommunications retailers to service addresses within the City for telecommunications originating or received in the City.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this Article, the City infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the City by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Article does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The City telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 36-2-4 of this Article.
36-2-4 COLLECTION, ENFORCEMENT, AND ADMINISTRATION OF TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEES.

(A) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the City infrastructure maintenance fee attributable to that customer's service address.

(B) Unless otherwise approved by the City the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the City not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed two percent (2%) of the City infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(C) Remittance of the municipal infrastructure fee to the City shall be accompanied by a return, in a form to be prescribed by the City, which shall contain such information as the City may reasonably require.

(D) Any infrastructure maintenance fee required to be collected pursuant to this Article and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the City. The charge imposed under Section 36-2-4(A) by the telecommunications retailer pursuant to this Article shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(E) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Article, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this Article, from the telecommunications retailer who made the erroneous payment; provided, however, the City may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three (3) years after the date of the erroneous payment unless, (1) the credit is used only to offset a claim of underpayment made by the City within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this Article by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

1. "gross charges" for purposes of the Telecommunications Excise Tax Act;
2. "gross receipts" for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;
3. "gross charges" for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;
4. "gross revenue" for purposes of the tax on annual gross revenue of public utilities in Section 2-202 of the Public Utilities Act.
(G) The City shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Article to determine whether the telecommunications retailer has properly accounted to the City for the City infrastructure maintenance fee. Any underpayment of the amount of the City infrastructure maintenance fee due to the City by the telecommunications retailer shall be paid to the City plus five percent (5%) of the total amount of the underpayment determined in an audit, plus any costs incurred by the City in conducting the audit, in an amount not to exceed five percent (5%) of the total amount of the underpayment determined in an audit. Said sum shall be paid to the City within twenty-one (21) days after the date of issuance of an invoice for same.

(H) The City or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this Article consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to Section 36-2-2 of this Article of such regulations.

36-2-5 COMPLIANCE WITH OTHER LAWS. Nothing in this Article shall excuse any person or entity from obligations imposed under any law, including but not limited to:

(A) generally applicable taxes; and
(B) standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided; and
(C) Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and
(D) Compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

36-2-6 EXISTING FRANCHISES AND LICENSES. Any franchise, license, or similar agreements between telecommunications retailers and the City entered into before the effective date of this Article regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

36-2-7 PENALTIES. Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the general penalty provisions of the City Municipal Code in Section 1-1-20 or the Cafeteria Court provision in Section 1-1-26.
36-2-8 WAIVER AND FEE IMPLEMENTATION.

(A) The City hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the City by a telecommunications retailer pursuant to any existing City franchise, license, or similar agreement with a telecommunications retailer during the time the City imposes the Telecommunications Infrastructure Maintenance Fee. This waiver shall only be effective during the time the Infrastructure Maintenance Fee provided for in this Article is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

(B) The City Clerk shall send a notice of the waiver by certified mail/return receipt requested to each telecommunications retailer with whom the City has a franchise.

(C) The City infrastructure maintenance fee provided for in this Article shall become effective and imposed on the first (1st) day of the month not less than ninety (90) days after the City provides written notice by certified mail to each telecommunications retailer with whom the City has an existing franchise, license, or similar agreement that the City waives all compensation under such existing franchise, license, or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the City. The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence.

ARTICLE III

MUNICIPAL UTILITY TAX

36-3-1 TAX IMPOSED. A tax of two percent (2%) is hereby imposed upon the bills of the gas customers. The revenues shall be deposited into the General Fund to cover the City’s administrative expenses in operating the gas system.
ARTICLE IV

ELECTRIC UTILITY TAX

36-4-1 TAX IMPOSED. A tax is imposed on all persons engaged in the following occupations or privileges:
(A) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser:
(1) First 2,000 KWH .277 cents per KWH
(2) Next 48,000 KWH .181 cents per KWH
(3) Next 50,000 KWH .163 cents per KWH
(4) Next 400,000 KWH .159 cents per KWH
(5) Next 500,000 KWH .154 cents per KWH
(6) Next 2,000,000 KWH .145 cents per KWH
(7) Next 2,000,000 KWH .143 cents per KWH
(8) Next 5,000,000 KWH .141 cents per KWH
(9) Next 10,000,000 KWH .138 cents per KWH
(10) Over 20,000,000 KWH .136 cents per KWH

The tax rates set forth in the preceding table will be used at least through December 31, 2008, are proportional to the rates enumerated in 65 ILCS Sec. 5/8-11-2 (as modified by Public Act 90-561), and do not exceed the revenue that could have been collected during 2000 using the rates enumerated in 65 ILCS Sec. 5/8-11-2 (as modified by Public Act 90-561).

36-4-2 TYPE OF CUSTOMER -- RATE EFFECTIVE. Pursuant to 65 ILCS Sec. 5/8-11-2, the rates set forth in Section 36-4-1 above shall be effective:
(A) On May 1, 2001 for residential customers; and
(B) On the earlier of:
(1) the last bill issued prior to April 1, 2001, or
(2) the date of the first bill issued pursuant to 220 ILCS Sec. 5/16-104, for non-residential customers.

36-4-3 EFFECTIVE DATE FOR ARTICLE. The provisions of Section 36-4-1 shall not be effective until May 1, 2001.

36-4-4 EXCEPTIONS. None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privileges may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor
shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Article for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" as authorized by 65 ILCS Sec. 5/8-11-1; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the City, whether privately or City owned or operated, or exercising the same privilege within the City.

36-4-5 ADDITIONAL TAXES. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

36-4-6 COLLECTION. The tax authorized by this Article shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Article and any such tax collected by a person delivering electricity shall constitute a debt owed to the City by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the City upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the City in the manner prescribed by the City. On or before the last day of each month, persons delivering electricity shall make a return to the City for the preceding month and shall, at the time of filing such return, pay the City the amount of the tax collected pursuant to this Article.

36-4-7 REPORTS TO CITY. On or before the last day of each month, each taxpayer who has not paid the tax imposed by this Article to a person delivering electricity as set forth in Section 36-4-1 and who is not otherwise exempted from paying such tax shall make a return to the City Treasurer for the preceding month stating:

(A) His name.
(B) His principal place of business.
(C) His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
(D) Amount of tax.

(E) Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

36-4-8 CREDIT FOR OVER-PAYMENT. If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.

36-4-9 PENALTY. Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars ($100.00) nor more than Two Hundred Dollars ($200.00) and in addition, shall be liable in a civil action for the amount of tax due.

(See 65 ILCS Sec. 5/8-11-2)
ARTICLE V

TAXPAYERS’ RIGHTS CODE

36-5-1 TITLE. This Article shall be known as, and may be cited as, the “Locally Imposed and Administered Tax Rights and Responsibility Code”.

36-5-2 SCOPE. The provisions of this Code shall apply to the City’s procedures in connection with all of the City’s locally imposed and administered taxes.

36-5-3 DEFINITIONS. Certain words or terms herein shall have the meaning ascribed to them as follows:

(A) Act. “Act” means the “Local Government Taxpayers’ Bill of Rights Act”.

(B) Corporate Authorities. “Corporate Authorities” means the City’s Mayor and City Council.

(C) Locally Imposed and Administered Tax or “Tax”. “Locally Imposed and Administered Tax” or “Tax” means 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 or fees collected by the City other than infrastructure maintenance fees.

(D) Local Tax Administrator. “Local Tax Administrator”, the City’s Treasurer is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator’s stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act.

(E) City. “City” means the City of Sullivan, Illinois.

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

(G) Tax Ordinance. “Tax Ordinance” means each ordinance adopted by the City that imposes any locally imposed and administered tax.

(H) Taxpayer. “Taxpayer” means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the City.
36-5-4   **NOTICES.** Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than **seven (7) calendar days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:
   (A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons’ last known address, or
   (B) Personal service or delivery.

36-5-5   **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.

36-5-6   **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.

36-5-7   **CERTAIN CREDITS AND REFUNDS.**
   (A) 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. 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 (4)** or less 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 monies to the City.

(2) Within ten (10) days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
(a) grant the claim; or
(b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of one percent (1%) per annum in excess of the Prime Rate as announced from time to time in effect, based on a year of three hundred sixty-five (365) days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit. Prime Rate shall be defined as the highest “Prime Rate” of interest as quoted in the money rates section of the Wall Street Journal on the first business day of each calendar year.

36-5-8  AUDIT PROCEDURE. Any request for proposed audit pursuant to any local administered tax, shall comply with the notice requirements of this Code.
   (A) Each notice of audit shall contain the following information:
       (1) the tax;
       (2) the time period of the audit; and
       (3) a brief description of the books and records to be made available for the auditor.
   (B) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within thirty (30) days after the originally designated audit and during normal business hours.
   (C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven (7) days nor more than thirty (30) days from the date the notice is given, unless the taxpayer and the local tax administrator
agreed to some other convenient time. In the event taxpayer is unable to comply with
the audit on the date in question, the taxpayer may request another date within the
thirty (30) days, approved in writing, that is convenient to the taxpayer and the local
tax administrator.

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

36-5-9 APPEAL.

(A) The local tax administrator shall send written notice to a taxpayer
upon the local tax administrator’s issuance of a protestable notice of tax due, a bill, a
claim denial, or a notice of claim reduction regarding any tax. The notice shall include
the following information:

(1) the reason for the assessment;
(2) the amount of the tax liability proposed;
(3) the procedure for appealing the assessment; and
(4) the obligations of the City during the audit, appeal, refund
and collection process.

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

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

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

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than **ninety (90) days** after the expiration of the **forty-five (45) day** period.

### 36-5-10 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section 36-5-9, above, the local tax administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed **fourteen (14) days**.

(C) At the hearing the local tax administrator shall 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.

### 36-5-11 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 nonpayment of the tax, to be **one percent (1%)** per annum in excess of the Prime Rate as announced from time to time in effect, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed. Prime Rate shall be defined as the highest “Prime Rate” of interest as quoted in the money rates section of the Wall Street Journal on the first business day of each calendar year.

(B) **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of **five percent (5%)** of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of **five percent (5%)** of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to **twenty-five percent (25%)** of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.
36-5-12  **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.

36-5-13  **INSTALLMENT CONTRACTS.** 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. Upon written notice by the local tax administrator that the payment is **thirty (30) days** delinquent, the taxpayer shall have **fourteen (14) working days** to cure any delinquency. If the taxpayer fails to cure the delinquency within the **fourteen (14) day** period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

36-5-14  **STATUTE OF LIMITATIONS.** 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 **forty-five (45) days** after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than **four (4) years** maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any **four (4) year** period for which a notice of tax determination or assessment may be issued by the City, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

36-5-15  **VOLUNTARY DISCLOSURE.** For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment form the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for
the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

36-5-16 PUBLICATION OF TAX ORDINANCES. Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office.

36-5-17 INTERNAL REVIEW PROCEDURE. The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

(A) timely remove the lien at the City's expense;
(B) correct the taxpayer's credit record; and
(C) correct any public disclosure of the improperly imposed lien.

36-5-18 APPLICATION. This Ordinance 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 ordinance, this ordinance shall be controlling.

(Ord. No. 00-11; 12-11-00)
ARTICLE VI - RESERVED

(Ord. No. 12-3; 02-27-12)
CHAPTER 37

TAX INCREMENT FINANCING

ARTICLE I – INTERESTED PARTIES REGISTRY REGISTRATION RULES

37-1-1 DEFINITIONS. As used in these Registration Rules, the following terms shall have the definitions set forth below.

(A) “Act” shall mean the Tax Increment Allocation Redevelopment Act 65 ILCS 5/11-74.4-1 et seq. as amended from time to time.
(B) “Clerk” shall mean the City Clerk.
(C) “Interested Party(ies)” shall mean (a) any organization(s) active within the City, (b) any resident(s) of the City, and (c) any other entity or person otherwise entitled under the Act to register in the Interested Parties Registry who has registered in such Registry and whose registration has not been terminated in accordance with these Registration Rules.
(D) “Redevelopment Project Area” shall mean a redevelopment project area that (a) is intended to qualify or that has previously or subsequently qualified as a “redevelopment project area” under the Act, and (b) is subject to the “interested parties registry” requirements of the Act.
(E) “Registration Form” shall mean the form appended to these Registration Rules, or such revised form as may be approved by the Department consistent with the requirements of the Act.
(F) “Registry” or “Registries” shall mean each interested parties registry, and all such registries, collectively, established by the City pursuant to Section 11-74.4-4.2 of the Act for a Redevelopment Project Area.
(G) “City” shall mean the City of Sullivan, an Illinois Municipal Corporation.

37-1-2 ESTABLISHMENT OF REGISTRY. The City shall establish a separate interested parties registry for each Redevelopment Project Area, whether existing as of the date of the adoption of these Rules or hereafter established.

37-1-3 MAINTENANCE OF REGISTRY. The Registries shall be maintained by the Clerk, which has a principal business office located at City Hall, Sullivan, Illinois. The City may transfer the responsibility for maintaining the Registries to such other Department provided that the City (a) gives prior written notice to all Interested Parties not less than thirty (30) days prior to such transfer, and (b) publishes notice of such transfer in a newspaper of general circulation in the City.

37-1-4 REGISTRATION BY RESIDENTS. An individual seeking to register as an Interested Party with respect to a Redevelopment Project Area must complete and submit a Registration Form to the Clerk. Such individual must also submit a copy of a current driver’s license, lease, utility bill, or such other evidence as may be acceptable to the Clerk to establish the individual’s current residency.

[Supplement No. 24; 01-01-18]
37-1-5 REGISTRATION OF ORGANIZATIONS. An organization seeking to register as an Interested Party with respect to a Redevelopment Project Area must complete and submit a Registration Form to the Clerk. Such organization must also submit a copy of a one-page statement describing the organization’s current operations in the City.

37-1-6 DETERMINATION OF ELIGIBILITY. All individuals and organizations whose Registration Form and supporting documentation complies with these Registration Rules shall be registered in the applicable Registry within **ten (10) business days** of the Clerk’s receipt of all such documents. The Clerk shall provide written notice to the registrant conforming such registration. Upon registration, Interested Parties shall be entitled to receive all notices and documents required to be delivered under these Rules or as otherwise required under the Act with respect to the applicable Redevelopment Project Area. If the Clerk determines that a registrant’s Registration Form and/or supporting documentation is incomplete or does not comply with these Rules, the Clerk shall give written notice to the registrant specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation.

37-1-7 RENEWAL AND TERMINATION. An Interested Party’s registration shall remain effective for a period of **three (3) years**. At any time after such **three (3) year** period, the Clerk may provide written notice by regular mail to the Interested Party stating that such registration shall terminate unless the Interested Party renews such registration within **thirty (30) days** of the Clerk’s mailing of written notice. To renew such registration, the Interested Party shall, within such **thirty (30) day** period, complete and submit the same Registration Form and supporting documentation then required of initial registrants in order to permit the Clerk to confirm such person’s residency or such organization’s operations in the City. The registration of all individuals and organizations whose Registration Form and supporting documentation is submitted in a timely manner and complies with these Regulation Rules shall be reviewed for an additional, consecutive **three (3) year** period. If the Clerk determines that a registrant’s renewal Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Clerk shall give written notice to the registrant at the address specified in the renewal Registration Form submitted by such registrant, specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation within **thirty (30) days** of receipt of the Clerk’s notice. If all defects are not corrected within **thirty (30) days** of the Interested Party’s receipt of the Clerk’s notice, the Interested Party’s registration shall be terminated. Any Interested Party whose registration is terminated shall be entitled to register again as if a first-time registrant.

37-1-8 AMENDMENT TO REGISTRATION. An Interested Party may amend its registration by giving written notice to the Clerk by certified mail of any of the following: (1) a change in address for notice purposes; (2) in the case of organizations, a change in the name of the contact person; and (3) a termination of registration. Upon receipt of such notice, the Clerk shall revise the applicable Registry accordingly.
37-1-9 REGISTRIES AVAILABLE FOR PUBLIC INSPECTION. Each Registry shall be available for public inspection during normal City business hours. The Registry shall include the name, address and telephone number of each Interested Person and, for organizations, the name and phone number of a designated contact person.

37-1-10 NOTICES TO BE SENT TO INTERESTED PARTIES. Interested Parties shall be sent the following notices and any other notices required under the Act with respect to the applicable Redevelopment Project Area:

(A) pursuant to subsection 74.4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information; such notice shall be sent by mail within a reasonable period of time after the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan;

(B) pursuant to subsection 74.4-5(a) of the Act, notice of changes to proposed redevelopment plans that do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project, or (4) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of the households will exceed 10; such notice shall be sent by mail not later than ten (10) days following the City's adoption by ordinance of such changes.

(C) pursuant to subsection 74.4-5(c) of the Act, notice of amendments to previously approved redevelopment plans that do not (1) add additional parcels of property to the redevelopment project area, (2) substantially affect the general land uses in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than five percent (5%) after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan, or (6) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed 10; such notice shall be sent by mail not later than ten (10) days following the City's adoption by ordinance of such amendment.

(D) pursuant to subsection 74.4-5(d)(9) of the Act, for redevelopment plans or projects that would result in the displacement of residents from ten (10) or more inhabited residential units or that contain seventy-five (75) or more inhabited residential units, notice of the availability of the certified audit report described in subsection 74.4-5(d)(9), including how to obtain the certified audit report; such notice shall be sent by mail within a reasonable period of time after completion of the certified audit report.

(E) pursuant to subsection 74.4-6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed Redevelopment Project Area that will result in the displacement of ten (10) or more inhabited residential units or which contain seventy-five (75) or more inhabited residential units, such notice shall be sent by certified mail not less than fifteen (15) days before the date of such preliminary public meeting.
37-1-11  **NON-INTERFERENCE.** These Registration Rules shall not be used to prohibit or otherwise interfere with the ability of eligible organizations and individuals to register for receipt of information to which they are entitled under the Act.

37-1-12  **AMENDMENT OF REGISTRATION RULES.** These Registration Rules may be amended by the City Council, subject to and consistent with the requirements of the Act.

*(Ord. No. 17-1; 01-23-17)*
EXHIBIT A

CITY OF SULLIVAN
MOULTRE COUNTY, ILLINOIS
SULLIVAN TIF DISTRICT IV

INTERESTED PARTIES REGISTRY

The following Individual and Organizations have registered with the City under Rules adopted by the City pursuant to 65 Illinois Compiled Statutes 5/11-74.4-4.2:

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</tbody>
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CHAPTER 38

WATER AND SEWER

ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 ORGANIZATION. The Water and Sewer Department shall be a subordinate department of the Department of Public Health and Safety. The Department shall consist of the Water and Sewer Distribution and Collection Systems Foreman, the Water Plant Foreman and such other employees as may be appointed to the Water and Sewer Department from time to time.

38-1-2 WATER AND SEWER DISTRIBUTION AND COLLECTION SYSTEMS FOREMAN DUTIES. Whenever a vacancy occurs in the position of Water and Sewer Distribution and Collection Systems Foreman, such position shall be filled by appointment by the Commissioner of the Department of Public Health and Safety, subject to the approval of the Council. The Water and Sewer Distribution and Collection Systems Foreman shall, under the direction of the Public Works Director and the general supervision of the Commissioner of the Department of Public Health and Safety, be in charge of repair and maintenance of the entire water distribution and sewer collection systems. The Water and Sewer Distribution and Collection Systems Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council.

Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Health and Safety, the Water and Sewer Distribution and Collection Systems Foreman shall have the authority to recommend the employ and discharge of all subordinate employees assigned to the water and sewer distribution and collection systems and, in the interests of the City, to direct the work of all such subordinate employees and to effectively recommend to the Commissioner of Public Health and Safety the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of any of their grievances.

The Water and Sewer Distribution and Collection Systems Foreman shall have, at the minimum, received Certificates as a Class “D” Water Operator and as a Class “4” Wastewater Operator, and he shall be required as a condition of continued employment in said position to continue a required course of study and instruction to obtain a Class “A” Water Operator’s license and a Class “2” Wastewater Operator’s License within eight (8) years of commencing said course of study. Within six (6) months of his date of employment the Water and Sewer Distribution and Collection Systems Foreman shall have obtained a Class “B” CDL license with tanker and brake endorsement thereon.
38-1-3 WATER PLANT FOREMAN DUTIES. Whenever a vacancy occurs in the position of Water Plant Foreman, such position shall be filled by appointment by the Commissioner of the Department of Public Health and Safety, subject to the approval of the Council. The Water Plant Foreman shall, under the direction of the Public Works Director and the general supervision of the Commissioner of the Department of Public Health and Safety, be in charge of and operate the Water Treatment Plant of the City. The Water Plant Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council.

Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Public Health and Safety, the Water Plant Foreman shall have the authority to recommend the employ and discharge of all subordinate employees assigned to the Water Treatment Plant and, in the interests of the City, to direct the work of all such subordinate employees and to effectively recommend to the Commissioner of Public Health and Safety the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of any of their grievances.

The Water Plant Foreman shall have, at the minimum, received a certificate of competency from the State of Illinois Environmental Protection Agency as a Class “D” Water Operator, and he shall be required as a condition of continued employment in such position to continue a required course of study and instruction to obtain a Class “A” license within eight (8) years of commencing such course of study.

(A) Employee Qualifications. Subordinate employees of the Water Treatment Plant shall have, at the minimum, received a certificate of competency from the State of Illinois Environmental Protection Agency as a Class “D” water operator prior to date of hire. Any such employee shall be required as a condition of continued employment in said position to continue a required course of study to obtain a Class “A” certificate of competency from the State of Illinois Environmental Protection Agency within four (4) years of commencing said course of study. As a condition for continued employment, present employees shall obtain a certificate of competency from the State of Illinois Environmental Protection Agency as a Class “A” water operator within four (4) years of commencing a required course of study. If for any reason said employees certificate of competency is deemed to be inactive for more than thirty (30) days any such employee may be terminated.

38-1-4 CHIEF WASTEWATER TREATMENT PLANT OPERATOR, APPOINTMENT, DUTIES. Under the supervision of the Water and Sewer Distribution and Collection Systems Foreman, the Chief Wastewater Treatment Plant Operator shall be in charge of and operate the Wastewater Treatment Plant of the City. The Chief Wastewater Treatment Plant Operator shall supervise and control all subordinate employees of the Wastewater Treatment Plant and report to the Water and Sewer Distribution and Collection Systems Foreman about the activities of the Wastewater Treatment Plant. The Chief Wastewater Treatment Plant Operator shall have, at the
minimum, received a certificate of competency from the State of Illinois Environmental Protection Agency as a Class “4” Wastewater Operator, and he shall be required as a condition of continued employment in such position to continue a required course of study and instruction to obtain a Class “2” license within four (4) years of commencing said course of study.

(A) **Employee Qualification.** Subordinate employees of the Wastewater Treatment Plant shall have, at the minimum, received a certificate of competency from the State of Illinois Environmental Protection Agency as a Class “D” Water Operator and a Class “4” Wastewater Operator prior to date of hire. Said employee shall be required as a condition of continued employment in said position to continue a required course of study to obtain a Class “2” Wastewater Operator certificate of competency from the State of Illinois Environmental Protection Agency within four (4) years of commencing said course of study. As a condition for continued employment, present employees shall obtain a certificate of competency from the State of Illinois Environmental Protection Agency as a Class “2” Wastewater Operator within four (4) years of commencing a required course of study. If for any reason said employee’s certificate of competency is deemed to be inactive for more than thirty (30) days said employee may be terminated. Within six (6) months of date of employment the employee shall have obtained a Class “B” CDL license with tanker and brake endorsement thereon.

38-1-5 **POLICE POWER.** The Water and Sewer Distribution and Collection Systems Foreman and the Water Plant Foreman shall each have the authority to issue a “notice to appear” as defined in Section 107.1(c) of the Code of Criminal Procedure of 1963 (725 ILCS 5/107-1(c)) for any violation of any ordinance of the City in relation to the Water and Street Department that may come to his knowledge, and for such limited purpose the Water and Street Distribution and Collection Foreman and the Water Plant Foreman are each hereby designated as a “peace office” within the meaning of Section 2-13 of the Criminal Code of 1961 (720 ILCS 5/2-13).

(Ord. No. 12-20; 10-23-12)
ARTICLE II - CUSTOMER REGULATIONS

38-2-1 - 38-2-8 RESERVED. (Ord. No. 12-9; 05-14-12)

38-2-9 WATER AND SEWER SYSTEM; ANNEXATION REQUIREMENT.

(A) Annexation Agreement.

(1) If the City consents to furnish water and sewer service to a landowner whose property is located outside of the corporate limits of the City then prior to said services being furnished, or before or after service of those systems is transferred from one landowner or customer to another, said landowner or succeeding landowner must agree to sign an annexation agreement with the City in the form as shown in Appendix "HH" whereby landowner shall agree to submit a petition for annexation to the City within thirty (30) days of the beginning of the receipt of said service or upon said property becoming contiguous to the City and upon the request of City, whichever event shall first happen.

(2) The covenants of said annexation agreement shall run with the land and shall be binding upon the parties, their heirs, executors, administrators, assigns, grantees and all persons claiming thereunder.

(3) Landowner shall convey or dedicate all necessary easements to the City for the extension of utilities or for other public improvements which may serve not only the subject landowner’s property, but other properties contiguous to landowner’s property. Said easements or right-of-way shall be located as to cause a minimum of inconvenience in the development of landowner’s property.

(Ord. No. 05-06; 03-28-05)
ARTICLE III - WATER SYSTEM

DIVISION I - REGULATIONS

38-3-1 DEFINITIONS.

(A) Building shall mean any structure, whether temporary or permanent, whether or not attached to real estate if the structure is used for human occupancy, employment, recreation, or other purposes.

(B) Class 1 Commercial Occupancy shall be an occupancy for commercial purposes to which no more than three hundred seventy-five (375) gallons of metered water is delivered per day, measured by averaging the water usage in the year following connection with the sewer.

(C) Class 2 Commercial Occupancy shall be an occupancy for commercial purposes to which at least three hundred seventy-five (375) gallons but no more than five hundred (500) gallons of metered water is delivered per day measured by averaging the water usage in the year following connection with the sewer.

(D) Class 3 Commercial Occupancy shall be an occupancy for commercial purposes to which at least five hundred (500) gallons of metered water is delivered per day measured by averaging the water usage in the year following connection with the sewer.

(E) Industrial Occupancy shall mean an occupancy which exists for the purpose of producing goods.

(F) Ph is a term used to express the acidity or alkalinity of a liquid.

(G) Superintendent shall mean the Water Superintendent.

38-3-2 APPLICATIONS FOR PERMITS. All applications to connect service or supply pipes with the distributing mains of the City shall be made in writing on forms to be furnished by the City to the Water Superintendent or to the Commissioner of the Department of Public Health and Safety. Such applications shall be signed by the owner of the premises to be served with water. If a tenant desires to install the water in the premises of his landlord, the latter, or his authorized agent shall endorse his approval of the application, and the application shall contain the statement as to the purpose for which the water is to be used, the exact legal description of the property to be served by the water connection, giving the size and location of the tap required, the size of service pipe to be used, the name of the street in which the main is laid, in which the tap is to be made, and the exact point where it is desired to tap the main. If the Commissioner of Public Health and Safety shall approve such application, and the applicant shall meet the requirements hereinafter provided, the Water Superintendent of the City, upon presentation of such application, with the endorsement of approval thereon by the Commissioner of the Department of Public Health and Safety, shall issue a written or printed permit, under his hand, granting the applicant the right to cause to be made, the service connection to the distributing mains, according to the terms of his application, and the ordinances and regulations governing the use of water from the water distributing system. The
Clerk shall keep and file a copy of such permit in his office. No permit will be granted to any person, firm or corporation who owes a back water bill to the City until such back water bill is paid in full, and each application shall contain a statement that such applicant does not owe any back water bill. (See the Application for Existing Utility Service Permit in Appendix “R” and the Application form to tap Water Main in Appendix “W”.)

38-3-3  NO PERSON BUT SUPERINTENDENT OR ASSISTANT TO MAKE TAP; PENALTY. No person or persons except the Water Superintendent or his duly authorized assistant, shall tap any water main in any street or alley or other place in the City.

38-3-4  TAPS; HOW MADE. All taps or service connections with the water mains for public or private use shall be constructed by the Water Superintendent or his duly authorized assistant, and by no other person whatsoever. All connections of service pipes with mains shall be in the side of the body of the pipe, and in no case nearer than fifteen (15) inches of the caulking end of the hub; nor nearer than six (6) inches to the other end of the pipe or main, so tapped. Connections for service to water mains shall be made with the corporation cock, screwed into the main having a piece of extra long type “K” copper pipe not less than eighteen (18) inches in length, connected to the coupling of the corporation cock, said corporation cock to be of red brass, tested to one hundred eighty (180) pounds hydraulic pressure, and in dimensions and weights not less than shown in the following table:

<table>
<thead>
<tr>
<th>Size</th>
<th>Opening</th>
<th>Length over all without nut and tail piece</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾ inch</td>
<td>¾ inch</td>
<td>3 17/32 inches</td>
<td>20 ounces</td>
</tr>
<tr>
<td>1 inch</td>
<td>1 inch</td>
<td>4 inches</td>
<td>48 ounces</td>
</tr>
</tbody>
</table>

Should the main be constructed of plastic, then a tapping saddle must be used with the corporation cock.

No tap in a water main shall be larger than one (1) inch in diameter. In case services larger than one (1) inch are required, a cast iron tapping sleeve and valve may be used, which shall be tested to one hundred seventy-five (175) pounds hydraulic pressure. All service pipes shall in all cases be not less than three (3) feet under the surface of the ground, and shall be laid with due regard to danger from freezing with a fall to the stop or stop and waste cock in cellar, or other convenient place, where the same can be completely drained. All lines must be a minimum of ten (10) feet from any sanitary line or eighteen (18) inches above a sanitary sewer line.

38-3-5  CURB COCKS; SPECIFICATIONS. In every service pipe there shall be a curb cock with a round way inverted key with a “T” head of uniform size, of red brass up to and including one and one-fourth (1 ¼) inches in diameter, and of cast iron in excess of
that size. The inverted key of said curb cock shall be protected by a close fitting sand cap to prevent dirt or cap to prevent dirt or sand working around the ground surface of the key, or between the two check lugs on body of the cock and operating against the two check lugs on the under side of the cap. Said curb cock shall be of red brass with Minneapolis threaded top to screw into the bottom of an iron casing or service box hereinafter provided for. Through the threaded top of said curb cock there shall be a small vertical channel to permit drainage of water accumulating in said box.

Said curb cock shall be tested one hundred seventy-five (175) pounds hydraulic pressure, and be not less in dimension and weight than shown in the following table:

<table>
<thead>
<tr>
<th>Size</th>
<th>Opening Through</th>
<th>Length over all</th>
<th>Threaded Top</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾ inch</td>
<td>¾ inch</td>
<td>3 7/8 inches</td>
<td>1 ½ inches</td>
<td>44 ounces</td>
</tr>
<tr>
<td>1 inch</td>
<td>1 inch</td>
<td>4 ½ inches</td>
<td>2 inches</td>
<td>70 ounces</td>
</tr>
<tr>
<td>1 ¼ inches</td>
<td>1 ¼ inches</td>
<td>5 inches</td>
<td>2 ½ inches</td>
<td>106 ounces</td>
</tr>
<tr>
<td>1 ½ inches</td>
<td>1 ½ inches</td>
<td>5 7/8 inches</td>
<td>3 inches</td>
<td>173 ounces</td>
</tr>
<tr>
<td>2 inches</td>
<td>2 inches</td>
<td>5 7/8 inches</td>
<td>4 inches</td>
<td>304 ounces</td>
</tr>
</tbody>
</table>

38-3-6 SERVICE BOX; SPECIFICATIONS. Each service must have a curb cock with a “T” head of uniform size and the same shall be placed not less than three (3) feet below grade; said cock to be placed in a substantial iron casing known to the trade as a service box. The said service box shall be of the extension pattern and shall be composed of two parts; the lower part to be known as the base and the upper part to be known as the stand pipe, the said upper part or stand pipe sliding or telescoping into the said lower part or base, thereby regulating the height of the box from the base to the top, said height or adjustment being secured or maintained by means of a strong phosphor bronze spring recessed in an upper portion of the lower part or base of said box. The bottom of the lower part or base of said box shall be threaded to a size corresponding to the size of the thread of the Minneapolis top curb cock, said base thereby screwing on said curb cock and forming a joint. In the said base there shall be drilled an opening not less than one-fourth (1/4) inch to provide for the escape of seepage. The bottom of said base shall be protected by placing a necessary number of bricks to prevent the accumulation of mud, sand or solid from coming in contact with the waste hole opening in the bottom of the base of said box.

The upper part or stand pipe of said box shall be not less than one and one-fourth (1 ¼) inch pipe and shall have an outside thread for the cap or cover. The said cap or cover shall have a brass bushing cast in the iron and shall be sufficiently tight when screwed on the stand pipe as to be irremovable, except by means of pipe wrenches. In the center of said cap or cover there shall be a circular opening for the admission of a plug with pentagon nut, said opening to be equal to the outside diameter of the stand pipe and when said plug with pentagon nut is inserted in said cap the top of said pentagon shall be on the level with the top of the cover or cap. The said cap or cover of all service boxes shall have the word “Water” cast in
plain letters on the top thereof. No City employee or plumber or other persons shall be permitted to remove said plug with pentagon nut with other than a wrench especially made and provided therefor. The use of cold chisel, hammer or other implement tending to mar, deface, or batter the original proportions of said pentagon nut is hereby specifically prohibited.

For all service above **two (2) inches**, an extra quality gate valve may be substituted for curb cock. The gate valve to have a brass "T" head for stem, two discs raised by their lugs coming in contact with corresponding shoulders on a cylinder wedge. Said gate valve should be of a pattern that can be connected horizontally, vertically, or otherwise upon either side of the pressure. Said curb cock or gate valve shall be placed in every attachment to main lateral or extension of service supply pipe, in the boulevard in front of or in the alley in the rear of the property to be served, not closer than **six (6) inches** from the property line.

**38-3-7 SERVICE PIPE AND FITTING SPECIFICATIONS; COUNCIL MAY REQUIRE ALTERATIONS UNDER STREETS TO BE PAVED.** Within the City limits or on the water distribution system of the City, all service pipe used in making taps to the water mains from the point where the same joins on to the corporation cock, to the curb cock, and all service pipe used in making taps to the water mains which pass under pavements which are not in existence, shall be new Type "K" copper pipe, and shall conform to the following specifications:

The pipe shall be seamless and cold drawn to size. It shall be carefully treated and tempered by the manufacturer to make it point properly and flange into a joint with the fittings. The pipe shall be of uniform outside and inside diameter and shall fit snug in the fittings without binding. The pipe shall have a purity of at least **99.90 percent** copper as determined by electrolytic assay, silver being counted as copper. The pipe shall have an elasticity of at least **twenty-five percent (25%)** in **four (4) inches**. The pipe shall be equal to the pipe sold by the Mueller Company of Decatur, Illinois, and shall have the following dimensions and weights:

<table>
<thead>
<tr>
<th>Equivalent Iron Size</th>
<th>Actual Outside Measurement</th>
<th>Actual Inside Measurement</th>
<th>Thickness</th>
<th>Weight Per Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾ inch</td>
<td>7/8 inch</td>
<td>.745</td>
<td>.065</td>
<td>.064</td>
</tr>
<tr>
<td>1 inch</td>
<td>1 1/8 inches</td>
<td>.995</td>
<td>.065</td>
<td>.838</td>
</tr>
<tr>
<td>1 ¼ inches</td>
<td>1 3/8 inches</td>
<td>1.245</td>
<td>.065</td>
<td>1.036</td>
</tr>
<tr>
<td>1 ½ inches</td>
<td>1 5/8 inches</td>
<td>1.495</td>
<td>.072</td>
<td>1.360</td>
</tr>
<tr>
<td>2 inches</td>
<td>2 1/8 inches</td>
<td>1.959</td>
<td>.083</td>
<td>2.062</td>
</tr>
</tbody>
</table>

All brass fittings used in connecting this copper pipe shall be finished in a thoroughly workmanlike manner. They should be sound, clean, free from blow holes, porous places, cracks, or any other defects affecting their strength or appearance which would indicate inferior quality or metal. All moving parts be accurately fitted up so as to work smoothly and...
freely without binding. All of the brass fittings must be Mueller service pipe fittings or
equal design, structure and serviceability. Each one must be tested to **two hundred (200) pounds** of hydraulic pressure before shipping.

In all other parts of the City, and on the water distribution system, except under
existing pavements, the service pipe used in making taps to the water mains from the point
where the same joins on the goose neck to the curb cock may be of Type “K” copper pipe as
above.

At any time hereafter when any of the streets or alleys of the City shall be paved, the
City Council may, if it so desires, by a proper resolution, to be adopted by a yea and nay vote
of not less than **four (4) members**, require all wrought iron service pipes to be removed from
the streets or alleys thus to be paved and copper service pipes installed instead.

38-3-8 **RESERVED.** (Ord. No. 12-9; 05-14-12)

38-3-9 **PLUMBING INSPECTION, ETC.** All plumbing and fittings shall be done
in the manner required by the Commissioner of the Department of Public Health and Safety,
except as otherwise provided by City Ordinance, and shall be subject to the inspection and
approval of the Superintendent of the City Water and Sewer Department, and no plumbing
system shall be connected with the City Water Distribution System without first having been so
inspected and approved.

38-3-10 **ALL SERVICE TO BE BY METER.** All water service, whether for
domestic, commercial or industrial use shall be metered. All meters shall be so placed and
installed as to render the same accessible at all times for the purpose of reading or repairing
and so as to be free from danger of freezing. Meters outside of a building shall be set in a
suitable meter box approved by the Superintendent. Water shall not be turned on for new
connections until the meter has been installed and all other requirements of this Chapter on the
part of the property owner have been fully complied with.

38-3-11 **SEPARATE SERVICE PIPES AND CURB COCKS REQUIRED.** No
more than **one (1)** dwelling house or building shall be supplied with water from said
system from the same service pipe and each water user must have a separate curb cock,
except multiple-unit dwellings. Where more than **one (1) tenant** occupies a building, each
tenant must have a separate service with a curb cock and water meter. **Two (2) or more**
persons may join together in laying a service pipe from the main to their respective properties, but each person shall have a separate curb cock located as in this Article provided, so that service may be discontinued without disturbance to the service of any other person.

38-3-12 INSPECTION. (A) Access to Premises. The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the City. The City shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the City or the supply or fixtures of other consumers.

(B) Meters to be Open to Inspection. All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the City shall be open to the inspection of the proper officers and employees of the City at all reasonable hours.

38-3-13 METER DAMAGED. Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-14 DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY. All connections for the water services applied for hereunder and all connections now attached to the present City Waterworks System and all use or service of the system shall be upon the express condition that the City will not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

38-3-15 RESALE. No water shall be resold or distributed by the recipient or consumer thereof from the City supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency.
38-3-16 **DISCONTINUING SERVICE - DANGEROUS USAGE.** The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-17 **ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

The City shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the City caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected **five (5) days** after notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38-3-18 **WATER FOR BUILDING OR CONSTRUCTION PURPOSES.** Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Superintendent of the Water and Sewer Department on a form provided by the Water and Sewer Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charge for the use and connection of the meter shall be prescribed by the Superintendent of the Water and Sewer Department.

38-3-19 **FIRE HYDRANTS.**

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the City Limits, shall be owned, maintained and used only by the City and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the City and after approved application to the City.

(B) The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the City Limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.
(C) All public fire hydrants located outside the City Limits owned by the City shall be maintained in as good order as reasonably possible, but the City will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

(D) An annual maintenance fee of 

Five Dollars ($5.00) per fire hydrant shall be assessed to the district.

38-3-20 Limited Water Usage in Emergencies.

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the City water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

1. the washing of cars and other vehicles;
2. the sprinkling of lawns and shrubbery;
3. the watering of gardens;
4. other nonessential uses;

and it shall be unlawful for any person to so use water from the City supply during such an emergency.

38-3-21 Shortage and Purity of Supply. The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-22 Non-Compliance with Rules and Regulations. If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until five (5) days after notice has been given and the violation has not been remedied.
38-3-23 **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the City Council.

38-3-24 **USE OF WATER ON CONSUMER'S PREMISES.** The City shall reserve the right to use the water from the consumer’s facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

38-3-25 **REMOVAL OF METERS.** All meters shall remain the property of the department and may be removed from the customer’s premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

38-3-26 **INSTALLING AND MAINTAINING SERVICE LINES.** The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least **three-fourths inch (3/4")** in diameter, and must be installed at a minimum depth of **three (3) feet.** Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Superintendent.

The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency’s rules and regulations, the Illinois Plumbing Code, and the regulations in this Chapter.

38-3-27 **ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND CITY.** The City shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the City’s expense. Any repairs or renewals of water service pipes between the property line or curb stop and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.
38-3-28 CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY. The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the City will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any City street improvements, the City will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

The City expressly stipulates with all its consumers and other persons that it will not insure or be responsible or liable in any manner for any losses, or damages, direct or resultant by reason of any fire, and all water service furnished shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the reasonable control of the City.

38-3-29 RULES TO BECOME PART OF CONTRACT. All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

38-3-30 SUBDIVISIONS. Persons desiring to subdivide real estate within the City or on land adjacent to the water distribution system of the City, must submit for City Council approval, plans and specifications for a water distribution system, which plans shall be drawn by a registered professional engineer in the State of Illinois, and said plans shall have been approved by the State of Illinois Environmental Protection Agency. One set of plans shall show where each lot shall be tapped and each main is located, and said plan shall be submitted to the Water Superintendent for his approval. Pipe to be used as water mains shall be Class twenty-two (22) cast iron, or plastic pipe with a hydraulic pressure strength of a minimum of one hundred sixty (160) pounds per square foot. (See Chapter 34; Section 34-5-42)

38-3-31 - 38-3-39 RESERVED.
DIVISION II - CROSS-CONNECTI ON ADMINISTRATION

38-3-40 APPROVED BACKFLOW DEVICE. All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-41 CROSS-CONNECTI ON PROHIBITED; EXCEPTION. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of the Water and Sewer Department hereinafter referred to as “Superintendent” and the Illinois Environmental Protection Agency.

38-3-42 INVESTIGATIONS BY SUPERINTENDENT. It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years.

38-3-43 RIGHT TO ENTER PREMISES. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.
38-3-44 NOTICE TO CUSTOMER; RECONNECT FEE.
   (A) The City Clerk is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of One Hundred Dollars ($100.00) is paid to the City Clerk.
   (B) Immediate disconnection with verbal notice can be effected when the Inspector is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Inspector or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.
   (C) The public water supply, the Inspector or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

38-3-45 CONTAMINATIONS COST AND THE CONSUMER. The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

(Ord. No. 91-28; 09-28-91)

38-3-46 RESERVED.
DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-47 PURPOSE. The purpose of these Rules and Regulations is:
(A) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.
(B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.
(C) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

38-3-48 APPLICATION. These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-49 RESPONSIBILITY OF OWNER. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 38-4-53(D) below for a period of at least five (5) years. The Superintendent of Water may require the consumer to submit a cross-connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-50 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of these regulations:

“Fixed Proper Air Gap” means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
“Agency” means Illinois Environmental Protection Agency.

“Approved” means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

“Auxiliary Water System” means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor’s public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

“Backflow” means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

“Backflow Prevention Device” means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

“Consumer” or “Customer” means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

“Consumer’s Water System” means any water system located on the customer’s premises. A building plumbing system is considered to be a customer’s water system.

“Contamination” means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

“Cross-Connection” means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

“Direct Cross-Connection” means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

“Indirect Cross-Connection” means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.
“Double Check Valve Assembly” means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the watertightness of each check valve.

“Health Hazard” means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

“Inspection” means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

“Non-potable Water” means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five (5) feet beyond the foundation walls.

“Pollution” means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

“Potable Water” means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

“Potential Cross-Connection” means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

“Process fluid(s)” means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer’s potable water system. This includes but is not limited to:
(A) polluted or contaminated waters;
(B) process waters;
(C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
(D) cooling waters;
(E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
(F) chemicals in solution or suspension;
(G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

“Public Water Supply” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a “community water supply” or a “non-community water supply”.

“Reduced Pressure Principle Backflow Prevention Device” means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

“Service Connection” means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

“Survey” means the collection of information pertaining to a customer’s piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer’s piping system. The survey must be in written form, and should not be an actual plumbing inspection.

“System Hazard” means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer’s potable water system.
“Used Water” means any water supplied by a public water supply system to a consumer’s water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

“Water Purveyor” means the owner or official custodian of a public water system.

38-3-51 WATER SYSTEM.
(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer’s water system.
(B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer’s water system begins.
(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer’s water system.
(E) The consumer’s water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

38-3-52 CROSS-CONNECTI ON PROHIBITED.
(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.
(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.
(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-53 SURVEY AND INVESTIGATIONS.
(A) The consumer’s premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer’s premises, and testing, repair and maintenance of cross-connection control devices within the consumer’s premises.
(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer’s premises. The consumer’s premises shall be open at all reasonable times to the
Superintendent of Water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Comp. Stat., Ch. 225, Sec. 320/3.

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
3. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
4. Testing and Records
   a. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
   b. Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Comp. Stat., Ch. 415, Sec. 5/4(e).
   c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
   d. A maintenance log shall be maintained and include:
      1. date of each test;
      2. name and approval number of person performing the test;
      3. test results;
      4. repairs or servicing required;
      5. repairs and date completed; and
      6. serving performed and date completed.

38-3-54 WHERE PROTECTION IS REQUIRED.

A approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention
device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and the source is approved by the Illinois Environmental Protection Agency.

2. Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water.

3. Premises having internal cross-connections that, in the judgment of the Superintendent of Water, are not correctable or intricate plumbing arrangements it make which impractical to determine whether or not cross-connections exist.

4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

5. Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

1. Hospitals, mortuaries, clinics, nursing homes.

2. Laboratories.

3. Piers, docks, waterfront facilities.

4. Sewage treatment plants, sewage pumping stations or storm water pumping stations.

5. Food or beverages processing plants.

6. Chemical plants.

7. Metal plating industries.

8. Petroleum processing or storage plants.

9. Radioactive material processing plants or nuclear reactors.

10. Car washes.

11. Pesticide, or herbicide or extermination plants and trucks.

12. Farm service and fertilizer plants and trucks.
38-3-55  TYPE OF PROTECTION REQUIRED.

(A) The type of protection required under Section 38-3-54 of these regulations shall depend on the degree of hazard which exists as follows:

(1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

(2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

(3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under Section 38-3-54 of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

(1) The fire safety system contains antifreeze, fire retardant or other chemicals;

(2) water is pumped into the system from another source; or

(3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;

(4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-56  BACKFLOW PREVENTION DEVICES.

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.
38-3-57 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

(1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within twenty-four (24) hours.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five (5) days.

(3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:
(1) date of each test or visual inspection;
(2) name and approval number of person performing the test or visual inspection;
(3) test results;
(4) repairs or servicing required;
(5) repairs and date completed; and
(6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by Section 38-3-57(A).

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-58 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.
(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

38-3-59 VIOLATIONS AND PENALTIES.

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these Regulations and to the satisfaction of the Superintendent.

(D) Neither the City, the Superintendent, or its agents or assigns, shall be liable to any customers of the City for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(E) The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(F) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(G) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice.

(Ord. No. 91-28; 09-23-91)

38-3-60 RESERVED.
DIVISION IV - EXTENSION OF MAINS

38-3-61 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION. The City Council shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the City Council. 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. (See Chapter 34 for Design Requirements.)

38-3-62 EASEMENTS. Applicants for main extensions shall deliver, without cost to the City, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The City shall not be obligated to authorize any construction until all requirements of this Chapter have been met. See Section 39-5-38 for easement specifications. (Ord. No. 03-03; 05-12-03)

38-3-63 SIZE AND TYPE. The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City will pay the difference in cost.

38-3-64 TITLE. Title to all main extensions shall be vested in the City and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

38-3-65 MAINTENANCE AND REPLACEMENT. The City, at its own expense, shall maintain and when necessary, replace the City-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense.

38-3-66 - 38-3-69 RESERVED.
DIVISION V – WELL SETBACK ZONE

38-3-70 PURPOSE. Pursuant to the authority conferred by 55 ILCS Sec. 5/ 5-15016 (1996); 415 ILCS Sec. 5/ 14.2, and 5/ 14.3 (1996), 65 ILCS Sec. 5/ 11-126-3 (1996); and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Division shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act (“Act”) (415 ILCS Sec. 5/ 14.2 (1996)) and this Division, and the maximum setback zone established under Section 14.3 of the Act (415 ILCS Sec. 4/ 14.3 (1996)) and this Division.

38-3-71 DEFINITIONS. Except as stated in this Division, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Division shall be the same as those used in the Act and the Illinois Groundwater Protection Act (415 ILCS Sec. 55/ 1 (1996)):

(A) “Act” means the Environmental Protection Act (415 ILCS Sec. 5/ 1 (1996)).

(B) “Agency” means the Illinois Environmental Protection Agency.

(C) “Board” means the Illinois Pollution Control Board.

(D) “Community Water Supply” means a public water supply which serves or is intended to serve at least fifteen (15) service connections used by residents or regularly serves at least twenty-five (25) residents. (415 ILCS Sec. 5/ 3.05)

(E) “Maximum Setback Zone” means the area around a community water supply well established under Section 14.3 of the Act and this Division, and identified in Section 6 and described in the Appendix of this Chapter.

(F) “Minimum Setback Zone” means the area around a community water supply well established under Section 14.2 of the Act and this Division, and identified in Section 6 and described in the Appendix of this Chapter.

(G) “Potential Primary Source” means any unit at a facility or site not currently subject to a removal or remedial action which:

(1) is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

(2) is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

(3) is utilized for the land filling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or
(4) stores or accumulates at any time more than seventy-five thousand (75,000) pounds above ground, or more than seven thousand five hundred (7,500) pounds below ground, of any hazardous substances.

A new potential primary source is:

(1) a potential primary source which is not in existence or for which construction has not commenced at its location as of July 1, 1998; or

(2) a potential primary source which expands laterally beyond the currently permitted boundary, or if the primary source is not permitted, the boundary in existence as of July 1, 1998; or

(3) a potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a two (2) year period exceed fifty percent (50%) of the fixed capital cost of a comparable entirely new facility.

Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion. (See 415 I LCS Sec. 5/3.59)

(H) “Potential Route” means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel.

A new potential route is:

(1) a potential route which is not in existence or for which construction has not commenced at its location as of July 1, 1998; or

(2) a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of July 1, 1998.

Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion. (See 415 I LCS Sec. 5/3.58)

(I) “Potential Secondary Source” means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

(1) is utilized for the land filling, land treating, or surface sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

(2) stores or accumulates at any time more than twenty-five thousand (25,000) but not more than seventy-five thousand (75,000) pounds above ground, or more than two thousand five
hundred (2,500) but not more than seven thousand five hundred (7,500) pounds below ground, of any hazardous substances; or

(3) stores or accumulates at any time more than twenty-five thousand (25,000) gallons above ground, or more than five hundred (500) gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substances; or

(4) stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

(5) stores or accumulates at any time more than fifty thousand (50,000) pounds of any de-icing agent; or

(6) is utilized for handling livestock waste or for treating domestic wastewater other than private sewage disposal systems as defined in the “Private Sewage Disposal Licensing Act”.

A new potential secondary source is:

(1) a potential secondary source which is not in existence or for which construction has not commenced at its location as of July 1, 1998; or

(2) a potential secondary source which expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of July 1, 1998, other than an expansion of handling of livestock waste or for treating domestic wastewater; or

(3) a potential secondary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a two (2) year period exceed fifty percent (50%) of the fixed capital cost of a comparable entirely new facility.

Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion. (See 415 ILCS Sec. 5/3.60)

“Unit” means any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agri-chemical facilities. (415 ILCS Sec. 5/3.62)

PROHIBITIONS.

(A) Except as provided in Section 38-3-73 and 38-3-74, no person shall place a new potential primary source, new potential secondary source, or new potential route within a minimum setback zone.
(B) Except as provided in Section 38-3-73, no person shall place a new potential primary source within a maximum setback zone.

### 38-3-73 WAIVERS, EXCEPTIONS, AND CERTIFICATES OF MINIMAL HAZARD.

(A) If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from Section 38-3-72(A) of this Division.

(B) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than land filling or land treating), new potential secondary source, or new potential route is granted an exception by the City Council, such owner shall be deemed to have an exception to the same extent from Section 38-3-72(A) of this Division.

(C) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than land filling or land treating) is granted an exception by the City Council, such owner shall be deemed to have an exception to the same extent from Section 38-3-72(B) of this Division.

(D) If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to Section 38-3-72(A) of this Division to the same extent that such owner is not subject to Section 14.2(d) of the Act.

### 38-3-74 EXCLUSIONS. Section 38-3-72(A) of this Division shall not apply to common sources of sanitary pollution, as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency, including but not limited to the following:

- privies, septic tanks, cesspools, sewers (storm, sanitary, combined and sewer service connections), subsurface seepage-disposal lines, pits or ponds receiving fluids such as surface waters, oils, and grease, and flood waters.

However, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

### 38-3-75 IDENTIFICATION OF REGULATED SETBACK ZONES. Whereas the regulations and technical requirements of the Illinois Environmental Protection Agency have been met for the establishment of setback zones for the following community water supply wells; and

Whereas the Agency has reviewed and confirmed the application, and authorized the County to officially establish setback zones for these wells;

Therefore, setback zones are hereby established for community water supply wells for the City of Sullivan as follows:
City of Sullivan minimum and maximum setback zones are hereby established for the community water supply wells of the City of Sullivan, as shown/described on pages A-1 and A-2 of the attached Appendix.

38-3-76 **VIOLATIONS.** Any person, firm or corporation, or agent, employee or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Division shall be guilty of a misdemeanor, and shall be subject to a fine of not more than **Five Hundred Dollars ($500.00)** or imprisonment for not more than **six (6) months**, or both, for each offense. Each week a violation continues to exist shall constitute a separate offense.

38-3-77 **SEVERABILITY.** If any second, subsection, paragraph, sentence, clause or phrase of this Division is for any reason held to be invalid, such decision shall not affect the remaining portions of this Division.
ARTICLE IV - UTILITY RATES

DIVISION I – SEWER RATES

38-4-1 REVENUES. All revenues and moneys derived from the operation of the sewer system shall be deposited in the Sewage Fund. All such revenues and moneys shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the City Council.

The Treasurer shall receive all such revenues from the sewer system and all other funds and moneys incident to the operation of such systems as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewage Fund of the City".

The Treasurer shall administer such fund in every respect in the manner provided by the Illinois Compiled Statutes, Chapter 65.

38-4-2 ACCOUNTS. The Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(A) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
(B) Billing data to show total number of gallons billed.
(C) Debt service for the next succeeding fiscal year.
(D) Number of users connected to the system.
(E) Number of non-metered users.
(F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

38-4-3 NOTICE OF RATES. A copy of this Article, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the City on their
properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

38-4-4 ACCESS TO RECORDS. The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City’s system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

38-4-5 APPEALS. The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within fifteen (15) days of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within ninety (90) days after notification of a formal written appeal outlining the discrepancies.

38-4-6 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge, applicable surcharges, and debt service charge.

(A) The debt service charge is computed by dividing the annual debt service of all outstanding bonds and outstanding loans by the number of users. (Ord. No. 14-14; 05-27-14)

(B) The basic user charge shall be based on water usage as recorded by water meters for wastes having the following normal domestic concentrations:

1. A five (5) day twenty degree centigrade (20°C) biochemical oxygen demand BOD of 300 mg/l.

2. A suspended solids (SS) content of 300 mg/l.

(C) It shall be computed as follows:

1. Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

2. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all work categories.

3. Proportion the estimated operation, maintenance and replacement (OM&R) costs to each user class by volume, BOD, and SS.

4. Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by Volume, Suspended Solids and BOD.
(5) Compute costs per 1000 gal. for normal sewage strength.
(6) Compute surcharge costs per pound per 1000 gal. in excess of normal sewage strength for BOD and SS.

(D) A surcharge will be levied to all users whose waste waters exceed the normal domestic concentrations of BOD 300 mg/l and SS 300 mg/l. The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the 300 mg/l and 300 mg/l concentration for BOD and SS respectively. (Section 38-4-9 specifies the procedure to compute a surcharge.)

(E) The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in operation and maintenance costs, replacement costs and reserve fund costs.

(F) The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per 1,000 gallons.

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

38-4-7 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of one thousand (1,000) gallons.

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the 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 Approving Authority 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, and maintained by the person and owned by the City. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the City.

38-4-8 USER CHARGE SYSTEM. The following rates are established for the User Charge system:

(A) **Sewer Rates.** A minimum charge of **$9.48 per month** shall be applied to all users whose water consumption does not exceed **1,000 gallons** per month. Usage in excess of 1,000 gallons per month shall be charge as follows: Over 1,000 gallons - **$4.07821 per 1,000 gallons.**

(B) **Sewer – Metered Rates.** A minimum charge of **$12.45 per month** shall be applied to all users whose metered sewer consumption does not exceed **1,000 gallons** per month. Usage in excess of 1,000 gallons per month shall be charge as follows: Over 1,000 gallons - **$5.88204 per 1,000 gallons.**

(C) **Operational Inflation Adjustment.** The stated charges for sewer usage shall be automatically adjusted at the beginning of each fiscal year to partially compensate for the effect of economic inflation on operations in the amount of **four percent (4%)**. The City Clerk is hereby empowered and directed to determine the amount of said increase and to thereafter, effective for the billing period next following the effective date of change of rates, charge the adjusted rates to all users of the sewer system of the City.

(Ord. No. 18-10; 05-29-18)
38-4-9 **COMPUTATION OF WASTEWATER SERVICE CHARGE.** The wastewater service charge shall be computed by the following formula:

\[ CW = CC + CD + CM + (Vu-X)CU + CS \]

Where:
- \( CW \) = Amount of waste service charge ($) per bill period.
- \( CC \) = Capital Improvement Charge
- \( CD \) = Debt Service Charge.
- \( CM \) = Minimum Charge for Operation, Maintenance and Replacement.
- \( Vu \) = Wastewater Volume for the billing period.
- \( X \) = Allowable consumption in gallons for the minimum charge.
- \( CU \) = Basic User Rate for Operation, Maintenance and Replacement.
- \( CS \) = Surcharge, if applicable. *(Section 38-4-6).*

38-4-10 **SURCHARGE RATE.** The rates of surcharges for BOD and SS shall be as follows:

- per lb. of BOD: \$0.26 in excess of 300 mg/l
- per lb. of SS: \$0.39 in excess of 300 mg/l

38-4-11 **REPAIR OF CONSTRUCTION DAMAGE.** All boulevards, existing utilities, sidewalks, streets and seeded areas shall be left in as good a condition as they were prior to the start of any sewer construction and shall be maintained for a period of one (1) year from the date of connection. Sand or pit run gravel backfill shall be used under all paved areas.

38-4-12 **RESERVED.** *(Ord. No. 12-9; 05-14-12)*

38-4-13 **RESERVED.** *(Ord. No. 05-01; 01-24-05)
38-4-14  **CONNECTION FEE – COMMERCIAL.** For a class 2 commercial occupancy the connection fee shall be **Three Hundred Fifty Dollars ($350.00)** per connection and for a class 3 commercial occupancy the fee shall be **Five Hundred Dollars ($500.00)** per connection. The fee payable at the time of application shall be **Three Hundred Fifty Dollars ($350.00)**. Establishment of the additional connection fee due under this Section shall be made after **one (1) year’s** operation by averaging the water usage of the occupancy and any adjustment of the fee paid upon billing by the City to the user of the occupancy at the time of billing. The City may require the applicant for connection to guarantee payment of any adjusted connection fee.

38-4-15  **CONNECTION FEE – INDUSTRIAL.** For industrial occupancy the connection fee shall be based on a population equivalent determined by applying the estimates for the industry made by the applicant to the standards of **0.17 pounds of BOD** and **one hundred (100) gallons** of sewage per day averaged and multiplied by the charge per population equivalent as provided in following schedule of charges, with the minimum charge being **Five Hundred Dollars ($500.00)**.

<table>
<thead>
<tr>
<th>Population Equivalent</th>
<th>Charge per Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 5,000</td>
<td>$5.00</td>
</tr>
<tr>
<td>5,001 – 10,000</td>
<td>$4.00</td>
</tr>
<tr>
<td>10,001 – 20,000</td>
<td>$3.00</td>
</tr>
<tr>
<td>Over 20,000</td>
<td>$2.00</td>
</tr>
</tbody>
</table>
The fee so determined shall be payable with the application for connection. In those cases where the connection is a result of reconstruction or remodeling a credit will be given for the number of units being served through an existing sewer. The industrial connection fee will be reviewed and adjusted at the end of the first three (3) years of full operation to the average annual operation experience and settlement therefore shall be made within six (6) months thereafter. The City may require the applicant for service to guarantee the amount of any adjusted connection fee to become due to the City.

38-4-16 - 38-4-25 RESERVED.
DIVISION II – WATER RATES

38-4-26 BILLING BY TREASURER. It is hereby made the duty of the City Treasurer to render bills for water service, and all other charges in connection therewith, and to collect all monies due thereon.

38-4-27 REVENUES DEPOSITED. All revenues and monies derived from the operation of the waterworks system shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the City, and all of said sums, without any deductions whatsoever, shall be delivered to the City Treasurer not more than ten (10) days after the receipt of the same or at such more frequent intervals as may from time to time be directed by the City Council.

38-4-28 RECEIPT OF REVENUE. The City Treasurer shall receive all such revenues from the waterworks system, and all other funds and monies incident to the operation of said system as the same may be delivered to him, and deposit the same in a separate fund designated as the “Waterworks Fund”. The Treasurer shall administer the fund in every respect in the manner provided by Chapter 65 of the Illinois Compiled Statutes.

38-4-29 ACCOUNTS. The City Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the waterworks system, and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the system.

38-4-30 RATES CERTIFIED. A copy of the water rates properly certified by the City Clerk shall be filed in the office of the Recorder of Deeds of Moultrie County, Illinois, and shall be deemed notice to all owners of real estate of their liability for water service supplied any occupant or user of such services on their properties.

38-4-31 WATER TAP-ON FEES.
(A) Inside City. Applicants for water service inside the City shall pay a charge of One Thousand Five Hundred Dollars ($1,500.00). All labor and materials such as connecting pipes, meter vaults and covers, valves, and connections shall be paid for by the applicant.
(B) Outside City. Applicants for water service outside the City limits shall pay One Thousand Five Hundred Dollars ($1,500.00) plus the cost of labor and materials.
(Ord. No. 12-9; 05-14-12)
38-4-32  **ILLINOIS PLUMBING CODE.** All water tap and service connections made to the mains of the Waterworks System of the City shall conform to the regulations of this Code and of the Illinois Plumbing Code. All connections and installations shall be made by the City’s water and sewer department.

38-4-33  **MAINTENANCE OF WATER LINES.** The City shall replace all water mains when it has been deemed necessary to do so in order to maintain service in the City. The City shall limit its responsibility to maintaining water lines to the water mains and to the service lines up to the meter or curb stop. The property owner shall be responsible for the service line from the meter into the premises served.

38-4-34  **WATER RATES.** There shall be established the following rates and charges for the use of the water system of the City, based upon the amount of water consumed as follows:

(A)  **WATER RATES INSIDE CITY.**
- First 2,000 gallons per month: $24.03 MINIMUM CHARGE
- Each additional 1,000 gallons: $ 5.12455 per 1,000 gallons

(B)  **WATER RATES OUTSIDE CITY.**
- First 2,000 gallons per month: $34.79 MINIMUM CHARGE
- Each additional 1,000 gallons per month: $ 7.65519 per 1,000 gallons

(C)  **BULK SALES.**
- $7.00 per 1,000 gallons per month

If a customer requires ten thousand (10,000) gallons or more for a bulk purchase, the rate of bulk sales shall be negotiated between the Water and Sewer Distribution and Collection Systems Foreman and the customer.  (Ord. No. 19-1; 03-11-19)

(D)  **OPERATIONAL INFLATION ADJUSTMENT.** The stated charges for water rates shall be automatically adjusted at the beginning of each fiscal year to partially compensate for the effect of economic inflation on operations, in the amount of four percent (4%). The City Clerk is hereby empowered and directed to determine the amount of said increase and to thereafter, effective for the billing period next following the effective date of change of rates, charge the adjusted rates to all users of the water system of the City.  (Ord. No. 18-10; 05-29-18)

38-4-35  **REQUESTED SHUT-OFF.** If user requests water to be shut off, there will be a Twenty-Five Dollar ($25.00) fee to have the water turned on again.

[Supplement No. 26; 01-01-20]
ARTICLE V - SEWER SYSTEM

DIVISION I - DEFINITIONS

38-5-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

"GOVERNMENT, FEDERAL".
(A) "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
(C) "Federal Grant" shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

"GOVERNMENT, LOCAL".
(A) "Approving Authority" shall mean the Superintendent of Sewage Works of the City or his authorized deputy, agent, or representative.
(B) "NPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
(C) "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.
(D) "Inspector" shall mean the Superintendent or other person or persons duly authorized by the City to inspect and approve the installation of building sewers and their connection to the sanitary sewer system.

"GOVERNMENT, STATE".
(A) "Director" means the Director of the Illinois Environmental Protection Agency.
(B) "State Act" means the Illinois Anti-Pollution Bond Act of 1970.
(C) "State Grant" shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of State of Illinois.

"CLARIFICATION OF WORD USAGE". "Shall" is mandatory; "may" is permissible.
“SEWER TYPES AND APPURTENANCES”.
(A) “Building Drain” shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (5’) (1.5 meters) outside the inner face of the building wall.
(B) “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.
(C) “Combined Sewer” shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.
(D) “Easement” shall mean an acquired legal right for the specific use of land owned by other.
(E) “Public Sewer” shall mean a sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve one (1) or more persons and ultimately discharge into the City sanitary sewer or combined sewer system, even though those sewers may not have been constructed with City funds.
(F) “Sanitary Sewer” shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.
(G) “Sewer” shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storms, surface and groundwater drainage.
(H) “Sewerage” shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.
(I) “Storm Sewer” shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
(J) “Stormwater Runoff” shall mean that portion of the precipitation that is drained into the sewers.

“TREATMENT”:
(A) “Pretreatment” shall mean the treatment of wastewater from sources before introduction into the wastewater treatment works.
(B) “Wastewater Treatment Works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “pollution control plant”.

“TYPES OF CHARGES”:
(A) “Basic User Charge” shall mean the basic assessment levied on all users of the public sewer system.
(B) “Capital Improvement Charge” shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.
(C) “Debt Service Charge” shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.
(D) **Local Capital Cost Charge** shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

(E) **Replacement** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(F) **Sewerage Fund** is the principal accounting designation for all revenues received in the operation of the sewerage system.

(G) **Surcharge** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) **Useful Life** shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) **User Charge** shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) **Wastewater Service Charge** shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Article IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) **Reserve Fund Charge** shall mean a revolving fund for expansion and construction of the sewer system.

**USER TYPES**:  

(A) **Control Manhole** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the City representative to sample and/or measure discharges.

(B) **Industrial User** shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **Residential User** shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.

(D) **User Class** shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(E) **Commercial User** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

(F) **Institutional/Governmental User** shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

**WASTEWATER FACILITIES** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.
“WATERCOURSE AND CONNECTIONS”:
(A) “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.
(B) “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

“WASTEWATER AND ITS CHARACTERISTICS”:
(A) “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade (20°C), expressed in milligrams per liter.
(B) “Effluent Criteria” are defined in any applicable “NPDES Permit”.
(C) “Floatable Oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
(D) “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
(E) “Industrial Waste” shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.
(F) “Major Contributing Industry” shall mean an industrial user the publicly owned treatment works that:
   (1) Has a flow of 50,000 gallons or more per average work day; or
   (2) Has a flow greater than ten percent (10%) of the flow carried by the municipal system receiving the waste; or
   (3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
   (4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
(G) “Milligrams per Liter” (mg/1) shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milliliter of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.
(H) “pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.
"Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

"ppm" shall mean parts per million by weight.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half inch (1/2") (1.27 centimeters) in any dimension.

"Sewage" is used interchangeably with "wastewater".

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"Suspended Solids" (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.

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

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

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

38-5-2 - 38-5-3  RESERVED.
DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-5-4 DEPOSIT OF WASTES. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

38-5-5 SEWAGE IN NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the City, or in area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

38-5-6 PRIVATE SYSTEM, UNLAWFUL. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

38-5-7 CONNECTION TO SYSTEM REQUIRED. The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred feet (200') of the nearest property line and adequate to handle the additional connection, where determined to be required.

38-5-8 - 38-5-9 RESERVED.
DI VISION III

PRI VATE SEWAGE DISPOSAL

38-5-10  PRI VATE SEWAGE SYSTEM. Where a public sanitary sewer is not available under the provisions of Section 38-5-7, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

38-5-11  HEALTH DEPARTMENT APPROVAL. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the City. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Building Inspector. A permit fee of Twenty-Five Dollars ($25.00) and an inspection fee of Thirty Dollars ($30.00) shall be paid to the City at the time the application is filed.

38-5-12  PERMI T APPROVAL. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within hours of the receipt of written notice by the Superintendent.

38-5-13  COMPLIANCE WITH STATE REQUIREMENTS. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than six thousand (6,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-5-14  AVAI LABI LI TY OF PUBLI C SEWER. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 38-5-12, or a collecting sewer, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, collecting sewer lines and any similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. No. 05-01; 01-24-05)
38-5-15   **OPERATION OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

38-5-16   **ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the City Health Officer.

38-5-17   **TIME CONSTRAINTS FOR PUBLIC SEWER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **sixty (60) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

38-5-18 - 38-5-20   **RESERVED.**
DIVISION IV

BUILDING SEWERS AND CONNECTIONS

38-5-21 DISTURBING SYSTEM UNLAWFUL. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

38-5-22 COMPLIANCE WITH REGULATING AUTHORITIES. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-23 CLASSES OF PERMITS.
(A) There shall be two (2) classes of building sewer permits as follows:
(1) Residential wastewater service.
(2) Service to Commercial or Institutional establishments or industrial wastewater service.

(B) In either case, the owner or his agent shall make applications on a special form furnished by the City. The fee per connection shall be paid to the City at the time the application is filed pursuant to Article IV; Division I of this Chapter. (See “Residential or Commercial Building Sewer Application Permit” in Appendix “X”.)

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

38-5-24 COST TO CUSTOMER INCIDENT TO TAPPING. A service connection charge (tap-in fee) shall be paid before any sewer connection is completed. Before such connection is made a permit must be secured and twenty-four (24) hours notice given to the Superintendent of water distribution and water reclamation. All such connections shall be made, all such work done, and all materials necessary for such work shall be by the city at the expense of the applicant. Applications for such connection shall be made to the City Clerk and the tapping fee paid in the sum of Five Hundred Dollars ($500.00). Should the costs of installation or materials exceed said sum then said sum shall be an additional charge to the applicant, and shall be payable to the City. (Ord. No. 10-12; 09-13-10)

38-5-25 SEPARATE SEWER: EXCEPTION. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from
the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

**38-5-26 OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

**38-5-27 CONSTRUCTION METHODS.** The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than four inches (4”). If six inch (6”) diameter pipe is used, the slope shall not be less than one-eighth (1/8”) inch per foot. If four inch (4”) or five inch (5”) diameter pipe is used, the slope shall not be less one-fourth (1/4”) inch per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building sewers shall be constructed of materials approved by the City. Generally all building sewers shall be constructed of the following materials:

(A) ABS solid wall plastic pipe (6” diameter maximum)
(B) PVC solid wall plastic pipe (6” diameter maximum) SDR-35

All pipe joints must be gaslight and watertight and are subject to the approval of the City. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

**38-5-28 PLUMBING CODE REQUIREMENTS.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

[Supplement No. 26; 01-01-20]
38-5-29 **ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section 38-5-22 and discharged to the building sewer.

38-5-30 **PROHIBITED CONNECTIONS.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

38-5-31 **CONNECTIONS TO SEWER MAINS.** Building sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the City, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

(A) Installation of a manhole

(B) Circular saw-cut sewer main by proper tools (“Sewer Tap” machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than four (4) inches in diameter. The entire sewer main in the location of the wye and the wye shall be encased in concrete.

(C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of one-half (1/2) inch gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of four (4) inches and extending eight (8) inches beyond each joint.

If another method is desired, a detail shall be submitted for review and approval by the City before the connection is made. Indiscriminate breaking of the sewer main pipe is not allowed.

**On Site Inspection.** After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the Superintendent, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

**Backfill.** To be placed in accordance with The Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition. In addition, any building sewers crossing any street, or traveled alley shall be backfilled with granular backfill material.
Concrete Encasement. When a riser is constructed and its height is four (4) feet or more measured from the flowline of the sewer main to the top of the riser pipe, the wye connection shall be encased in concrete to a height of at least one foot six inches (1’ 6”) above the flowline of the sewer main. When the height of the riser is less than four (4) feet above the flowline of the sewer main, the wye connection shall be backfilled to the top of the riser pipe with carefully placed and compacted granular backfill.

38-5-32 CAPACITY OF SEWER. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-5-33 TAP-IN SUPERVISION AND TESTING. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or its representative.

At any time after the installation of the building sewer, the City may test the building sewer for violation of this ordinance.

38-5-34 INSPECTION. After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet City's requirements.

38-5-35 PUBLIC SEWER CONNECTION. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.
38-5-36 **PROTECTION OF PROPERTY.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

38-5-37 **BOND REQUIRED.** If the applicant for the building sewer permit does not have a general bond on file with the City, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

Any experienced sewer builder or drain layer may furnish to the City a continuing surety bond in the sum of **Five Thousand Dollars ($5,000.00)** to apply to all building sewer permits issued to such builder or to the principals thereof for a term of **one (1) year** from the date thereof subject to renewal from year to year, and such continuing bond may be accepted in behalf of the City in lieu of a special bond to cover each permit issued during the term of the bond.

Home owners wishing to install their own building services are not required to post a bond. Any person performing building sewer work for hire shall post the bond.

38-5-38 **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those ordinances in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-39 **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, relocation or expansion of the sewer system. The necessity shall be determined by the City Council.

38-5-40 - 38-5-48 **RESERVED.**
DIVISION V
USE OF PUBLIC WASTEWATER FACILITIES

38-5-49 DISCHARGE OF STORM WATER. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-5-50 STORM WATER. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer, or natural outlet.

38-5-51 ILLEGAL DISCHARGE TO 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, naptha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

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

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

38-5-52 HARMFUL EFFECTS OF CERTAIN MATERIALS. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows.
and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than One Hundred Fifty degrees Fahrenheit (150°F), (65°C).

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

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or 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 Council for such materials.

(F) Any waters or wastes containing phenols or other waste or odor-producing substances, in such concentration exceeding limits which may be established by the City Council as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Council in compliance with applicable State or Federal regulations.

(H) Any waters or wastes having a pH in excess of 9.5.

(I) The admission into the sewers of any waters or wastes having (a) BOD₅ greater than 300 parts per million by weight, or (b) containing more than 300 parts per million by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described heretofore in this Section, or (d) having an average daily flow greater than two percent (2%) of the average daily sewage flow of the City, shall be subject to the review and the approval of the City Council. Where necessary in the opinion of the City Council, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (a) reduce the BOD₅ to 300 parts per million and the suspended solids to 300 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in this Section, or (c) control the quantities and rates of discharge of such waters or wastes. Construction of such facilities shall not be commenced until plans therefore have been submitted to and the written approval of such plans has been obtained from the City Council.
(J) Any mercury or any of its compounds in excess of **0.0005 mg/l** as \( Hq \) at any time except as permitted by the City Council in compliance with applicable State and Federal regulations.

(K) Any cyanide in excess of **0.025 mg/l** at any time except as permitted by the City Council in compliance with applicable State and Federal regulations.

(L) Materials which exert or cause:

1. unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
2. excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
3. unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
4. unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(M) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

**38-5-53 ACTION OF SUPERINTENDENT – ACTUAL OR PROPOSED DISCHARGE.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-35** of this Division, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, Subchapter D. Water Programs Part 128 Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commissioner 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 for discharge; and/or;
4. require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of this Section.
(B) If the Commissioner 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 Commissioner and subject to the requirements of all applicable codes, ordinances, and laws.

38-5-54 **INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commissioner they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection.

38-5-55 **OWNER EXPENSE -- FACILITIES.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-5-56 **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 safety located, and shall be constructed in accordance with plans approved by the Commissioner. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

38-5-57 **LABORATORY ANALYSIS REQUIREMENTS.** 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.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such a manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an outside laboratory service.
38-5-58 ANALYSIS CRITERIA. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of “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 the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

38-5-59 MODIFICATION OF REQUIREMENTS AT CITY'S DISCRETION. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Article, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

38-5-60 - 38-5-62 RESERVED.
DIVISION VI - EXTENSION OF COLLECTING SEWERS

38-5-63 PERMIT REQUIRED; AUTHORIZED PERSONNEL. No person, other than an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City.

38-5-64 EXTENSION PERMITS. Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the City and IEPA.

If the application is in proper form, and the sewer extension indicated therein appears to be in accordance with this ordinance and all state and federal requirements, the City shall issue the permit for construction of the sewer. If otherwise, the application for permit shall be denied by the City. There shall be no fee charged for sewer extension application or permits.

If the application is denied by the City, they shall state the reason or reasons therefore in writing, mailed or personally delivered to the applicant. The applicant shall have the right to amend such application in conformity with the reasons given for denial, and resubmit it to the City for further consideration.

All permits issued under this Article V shall have an expiration date of two (2) years after the date of issuance. Any sewers not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

The applicant for the permit shall furnish a corporate surety bond in an amount one and one-half (1 1/2) times the cost of the contemplated work for which the permit is to be issued.

38-5-65 MATERIALS. All sewer extensions shall be constructed of the following materials:

(A) the following:

1. ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.
2. PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.

(B) inch diameter and

Sewer pipe with diameters eight (8) inches and larger shall be one of

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of comparable material to the sewer main for VCP and PVC pipe.
(2) for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

38-5-66 INSPECTIONS OF CONSTRUCTION. Construction of the sewers shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the City before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewers shall be subjected to:
(A) A lamp test which shall provide that from one manhole to another, at least one-half (1/2) of the pipe end area shall be visible.
(B) Infiltration or exfiltration test with acceptable allowance of 200 gallons per day per inch diameter per mile;
(C) Under special circumstances, when approved by the City, air pressure testing with allowance to be specified by the City.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the City's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the City.

38-5-67 MANHOLES REQUIRED. Manholes shall be installed at all changes in grade and/or direction and at distances not greater than four hundred (400) feet apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

38-5-68 RESERVED.
DIVISION VII - INSPECTIONS

38-5-69 DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-5-70 INSPECTION AND TESTING.
(A) The Superintendent and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

(B) The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

38-5-71 LIABILITY OF CITY. While performing the necessary work on private properties referred to in Section 38-5-70 above, the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in Section 38-5-57.

38-5-72 PRIVATE PROPERTY INSPECTIONS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-5-73 - 38-5-74 RESERVED.
DIVISION VIII – USE OF GROUNDWATER AS POTABLE WATER SUPPLY

38-5-75 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED. Except for such uses or methods in existence before the effective date of this Division, the use or attempt to use as a potable water supply groundwater within the area depicted in Exhibit A, attached hereto and made part of this Division, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the City of Sullivan within the area depicted in Exhibit A.

38-5-76 PENALTIES. Any person violating the provisions of this Division shall be subject to a fine of up to Five Hundred Dollars ($500.00) for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

38-5-77 DEFINITIONS.
(A) “Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representative, agents, or assigns.
(B) “Potable water” is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(Ord. No. 12-24; 11-26-12)
DIVISION IX - PENALTIES

38-5-78 PENALTY. Any person found to be violating any provision of this Code except Section 38-5-69 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The City may revoke any permit for sewage disposal as a result of any violation of any provision of this Code.

38-5-79 CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the time limit provided for in Section 38-5-50 shall be, upon conviction, be fined in the amount not exceeding Seven Hundred Fifty Dollars ($750.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-5-80 LIABILITY TO CITY. Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
## OBJECTIONABLE MATERIAL EFFlUENT LIMITS

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<tr>
<th>Waste or Chemical</th>
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<tr>
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<tr>
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CHAPTER 39

SUBDIVISION CODE

ARTICLE I – GENERAL PROVISIONS

39-1-1 TITLE. These regulations shall be known as and may be referred to as the Subdivision Code.

39-1-2 PURPOSE. In accordance with State law (Ill. Comp. Stats., Chap. 65, Secs. 5/11-12-5, 5/11-12-8 -- 5/11-12-12; Chap. 765, Sec. 205/1 et seq.) this Code regulates the subdivision and development of land in order to implement the Comprehensive Plan and Official Map duly adopted by the City. Thus this Code assists in achieving the following specific objectives:

(A) to preserve, protect, and promote the public health, safety, and welfare;
(B) to provide a pleasant living environment by furthering the orderly and efficient layout and use of land and by facilitating aesthetic urban design;
(C) to establish accurate legal records, to avoid development in wetland areas, and to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
(D) to conserve and increase the value of land, improvements, and buildings throughout the City;
(E) to preserve the natural beauty and topography of the City to the maximum feasible extent, including preservation of such features as stands of trees, streams, significant archaeological sites, and historical landmarks;
(F) to provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
(G) to protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation;
(H) to provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
(I) to provide an environment whereby the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers, and other utilities and services can be kept at a minimum; and
(J) to ensure that adequate parks, schools, and similar facilities can be made available to serve the residents.

39-1-3 JURISDICTION. The provisions of this Code shall apply to all Planned Developments whether Residential, Commercial, or otherwise in nature, and to any other developments whether a Plat is required or not under the law, statutes, ordinances or regulations.
of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Code to apply to all types of development, both within the City and to areas lying within **one and one-half (1.5) miles** of the corporate limits of the City.

### 39-1-4 INSTANCES WHEN PLATS WILL NOT BE REQUIRED.

The provision of these regulations do not apply and no plat is required in any of the following instances:

(A) the division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access or add special utility easements;

(B) the division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access or add special utility easements;

(C) the sale or exchange of parcels of land between owners of adjoining and contiguous land;

(D) the conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access or add special utility easements;

(E) the conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(F) conveyance made to correct description in prior conveyances;

(G) the sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel or tract of land recorded on or before **July 17, 1959** and not involving any new streets or easements of access or add special utility easements;

(H) the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access or add special utility easements;

(I) the sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered 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 existing as of **October 1, 1973**.

### 39-1-5 INTERPRETATION.

Every provision of this Code shall be construed liberally in favor of the City, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

(A) **More Restrictive Requirements Apply.** Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law whenever this Code imposes higher standards than the County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the City's subdivision jurisdiction. *(See 65 ILCS Sec. 5/ 11-12-11)*
39-1-6 DISCLAIMER OF LIABILITY.
(A) Except as may be provided otherwise by statute or ordinance, no officer, council member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. (See “Local Governmental and Governmental Employees Tort Immunity Act,” Ill. Comp. Stats., Chap. 745, Secs. 10/1-101.)
(B) Any suit brought against any officer, council member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

39-1-7 REVIEW AND EXPIRATION. This Code shall be reviewed by the Plan Commission every ten (10) years for necessary amendments.
ARTICLE II
DEFINITIONS

39-2-1  INTERPRETATION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in Section 39-2-2; terms not defined in Section 39-2-2 shall have the meanings respectively ascribed to them in the City's Zoning Code; if any term is not defined either in Section 39-2-2 or in the Zoning Code, said term shall have its standard English dictionary meaning.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and vice versa.

(E) The word "shall" is mandatory; the word "may" is discretionary.

(F) Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

39-2-2  SELECTED DEFINITIONS.

Administrator: The official appointed by the Mayor and the City Council to administer the Subdivision and Development Code.

Alley: A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street, and which may be used for utility purposes.

Amendment: A change in the provisions of this Code, properly effected in accordance with State law and the procedures set forth herein.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed patios, terraces, and steps.

Area, Gross: The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.
**Area, Net:** The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

**Arterial Street:** A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

**Barrier (Natural or Artificial):** Any street, highway, river, pond, canal, railroad, levee, embankment, or screening by a fence or hedge.

**Block:** An area of land entirely bounded by streets, highways, barriers, or rights-of-ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or R.O.W.) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

**Building:** Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

**Building Line:** See Setback Line.

**Catch Basin:** A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not easily pass through the storm sewer.

**Centerline:**
- (A) the centerline of any right-of-way having a uniform width;
- (B) the original centerline, where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

**Centerline Offset:** The distance between the centerline of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

**Cluster Development:** A subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of the Subdivision Code and the Zoning Code.

**Collector Street:** A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

**Common Land:** That land set aside for open space or recreational use for the owners of the lots of a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.
**Comprehensive Plan:** The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City. The City's Comprehensive Plan may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

**Cross-slope:** The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

**Cul-de-Sac:** A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

**Curb and Gutter, Integral:** The rim forming the edge of a street plus the channel for leading off surface water, constructed of concrete as a single facility.

**Dedicate:** To transfer the ownership of a right-of-way, parcel of land, or improvement to the City or other appropriate government entity without compensation.

**Density, Gross:** The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

**Density, Net:** The total number of dwelling units divided by the net acreage. See definition of Area, Net.

**Design:** The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

**Develop:** To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

**Dimensions:** Refers to both lot depth and lot width.

**District, Zoning:** A portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the City's Zoning Code.

**Drainageway:** A watercourse, gully, dry stream, creek, or ditch which carries storm water runoff or which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.
**Easement:** A grant by the property owner to the public, a corporation, or a person of the use of land for limited and specifically named purpose.

**Escrow Deposit:** A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

**Filing Date:** The date that the applicant has filed the last item of required data or information with the City Clerk and has paid the necessary fees for review by the Plan Commission.

**Flood Hazard Area:** All land subject to periodic inundation from overflow of natural waterways.

**Frontage:** The lineal extent of the front (street-side) of a lot.

**Frontage Road:** A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

**Grade:** The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for "slope."

**Hillside Area:** An area with an average slope of twenty percent (20%) or more.

**Improvement:** Refers to site grading, street work and utilities (including water, sewer, electric, gas, storm water, telephone and cable television) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Including the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, necessary to construct all the improvements required in Article V of the Code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Plan Commission and the City Council.

**Improvement Plans:** The engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in, or in conjunction with, a subdivision. Plans must include drainage, streets, alleys and utility locations to be installed in or in conjunction with a subdivision - also, include overall drainage plan and its effect on contiguous land and source of effluent or discharge.

**Inlet:** A receptacle, located where surface and/or groundwater can run to by gravity to be received by the storm sewer.

**Intersection:** The point at which two or more public rights-of-way (generally streets) meet.
Land Use Plan: The comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

Local Street: A street serving limited amounts of residential traffic, and for access to abutting property, and on which the speed limit is low and the traffic volume minimal.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record."

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot, exclusive of any land designated for street right-of-way.

Lot, Butt: A lot at the end of a block and located between two (2) corner lots.

Lot, Corner: A lot having at least two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot Depth: The mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior: A lot whose side lines do not abut any street.

Lot Line, Front: The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

Lot Line, Rear: The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

Lot, Through: A lot having a part of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Width: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.
**Maintenance Bond:** A surety bond, posted by the developer and approved by the City, guaranteeing the satisfactory condition of installed improvements for the one-year period following their dedication.

**Master Development Plan:** A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

**Metes and Bounds:** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

**Official Map:** A graphic statement of the existing and proposed capital improvements planned by the City which require the acquisition of land—such as streets, drainage systems, parks, etc.

**Owner:** A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Parking Lane:** An auxiliary lane of a street and primarily used for vehicular parking.

**Pedestrian Way:** A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.

**Performance Bond:** A surety bond posted by the developer and approved by the City, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

**Person:** Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

**Plan Commission:** The Plan Commission of the City.

**Planned Unit Development (PUD):** A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the City and satisfies the requirements contained herein.

**Plans:** All of the drawings including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this Code and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the approval officials of the City for consideration, approval or disapproval.
Plat, Final: The final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the County Recorder of Deeds.

Plat, Preliminary: Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

Project Area: That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.

Reserve: To set aside a parcel of land in anticipation of its acquisition by the City or other appropriate government entity for public purposes.

Reserve Strip: A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Re-subdivision: See Subdivision.

Retention Area: An area of land designed to capture water runoff from a developed parcel and release it at a specified rate of flow as determined by engineering studies (See Section 5-16.4).

Reverse Curve: A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as r.o.w.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

Roadway: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter.

Setback Line: A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Sidewalk: A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

Slope: The degree of inclination of site or right-of-way expressed as a percentage. Synonym for "grade."
Soil and Water Conservation District: The County Soil and Water Conservation District.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian or bicycle use only.

Street, Area Service Highway: Area service highways interconnect collectors and land access streets with the principal system and vice versa, brings all developed areas within a reasonable distance of principal streets, connects and provides direct access to major traffic generators, provides secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

Street, Cul-de-Sac: A short, land-access street, having only one (1) end open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

Street, Dead-End: Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end, and are not permitted in any proposed subdivision.

Street, Land Access: Land access streets provide access to abutting properties, have a relatively short travel distance, and have a low volume design capacity and travel speeds.

Street, Loop: Land access streets having two (2) open ends, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

Street, Marginal Access or Service Road: A land access street parallel and adjacent to area service highways providing access to abutting properties.

Structure: Anything constructed or erected which requires permanent or temporary location on or in the ground, or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings (e.g., a fence).

Stub or Butt Street: A street that is temporarily terminated, but that is planned for future continuation.

Subdivider: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.

Subdivision: (1) The division of land into two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production. (2) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots.
Subdivision, Minor: A division of land into two (2), but not more than four (4) lots, all of which front upon an existing street, not involving new streets or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

Topography: The relief features or surface configuration of an area of land.

Travelway: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Vacate: To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the County Recorder of Deeds.

Variance, Subdivision: A relaxation in the strict application of the design and improvement standards set forth in this Code.

Yard, Front: A yard extending across the full width of the lot, the depth of which is set forth in the Zoning Code.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

Yard, Side: A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

ARTICLE III
PLATS AND PLANS

DIVISION I - PRELIMINARY PLATS

39-3-1 GENERAL PROCEDURE. Before preparing a proposed plat for an area, the owner, developer, or their representatives should have a pre-application meeting with the Plan Commission and/or the City Planner to determine applicable ordinance regulations and standards which must be complied with. After the pre-application meeting(s), the subdivider should then prepare the preliminary plat. As defined in the Subdivision Code, the preliminary plat must contain a substantial amount of data, and will thus be incomplete and cannot be considered as filed until all required data are submitted. The preliminary plat is received with filing fees by the City Clerk’s office, who, in turn, will forward the same to the Plan Commission for their review. Following its review (as well as comments from other appropriate agencies when required), the Plan Commission forwards its recommendation(s) to the City Council, who then either approve, disapprove, or approve with modifications the preliminary plat.

39-3-2 FILING PROCEDURE. Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this Municipality shall file six (6) copies of the preliminary plat of said subdivision with the City Clerk. He shall also file one (1) copy of the preliminary plat and supporting data with the appropriate Soil and Water Conservation District. Said district shall have not more than thirty (30) days to submit any comments it might wish to make to the Administrator. (See 70 ILCS Sec. 405/22.02A)

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a Master Development Plan of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with Illinois Compiled Statutes, Chapter 65, Section 5/11-12-8 and the provisions of the subsections below.

EXCEPTION: The provision of this Section shall not apply to:
(A) minor subdivisions as defined at Section 39-2-2; or
(B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended. (See 765 ILCS Sec. 205/1(B)).
39-3-3 INFORMATION REQUIRED. Every preliminary plat shall be prepared by an Illinois Registered Land Surveyor at any scale from one inch equals twenty feet (1" = 20') through one inch equals one hundred feet (1" = 100') provided the resultant drawing does not exceed thirty-six (36) inches square.

(A) small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated roads within three hundred (300) feet of the proposed subdivision;

(B) names and addresses of the owner, subdivider (if not the owner), and registered professional engineer;

(C) proposed name of the subdivision;

(D) zoning district classification of the tract to be subdivided, and of the adjacent land;

(E) north arrow, graphic scale, and date of map;

(F) the gross and net acreage area of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use;

(G) all lot lines adjacent to and abutting the subdivision;

(H) tract boundary lines showing dimensions, bearings, angles, and references to known land lines;

(I) topography of the tract to be subdivided as indicated by two- (2) foot contour data for land having slopes of zero-four percent (0-4%), five- (5) foot contour data for land having slopes between four-twelve percent (4-12%), and ten- (10) foot contour data for land having slopes of twelve percent (12%) or more;

(J) any proposed alteration, adjustment or change in the elevation or topography of any area;

(K) locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;

(L) streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as to function as collector, major, minor or county road;

(M) a copy of the results of any tests made to ascertain subsurface rock and soil conditions and the water table;

(N) locations, widths, and purposes of all existing and proposed easements;

(O) a copy of the description of all proposed deed restrictions and covenants;

(P) location and size of existing and proposed sanitary and storm sewers;

(Q) locations, types, and approximate sizes of all other existing and proposed utilities;

(R) building setback or front yard lines and dimensions;

(S) locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes; and
locations, dimensions, and areas of all proposed or existing lots within the subdivision; information as defined in Section 39-3-4(A).

39-3-4 PLAN COMMISSION ACTION. The Plan Commission shall either approve or disapprove the application for preliminary plat approval within sixty (60) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Plan Commission and the subdivider mutually agree to extend this time limit. If the Plan Commission disapproves the preliminary plat, they shall furnish to the applicant within the sixty (60) day period a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the Official Map. If the Plan Commission approved the preliminary plat, they shall inform the City Council that action can be taken at the next regularly scheduled City Council meeting.

(A) Notice of Meeting. The Plan Commission shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

1. Any person requesting notification of the meeting.
2. Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the City Clerk’s office when filing the plat.
3. Any governmental or taxing body which requests notification of the meeting.

39-3-5 REVIEW BY CITY COUNCIL; TIME CONSTRAINTS. The City Council shall review the preliminary plat, along with the Plan Commission recommendations and approve, disapprove or approve subject to certain conditions and/or modifications said preliminary plat within thirty (30) days after its next regularly scheduled meeting following receipt of the written Plan Commission recommendations, unless variances from Zoning Code requirements are needed, in which case, the City Council’s thirty (30) days commence the day after the Council of Appeals hearing is held, as required by the Zoning Code.

If the City Council rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and/or the Official Map. The City Clerk shall attach a certified copy of the Council’s resolution of approval or disapproval to the preliminary plat. One (1) copy of the resolution and plat shall be retained by the Clerk, one (1) copy shall be filed with the Administrator, and one (1) copy shall be sent to the subdivider by return receipt mail.

39-3-6 RIGHTS AND PRIVILEGES OF SUBDIVIDER. Preliminary plat approval shall confer the following rights and privileges upon the subdivider:
(A) That the preliminary plat will remain in effect for a **one (1) year** period from the day the City Council approves the same. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the City Council, have final approval of the last part of the plat delayed for a period not to exceed **five (5) years** from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least **one (1) block** in area or **five (5) gross acres**.

(B) That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.

(C) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been recommended by the City Engineer and approved by the City Council, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance to City improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the City Clerk’s office at the time that the final plat is submitted.

**39-3-7 RESERED.**
DIVISION II - IMPROVEMENT PLANS

39-3-8 SUBMISSION OF PLANS. After the City Council has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish six (6) copies of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the City Clerk, pay all associated filing fees before review by the City Engineer. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the City Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards in this Code:

(A) the Administrator shall not issue any building permit to allow construction of said improvements; and
(B) the City Council shall not act upon the application for final plat approval.

39-3-9 INFORMATION REQUIRED. Improvements plans shall consist of black or blue line prints not larger than thirty-six (36) inches square. These plans and the related specifications shall provide all of the following information:

(A) topography of the tract, both before and after development at the same scale as the approved preliminary plat;
(B) existing and proposed elevations along the centerline of all streets;
(C) radii of all curves and lengths of tangents on all streets;
(D) locations and typical cross-section of street pavements including curbs/gutters, catch basins, and inlets;
(E) locations and typical cross-section of sidewalks and driveway aprons;
(F) locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
(G) locations and sizes of all water, gas, electric, and other utilities;
(H) locations of street lighting standards and street signs;
(I) one or more bench marks, when requested by Engineer, in or near the subdivision, to which the subdivision is referenced; the identity and elevation shall be based on sea level datum;
(J) all proposed measures to control erosion and sedimentation;
(K) high water elevations of all lakes/streams adjoining or within the tract;
(L) such other information as the City Engineer may reasonably require to perform his duties under this Section; and
(M) existing and proposed survey monuments on street plans or on the proposed final plat as required by this Code.

39-3-10 INSPECTIONS REQUIRED. The subdivider/developer shall notify the Administrator and the Building Commissioner of both the start and completion of construction.
(A) The Building Commissioner shall inspect said improvements while they are under construction. If he or his designated deputy determines that they are being built in violation of this Code, he shall request that the Administrator promptly issue a stop order.

(B) The Building Commissioner and City Engineer shall inspect improvements upon their completion. This Municipality shall not accept any completed improvement until the Building Commissioner and Engineer have stated in writing that it complies with this Code.

39-3-11 FILING "AS-BUILT" RECORDS.
(A) The subdivider/developer shall file with the Administrator a set of reproducible cloth- or polyester-base film positive showing the as-built details and any deviations from the approved plans upon the completion of improvements, or when fifty percent (50%) of the building permits have been issued in a given plat.

(B) The subdivider/developer shall pay the costs to add water, sewer, street, and stormwater improvements to the overall City map(s); street, sewer, water, stormwater;

(C) If the Administrator finds the as-built to be unacceptable, building permits shall be discontinued until such time as the information is acceptable.

39-3-12 RESERVED.

DIVISION III

ASSURANCE FOR COMPLETION OF REQUIRED IMPROVEMENTS

39-3-13 APPROVAL OF FINAL PLAT - IMPROVEMENTS. The City Council shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) all improvements required in the improvements plan have been completed by the subdivider/developer at his expense, inspected by the Building Commissioner and Engineer, and dedicated to this Municipality or other appropriate entity; or

(B) in accordance with the subsections below, the subdivider/developer has provided this Municipality with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

39-3-14 FORMS OF ASSURANCE. At the option of the City Council, the required legal assurance may be either a performance bond or an escrow deposit. Every performance bond shall be reviewed by the City Attorney, and posted with the City Clerk. Any funds to be held in escrow shall be deposited with the City Clerk.
39-3-15  **AMOUNT OF BOND OR DEPOSIT.**  The amount of the performance bond or escrow deposit shall be equal to the City Engineer's opinion of probable costs of constructing the uncompleted portion of the required improvements plus all required inspection fees. Any escrow deposit may be in the form of:

(A)  cash;

(B)  an irrevocable letter of credit or commitment from a lending institution guaranteeing to this Municipality the availability of the escrow funds from time to time upon demand; or

(C)  certificates of deposit, treasury bills, or other readily negotiable instruments approved by the City Clerk, and made payable to this Municipality.

39-3-16  **ELIGIBLE SURETIES.**  No person shall be eligible to act as surety unless he has been approved by the City Clerk. The Clerk shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for **two (2) years** thereafter to act as surety for any subdivision improvement within this Municipality's jurisdiction.

39-3-17  **TERM OF ASSURANCE, EXTENSION.**  The initial term of any performance bond or escrow agreement shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the **two (2) year period**, the Plan Commission, with the advice and consent of the City Council, may either extend said bond/escrow agreement for **one (1) year** only, or may proceed as per Section 39-3-19.

39-3-18  **RELEASE OF BOND/ESCROW DEPOSIT.**

(A)  The City Clerk may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the Building Commissioner. The amount which the Building Commissioner authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

(B)  The balance of the amount of the performance bond/escrow deposit shall not be released by the City Clerk until:

(1)  the Building Commissioner has certified to the Administrator in writing that all required improvements have been satisfactorily completed; and

(2)  said improvements have been accepted by and dedicated to this City or other appropriate entity.

39-3-19  **FAILURE TO COMPLETE IMPROVEMENTS.**  If all the required improvements have not been completed by the end of the **two (2) year period** (or **three (3) year period**, in the case of an extension), the Administrator, with the assistance of the City Attorney, may:
(A) require the surety to perform on the bond, and to pay to this Municipality an equal amount to the cost of completing the required improvements or the amount of the bond not theretofore released, whichever is less; or
(B) order the City Clerk to retain all escrow funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or
(C) require the subdivider/developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

39-3-20 - 39-3-21 RESERVED.
DIVISION IV - FINAL PLATS

39-3-22 CITY COUNCIL APPROVAL. The City Council shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this Code including those set forth in the subsections below.

39-3-23 FILING, TIME LIMITS. The subdivider of every subdivision -- whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended (Ill. Comp. Stats., Chap. 765, Sec. 205/1(b)) -- who desires final plat approval shall file six (6) copies of the final plat and supporting data with the City Clerk and pay all associated filing fees not later than one (1) year after preliminary plat approval has been granted. However, with the consent of the City Council, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive one (1) year periods. No subdivision plat or re-plat shall be filed for record or recorded in the office of the County Recorder of Deeds, unless and until the approval of the City is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the City Council and filed for record in the office of the County Recorder of Deeds as required by the State Statutes.

For official filings, the subdivider shall file the approved final plat with the County Recorder of Deeds within sixty (60) days after the City Council has approved the same and the Mayor has affixed his signature thereto. One (1) copy of the final plat shall be given to the City Clerk's office by the subdivider bearing the official stamp of the County Recorder attesting its recording within twenty (20) days of such action.

39-3-24 INFORMATION REQUIRED. Every final plat shall be prepared by a land surveyor on new linen tracing cloth- or polyester-base film with waterproof black ink at a scale not greater than one hundred (100) feet equals one (1) inch, provided that the resultant drawing shall not exceed thirty-six (36) inches square. The final plat and supporting data shall portray/provide all of the following information:

(A) north arrow, graphic scale, and date;
(B) name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;
(C) accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest one-hundredth (1/100) of an acre;
(D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than one (1) foot in ten thousand (10,000) feet;
(E) all dimensions shall be shown in feet and decimals of a foot;
(F) reference to recorded plats of adjoining platted land within three hundred (300) feet, by record name, plat book, and page number;
(G) accurate locations of all existing streets intersecting the boundaries of the subdivision;

(H) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;

(I) name and right-of-way width of every proposed street;

(J) purpose of any existing or proposed easement(s);

(K) number of each lot, lot dimensions, and (in a separate list) lot areas;

(L) purpose(s) for which sites, other than private lots, are reserved;

(M) building or setback lines with accurate dimensions;

(N) restrictions of all types which will run with the land, and become covenants in the deeds of lots;

(O) certification of dedication of all public areas;

(P) accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;

(Q) reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;

(R) location, type, material and size of all monuments and lot markers.

39-3-25 CERTIFICATES REQUIRED. As required by State law (Ill. Comp. Stats., Chap. 765, Sec. 205/2; Chap. 65, Sec. 5/11-12-8), the following certificates shall be executed on the final plat:

(A) OWNER’S CERTIFICATE

We, ____________________________ , the Owners of ______ (description) ______, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as _________________. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

Dated this ___ day of _____________________, _____.

________________________________ (Seal)

________________________________ (Seal)

1021
(B)  

**NOTARY PUBLIC’S CERTIFICATE**

State of Illinois    )
 ) SS
County of Moultrie    )

I, ________________________, a Notary Public in and for the County aforesaid, do hereby certify that ________________ (owners) are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this __________ day of ______________, ___.

Notary Public

(C)  

**SURVEYOR’S CERTIFICATE**

I, ________________________, an Illinois Registered Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of ______________ for the purpose of subdividing the tract into lots as shown.

Land Surveyor

Illinois Registration Number

Date
(D)  

**COUNTY CLERK’S CERTIFICATE**

I, ________________________, County Clerk of Moultrie County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

(E)

**CERTIFICATE OF CITY COUNCIL**

I, ________________________, Mayor of the City, do hereby certify that the plat shown herein was duly presented to the City Council and approved at a meeting of same held on (date) ___.

Mayor

City Clerk

(F)

**FLOOD HAZARD CERTIFICATE**

We, the undersigned, do hereby certify that no part of this plat to be recorded, is situated within five hundred (500) feet of any surface drain or watercourse serving a tributary area of six hundred forty (640) acres or more, or, if this plat is within five hundred (500) feet of any surface drain or watercourse, we hereby certify that this plat has been reviewed by the Illinois Department of Transportation Division of Water Resources and their report is on file with the County Recorder of Deeds.

By:

Owner(s)

By:

Illinois Land Surveyor

Registration Number

Date
39-3-26  **ADMINISTRATIVE REVIEW, ADVISORY REPORT.** Within thirty (30) days from the date of application for Final Plat approval, the Building Commissioner and the Administrator shall review said Final Plat (and supporting data), and shall each advise the City Council in writing whether it substantially conforms to the approved preliminary plat and improvement plans. A copy of their Advisory Report shall be forwarded to the Plan Commission. The Plan Commission may prepare an addendum to said report (should they so desire), and forward same to the City Council.

39-3-27  **ACTION BY CITY COUNCIL.** The City Council shall either approve or disapprove the application for Final Plat approval by resolution within sixty (60) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Council and the subdivider mutually agree to extend this time limit. The City Council shall not approve any Final Plat unless:

(A) the final plat substantially conforms to the approved preliminary plat; and
(B) the final plat manifests substantial compliance with the design and improvements standards of this Code, Zoning Code, and the Official Map; and
(C) to the Council's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
(D) either of the following has been met:
   (1) all required improvements have been completed, inspected, accepted, and dedicated; or
   (2) the subdivider/developer has posted a performance bond or deposited funds in escrow to guarantee the satisfactory completion and dedication of all required improvements.

If the City Council disapproves the Final Plat, their resolution shall specify the aspects in which the Plat fails to meet the above conditions for approval.

The City Clerk shall attach a certified copy of the Council’s resolution of approval or disapproval to the Final Plat. **One (1) copy** of the resolution and plat shall be retained by the Clerk, **one (1) copy** shall be filed with the Administrator, and **one (1) copy** shall be given to the subdivider.

39-3-28  **CHANGES IN APPROVED FINAL PLATS.** Once a Final Plat is approved by the City Council, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new Final Plat and complete re-review.

39-3-29 - 39-3-34 RESERVED.
DIVISION V - MAINTENANCE OF IMPROVEMENTS

39-3-35 SUBDIVIDER’S RESPONSIBILITIES. The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the City or other appropriate entity.

39-3-36 MAINTENANCE BOND. Prior to dedication, the subdivider/developer shall post a maintenance bond with the City Clerk in the form approved by the City Attorney. Said bond shall be in the amount determined by the Building Commissioner to be sufficient to guarantee the satisfactory condition of the required improvements for a period of two (2) years from the date of their acceptance and dedication. If at any time during the two (2) year period the improvements are found to be defective, they shall be repaired/replaced at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within ninety (90) days after demand is made upon him by the Building Commissioner, the City shall use the maintenance bond to make the necessary repairs/replacement. If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the two (2) year period, the maintenance bond shall be released.

DIVISION VI - VACATION OF PLATS

39-3-37 VACATION OF PLATS. In accordance with State law (Ill. Comp. Stats., Chap. 765, Secs. 205/6, 205/7, and 205/8), any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the City or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the Council in the same manner as plats of subdivision and shall also be approved by the County Superintendent of Highways, the Highway Commissioner of the appropriate township, the District Engineer of the State Department of Transportation, and the public utilities. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts.
ARTICLE IV
ADMINISTRATIVE PROCEDURES

39-4-1 ENFORCEMENT OFFICER, DUTIES. The Enforcement Officer, referred to herein as the Administrator, is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties.

(A) to review and forward preliminary plats to the Plan Commission (See Art. III; Div. I);

(B) to transmit improvements plans to the City Engineer for his review (See Art. III; Div. II);

(C) to review and forward final plats to the City Council (See Sec. 39-3-23);

(D) to issue stop orders as necessary when the Building Commissioner or City Engineer determines that approved improvements are being constructed in violation of this Code (See Sec. 39-3-10);

(E) to pursue actions authorized at Section 39-3-19 when a developer fails to complete required improvements;

(F) to evaluate and pass upon proposed changes in approved final plats (See Sec. 39-3-28);

(G) to review and forward applications for subdivision variances to the Plan Commission (See Sec. 39-4-2);

(H) to maintain up-to-date records of matters pertaining to this Code including, but not limited to, preliminary plats, as-built records of completed improvements (See Sec. 39-3-11), final plats, variances, and amendments; and

(I) to provide information to subdividers/developers and to the general public on matters related to this Code.

39-4-2 SUBDIVISION VARIANCES. Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefor with the Administrator at the same time that he files his preliminary plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties or hardship. The Administrator shall prepare an advisory report on every variance application and submit it, together with the completed application, to the Plan Commission.

39-4-3 REVIEW BY PLAN COMMISSION. The Plan Commission shall review the variance application and the Administrator's comments, perform on-site review when appropriate, and submit their advisory report to the City Council together with their recommendation on preliminary plat approval (See Sec. 39-3-2). The Plan Commission's advisory report shall be responsive to all the variances standards set forth in Section 39-4-4.
39-4-4 ACTION BY CITY COUNCIL, VARIANCE STANDARDS. At the same meeting at which they take action on the application for preliminary plat approval (See Sec. 39-3-3), the City Council shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefor and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The City Council shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

(A) the proposed variance is consistent with the general purposes of this Code (See Sec. 39-1-1); and
(B) strict application of the subdivision requirements (See Article V) would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and
(C) the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and
(D) the plight of the applicant is due to peculiar circumstances not of his own making; and
(E) the peculiar circumstances creating the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a code amendment; and
(F) the variance, if granted, will not materially frustrate implementation of the municipal comprehensive plan including the Official Map.

39-4-5 AMENDMENTS. Amendments to this Code may be proposed by the Administrator, any member of the City Council, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he may wish to make, to the Plan Commission for a public hearing.

(A) Public Hearing, Notice. The Plan Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within this Municipality.

(B) Advisory Report, Action By City Council. Within a reasonable time after the public hearing, the Plan Commission shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may either pass or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.
39-4-6 SCHEDULE OF FEES.
(A) The review for the preliminary plat shall be Fifty Dollars ($50.00), plus Five Dollars ($5.00) per lot.
(B) The final plat fee shall be Fifty Dollars ($50.00) if no variation from the preliminary plat, otherwise Fifty Dollars ($50.00), plus Five Dollars ($5.00) per lot whenever Plan Commission review is required.

39-4-7 FEES: TIME OF PAYMENT. All fees listed in Section 39-4-6 shall be paid by the subdivider/developer or the applicant to the City Clerk's office at the time of submission of documents.
ARTICLE V
DESIGN AND IMPROVEMENT STANDARDS

DIVISION I - GENERALLY

39-5-1 APPLICABILITY OF ARTICLE. No land within the subdivision and development jurisdiction of this Municipality shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. (See Ill. Comp. Stats., Chap. 65, Sec. 5/11-12-8; Chap. 765, Secs. 205/1 et seq.) No lot in any subdivision shall be conveyed until:
(A) the final plat of said subdivision has been approved by the City Council and recorded in the office of the County Recorder of Deeds; and
(B) the portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

The Building Commissioner shall not issue a building permit for any lot conveyed in violation of this Section.

39-5-2 SUITABILITY FOR DEVELOPMENT GENERALLY. Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

39-5-3 RESERVED.

DIVISION II - LOT REQUIREMENTS

39-5-4 CONFORMITY WITH ZONING. All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; land that is under water or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the
lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading.

39-5-5 ACCESS AND RELATIONSHIP TO STREET. Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of Section 39-5-7. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

39-5-6 REFERENCE MONUMENTS. Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. (Ill. Comp. Stats., Chap. 765, Sec. 205/1.) All lot corners shall be marked by one-half (0.5) inch iron pins not less than twenty-four (24) inches long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than one-half (0.5) inch.

DIVISION III - STREET DESIGN STANDARDS

39-5-7 PLAN INTEGRATION. All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan, and shall meet the specifications set forth in Table 5-A.

39-5-8 RIGHT-OF-WAY AND PAVEMENT WIDTHS. Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. All rights-of-way shall be dedicated to the public by the developer.

The minimum pavement widths shall be as noted in Table 5-A.

39-5-9 TOPOGRAPHICAL CONSIDERATIONS. Grades of street shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.
39-5-10 THROUGH TRAFFIC DISCOURAGED. Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to effect a more desirable street layout.

39-5-11 LIMITED ACCESS TO ARTERIALS. Where a development abuts or contains an existing or proposed arterial street, the Plan Commission may recommend to the City Council that access to said arterial street be limited by one of the following means:
(A) by subdividing lots so they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;
(B) a series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial street; or
(C) a frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

39-5-12 DEAD-END STREETS.
(A) Temporary Stub Streets. Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the City's Official Map. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnaround shall be provided at the terminus of any temporary dead-end street.
(B) Permanent Dead-End Streets. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to five hundred (500) feet in length.

The terminus of a permanent dead-end street shall not be closer than fifty (50) feet to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of fifty (50) feet and a minimum pavement radius of forty-two (42) feet, shall be provided at the end of every permanent dead-end street.

39-5-13 INTERSECTIONS.
(A) Only Two Streets. Not more than two (2) streets shall intersect at any one point.
(B) Right Angles. Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall two (2) streets intersect at an angle of less than
seventy-five (75) degrees. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least one hundred (100) feet therefrom.

(C) Proper Alignment. Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least eight hundred (800) feet apart.

(D) Curb Radii. To permit safe vehicular movements at corners, the minimum curb radius at the intersection of two (2) streets shall be twenty (20) feet, and the minimum radius at the back of the curb shall be thirty-two (32) feet.

(E) Flat Grade. Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a three percent (3%) slope for a distance of fifty (50) feet from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) Maximum Cross-Slope. The cross-slopes on all streets, including intersections, shall not exceed three percent (3%).

(G) Adequate Sight-Lines. Where any street intersection will involve earth banks or existing vegetation on the triangular area shown in Figure 1, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

39-5-14 REVERSE CURVES. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on local collector and collector streets (see Figure 2).

39-5-15 IMPROVEMENTS TO EXISTING STREETS. Whenever any development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at Section 39-5-21 et seq., and pay one-half (1/2) the cost of said improvements.

39-5-16 WHEN EXCESS RIGHT-OF-WAY REQUIRED. Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

(A) due to topography, additional width is necessary to provide adequate earth slopes; or

(B) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

39-5-17 - 39-5-19 RESERVED.
DIVISION IV - STREET IMPROVEMENT STANDARDS

39-5-20 DEVELOPER’S EXPENSE. All streets and alleys shall be improved solely at the expense of the developer in accordance with the requirements set forth herein. All streets shall be graded as hereinafter provided:

(A) All new streets, which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to IDOT Roads and Bridges Standard Specifications as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

(B) Grading Roadway and Side Slopes. The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines.

(C) Street Construction Standards. All streets within the jurisdictional authority of the Municipality other than state highways shall be improved with pavements bounded by integral concrete curbs and gutter, in accordance with the following criteria.

(1) Collector street pavements shall be provided with a bituminous surface of one and one-half (1 1/2) inches of bituminous concrete binder and one and one-half (1 1/2) inches of bituminous concrete surface Class 1 placed upon a crush stone base course of CA #6 having a minimum thickness of six (6) inches compacted. The center forty (40) feet of the base course shall have a crown of three (3) inches.

(2) Local street pavements shall be provided with a CA #6 crushed stone base course, having a minimum thickness of seven (7) inches compacted. An A-2 surface treatment shall be applied in accordance with the IDOT Roads and Bridges Standard Specifications.

(3) The crushed stone base course shall be permitted to remain throughout one winter season before the bituminous surface is placed thereon. Following inspection of the base and subbase as to compaction and thickness of the base by the administrative officer, he may, by authority in writing to the subdivider, waive the winter season waiting period. Compaction based on percent of optimum density.

(4) The subdivider shall be required to improve arterial streets only to the width required by the current and immediate needs of his subdivision consistent to the standards and specifications herein contained.
Alleys. Alleys where permitted or required, shall be constructed as specified for local streets.

Utility Lines. Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

39-5-21 CURB AND GUTTER. All streets, except alleys and collector commercial, local commercial, arterial or industrial, shall be constructed with Portland cement concrete vertical curb and gutter and/or V-type gutter in accordance with the dimensions and specifications shown, therefor, in the Appendices. Only vertical curb and gutter shall be constructed in Industrial Streets. The materials and construction methods for curb and/or gutter shall conform with IDOT Roads and Bridges Standard Specifications.

39-5-22 MAINTENANCE RESPONSIBILITY. Subsequent to completion of street construction by the subdivider, the City Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the City shall take formal action to accept the completed streets for maintenance based upon the Engineer’s recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) will be accepted in a subdivision until all streets comply with the City’s requirements to the satisfaction of the City Engineer. In addition, the developer will be required to provide a guarantee in the form of a Surety Bond in the amount of Ten Thousand Dollars ($10,000.00) for a period of two (2) years.

39-5-23 - 39-5-24 RESERVED.
DIVISION V - BLOCKS

39-5-25 BLOCK WIDTH. Blocks shall be sufficiently wide to accommodate two (2) tiers of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.

39-5-26 BLOCK LENGTH. No block shall be longer than one thousand four hundred (1,400) feet nor shorter than five hundred (500) feet. Wherever practicable, blocks along collector streets shall not be less than one thousand (1,000) feet in length.

39-5-27 CROSSWALKS. Crosswalks, not less than ten (10) feet wide, may be required through the center of blocks more than one thousand (1,000) feet long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

39-5-28 RESERVED.
DIVISION VI - SIDEWALKS

39-5-29 REQUIRED. Sidewalks shall be required:
(A) on the recommendation of the Plan Commission that, sidewalks are needed to ensure public safety;
(B) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Plan Commission advises the City Council that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.

All sidewalks constructed within the Municipality shall meet IDOT Roads and Bridges Standard Specifications.

39-5-30 SIDEWALK CONSTRUCTION STANDARDS.
(A) Relationship to Curb. The street-side edge of every sidewalk shall either abut the curb or be located at least six (6) feet from the curb to allow sufficient space for tree planting.
(B) Width. Residential sidewalks shall be at least four (4) feet wide. Non-residential sidewalks shall be at least five (5) feet wide.
(C) Thickness of Concrete. All sidewalks shall be constructed of concrete at least four (4) inches thick, except that across driveways the thickness shall be increased to six (6) inches and/or number six (6) reinforcing mesh shall be used.
(D) Grade. No sidewalk shall be constructed at a grade steeper than six percent (6%).
(E) Ramps at Intersections. When sidewalks are required curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals.

39-5-31 RESERVED.

DIVISION VII - STREETLIGHTS

39-5-32 RESERVED.
39-5-33 **STREETLIGHT SYSTEM STANDARDS.** The design and installation of the streetlight system in every subdivision shall be reviewed by the Building Commissioner and the appropriate electric utility company. Installation of street lighting shall be done by the City's Electric Department and all costs of materials shall be paid by the developer.

39-5-34 RESERVED.

DIVISION VIII - STREET NAME SIGNS

39-5-35 **SPECIFICATIONS.** Street name signs of the size, height, and type approved by Building Commissioner shall be supplied and placed by the developer at all intersections within or abutting any subdivision. Street names shall be sufficiently different in sound and spelling from other street names in this Municipality so as to avoid confusion. The City Clerk shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name.

39-5-36 RESERVED.

DIVISION IX - UTILITIES

39-5-37 **UTILITY LOCATION AND EASEMENTS REQUIRED.** At locations within the subdivision where utilities and drainage facilities are not to be constructed within public rights-of-way, the subdivider shall make provision for easements for such installations. Preliminary plats shall be submitted to the electric, gas, and telephone, water, sewer and cable television companies for their input regarding utility easements. The City Attorney shall prepare all easement documents. *(Ord. No. 03-03; 05-12-03)*

39-5-38 **UTILITY EASEMENTS.** Utility easements, not less than thirty (30) feet wide for sanitary sewers and water mains and not less than fifteen (15) feet wide for gas, electric, telephone, and cable television, shall be provided where necessary. Normally, in the case of abutting lots, an equal amount should be taken from each lot. Property owners may (at their own risk) plant shrubbery or hedges or install fences on the easement areas. Utilities (private and public), however, in order to have access for repair shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property. The City Attorney shall prepare all easement documents. *(Ord. No. 03-03; 05-12-03)*
39-5-39 **DRAINAGE EASEMENTS.** Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys, and all other portions of the subdivision. The location and minimum widths of such easements shall be approved by the City Engineer. The City Attorney shall prepare all easement documents. (Ord. No. 03-03; 05-12-03)

39-5-40 **MAINTENANCE EASEMENTS.** Maintenance easements of not less than **fifteen (15) feet** in width shall be provided along all rear and side lot lines. The City Attorney shall prepare all easement documents. (Ord. No. 03-03; 05-12-03)

39-5-41 **CONSTRUCTION EASEMENT.** The developer shall provide a construction easement of at least **thirty (30) feet** in width. The City Attorney shall prepare all easement documents. (Ord. No. 03-03; 05-12-03)

DIVISION X - WATER FACILITIES

39-5-42 **POTABLE WATER REQUIRED.** An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. All water distribution lines shall be at least **eight (8) inches** in diameter.

39-5-43 **FIRE HYDRANTS.** Fire hydrants of the type approved by the Water and Sewer Superintendent shall be installed in every subdivision as part of the water distribution system. The distance from any lot to a hydrant, measured along the centerline of the public right-of-way, shall not be greater than **four hundred (400) feet**.

39-5-44 **RESERVED.**

DIVISION XI - SANITARY SEWERS

39-5-45 **COMPLIANCE WITH REGULATIONS.** All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and shall be approved by the City Council. All water and sewer lines shall be constructed as per Standard Specifications for Water and Sewers Mains, State of Illinois, 4th Edition, or as amended.
39-5-46 **WHEN PUBLIC SYSTEM PLANNED.** In areas where the public sanitary sewerage system is not reasonably accessible but where plans for the installation of said system have been approved by the Illinois Environmental Protection Agency, sanitary sewers shall be provided in accordance with such plans and temporarily capped. To serve the subdivision until the time when connection to the public system becomes practicable, an approved private central sewage disposal system shall be installed, or individual sewage disposal systems may be used.

39-5-47 **ALTERNATE METHODS OF DISPOSAL.** In the event it is not possible, or feasible, for the subdivider to extend the public sewer system into the proposed subdivision, for whatever reason, the subdivider has the right to petition the City to install an alternative method of sewage disposal. Any such petition shall be considered on an individual basis with each case standing on its own merit. No subdivision shall be approved without the City's approval of the method of sewage disposal:

(A) **Private Central Sewage Systems.** Upon specific approval of the City Council, the subdivider may install a private central sewage system. The City shall reserve the right to review and approve/reject the detailed plans for such a system. Approval of the plans by the City shall in no way be construed as acceptance of the design or operation or maintenance responsibility for said installation. Such installation shall be designed and constructed in accordance with the rules and regulations of the Illinois Environmental Protection Agency, and the Illinois Department of Public Health. The subdivider shall assume perpetual operational and maintenance responsibilities for such installation unless arrangements to the contrary are provided for in a formal written agreement between home owners and the subdivider. Failure of the subdivider to discharge his operational/maintenance responsibilities may result in a fine of Five Hundred Dollars ($500.00) per day for each day a deficiency exists and shall apply to the subdivider, his heirs, successors, or assigns.

(B) **Individual Disposal Systems.** Upon written approval of the City Council, the subdivider may install individual sewage disposal systems providing the lot size is in excess of twenty thousand (20,000) s.f. If such installations are permitted, they shall be designed and installed in accordance with the applicable provisions of the requirements and regulations of the "Private Sewage Disposal Licensing Act and Code" of the Illinois Department of Public Health.

39-5-48 **RESERVED.**
DIVISION XII - DRAINAGE AND STORM SEWERS

39-5-49  PURPOSE AND INTENT.  It is the policy of the City to protect and promote the public health, safety and general welfare. The criteria for storm water detention will reduce the possibility of damage to public and private property, will reduce the erosion on land and creek channels, will assist in the attainment and maintenance of water quality standards, and will preserve and enhance the environmental quality of the watercourses in the City. This criteria provides uniform procedures for designing and checking the design of storm drainage detention systems.

The Plan Commission shall not recommend the approval of any plat unless, after consultation with the City Engineer, they determine that the proposed provisions for storm water drainage are adequate. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated municipal system. The storm water drainage system shall be separate and independent of the sanitary sewer system.

39-5-50  SPECIAL DEFINITIONS.

(A)  Development.  Any activity, including subdivisions, that alters the surface of the land to create additional impervious surfaces including, but not limited to, pavement, buildings, and structures except:

(1) Additions to, improvements and repair of existing single-family and duplex dwellings.
(2) Construction of any building, structures, and/or appurtenant service roads, drives, and walks on a site having previously provided storm water control as part of a larger unit of development consistent with the original development plan.
(3) Remodeling, repair, replacement, and improvements to any existing structure or facility and appurtenances that does not increase the impervious area on the site in excess of ten percent (10%) or add one (1) acre of impervious area.
(4) Construction of any one new single-family or duplex dwelling unit, irrespective of the site area on which the same may be situated.

(B)  Emergency Spillway.  A device or devices used to discharge water under conditions of inflow that exceed the design inflow. The emergency spillway functions primarily to prevent damage to the detention facility that would permit the sudden release of impounded water. It shall be designed to handle the runoff from a 100-year storm.

(C)  Freeboard.  The difference in elevation between the top of a structure such as a dam or open channel and the maximum design water surface elevation or high water mark and is an allowance against overtopping by waves or other transient disturbances.

(D)  Principal Spillway.  A device such as an inlet, pipe, weir, etc., to discharge water during operation of the facility under the conditions of a fifteen (15) year or less return frequency of the existing conditions, before the proposed development.
(E) **Private Detention Facility.** Any detention facility located on and controlling discharge from a site wholly owned and controlled by one owner and not platted for future subdivision of ownership. Also, all facilities incorporating detention storage of storm water in or on any of the following:

1. Roofs of buildings or structures also used for other purposes.
2. Paved or surfaced areas also used for other purposes.
3. Enclosed underground pipes or structures on private property when the surface is used for other purposes.

(F) **Public Detention Facility.** Any detention facility controlling discharge from a tributary area owned by more than one owner and/or platted for future subdivision of ownership, except as defined as a private detention facility herein.

(G) **Rational Method.** An empirical formula for calculating peak rates of runoff resulting from rainfall.


(I) **Tributary Area.** All land draining to the point of consideration, regardless of ownership.

39-5-51 **RESERVED.**

**DIVISION XIII - GENERAL GUIDELINES**

39-5-52 **APPLICABILITY.** This Code shall apply to all development within the limits of the City. Residential developments having a total area of less than **five (5) acres**, and commercial or industrial developments having a total area of less than **two (2) acres**, may be given a waiver by the City in accordance with Section 39-4-4 of this Code, subject to the following conditions.

(A) The City retains the right to require detention storage in all cases in which the proposed development will generate excess runoff that adversely affects the carrying capacity of the receiving watercourse.

(B) Developments less than **two (2) acres** with less than **thirty percent (30%)** of the area paved and developments generating less than **one (1) cubic foot** per second (CFS)/acre increased runoff shall not be required to provide detention storage, unless conditions (A) is applicable.

(C) This Code shall apply for all newly platted areas and new developments proposed after the date of passage of this Code. All development that have an approved preliminary plan by the Plan Commission at the time of the approval of this Code will not have to conform to this Code.
39-5-53 **AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST.** The effective acreage for a site is not limited to a fractional part of the total. If a project is developed in phases or small plats, the total acreage of the project site must be considered. At the time the owner of any development submits a preliminary plat or preliminary plan, he shall also identify to the City all contiguous property or property in the watershed that he has interest in.

39-5-54 **METHOD OF EVALUATION.** The storage capacity and discharge rate shall be based upon the calculated volume and peak flow of the storm water runoff, respectively. The calculations for sites having an area of **one hundred (100) acres** or less shall be made using either the Illinois Manual for Soil Erosion and Sedimentation Control Method or the Rational Method. If the site is larger than **one hundred (100) acres** then the Engineer shall use the Illinois Manual for Soil Erosion and Sedimentation Control Method or if another method is desired to be used, the Engineer shall submit a proposed method of evaluation for the calculations for review and approval. The permitted discharge rate of storm water runoff shall be determined by calculating the rate of runoff for the site’s pre- and post-development conditions. The Engineer shall determine the most critical storm looking at three different time periods: 1) the time of concentration, 2) a one hour storm and 3) a 24-hour storm.

39-5-55 **DETENTION OF DIFFERENTIAL RUNOFF.** All new developments shall provide a storm water system that insures that the rate of flow of storm water runoff discharged from the site after development does not exceed the rate of flow of storm water runoff discharged from the site before development of a 25-year storm, unless given a waiver by the City in accordance with **Section 39-4-4** of this Code. Data shall be submitted for the 15-, 25-, and 100-year frequency storm.

39-5-56 **FLOWS FROM UPSTREAM AREAS.** Flows from upstream areas outside the site should be based upon the assumption that those areas are fully developed under forecast land use patterns. The required storage volume will be based upon the site only, with flows from upstream areas being by-passed or discharged via overflow spillways or other devices for the 100-year storm.

39-5-57 **FACILITIES IN FLOODPLAINS.** If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the base flood at that location unless compensatory storage is also provided. Where encroachments in the existing floodplain fill the valley storage areas, an equal amount of detention volume shall be provided.
39-5-58  **LAND CREDIT FOR DETENTION FACILITIES.** The number of units/LOTS shall be based on the total area of the tract to be developed. All areas to be used as detention facilities shall be included in this total area.

39-5-59  **RESERVED.**

**DIVISION XIV - DESIGN CRITERIA**

39-5-60  **GENERAL REQUIREMENTS.** The design shall be accomplished under the direction of a Registered Professional Engineer. The design shall also be based on land use in the tributary area as zoned, actually developed, or indicated by an adopted future land use plan, whichever basis produces the greatest runoff.

39-5-61  **OTHER REFERENCES.** Other agencies have criteria and regulations pertaining to drainage systems which may complement this criteria. When conflicts are encountered the most rigorous criteria shall govern.

(A)  **Federal Insurance Agency.** Floodplain Regulations and Implementing Ordinances Adopted by Municipalities: Drainage systems designed within the limits of the designated 100-year floodplain on the principal stream shall be designed to convey the flood as defined by applicable published floodplain information studies. For areas located in FIA Zone "A" outside the detailed study area, the developer shall prepare studies and calculations establishing the floodplain, elevation and width. These calculations shall be submitted to the reviewing agency for approval.

(B)  **Illinois Department of Water Resources.** Rules and Regulations of Dams and Reservoirs shall apply to those structures classified as dams thereunder.

39-5-62  **STORM WATER RUNOFF.** The design criteria used in determining the amount of runoff shall be the same as set out in [Section 39-5-49](#) of this Code.

39-5-63  **HYDRAULIC CONSIDERATIONS FOR DETENTION STORAGE.**

(A)  **Principal Spillways.** Shall be designed to meet the following requirements:

(1)  The principal spillway shall be designed to function without requiring attendance or operation of any kind or requiring use of equipment or tools.
(2) All discharge from the detention facility when inflow is equal to or less than the 100-year inflow shall be via the principal spillway(s).

(3) The design shall allow for discharge of at least **eighty percent (80%)** of the detention storage volume within **twenty-four (24) hours** after the peak or center of mass of the inflow has entered the detention basin. On basins less than **one hundred (100) acres**, this shall not apply.

(4) The design discharge rate via the spillway shall continuously increase with increasing head and shall have hydraulic characteristics similar to weirs, orifices or pipes.

(B) **Emergency Spillways.** The emergency spillway shall be provided to pass a 100-year storm without damaging any property and, where applicable, designed to Illinois Department of Water Resources Dam Safety Requirements.

(C) **Outlet Works.** Shall have an outlet works consisting of valves, gates, pipes, and other devices as necessary to completely drain the facility in **seventy-two (72) hours** or less when required for maintenance or inspection on normally wet basins.

(D) **Sediment Storage.** Shall be designed to provide for **five (5) years** of sediment accumulation calculated by using Figure 1. All other detention facilities shall provide storage for **two (2) years** of sediment accumulation by using Figure 1, except for those using roofs of buildings, paved parking areas or other facilities designed to preclude the deposition or accumulation of sediment. Sediment storage volume shall be in addition to the volume required for temporary storage of storm water to properly size the detention facility on normally wet basins.

(E) **Erosion Control.** Principal spillways and outlet works shall be designed to prevent erosion and if necessary equipped with energy dissipating devices to slow the water to normal velocity as called out in the IPSUSESC Manual. Special measures shall be taken by the developer to not permit sediment from filling the proposed detention basin during all construction of the proposed development.

(F) **Public Detention Facilities.** The owner shall dedicate the detention facility and easements as set forth upon completion of the one-year warranty period and approval by the City Engineer, except:

(1) When multipurpose wet facilities are planned or are suitable for use for private aquatic recreation or for aesthetic enhancement of the owner's property.

(2) When multipurpose dry facilities incorporate surface recreational improvements.

(G) **Private Detention Facilities.** Shall be designed requiring the same criteria as the public detention facilities.

The amount of easement shall be equal to the land occupied by the facility plus a **twenty (20) foot** wide strip around the perimeter of the highest elevation attained by the design storage volume, plus an excess easement **twenty (20) feet** in width between the facility and public street. This easement shall be shown as common ground or be dedicated to the trustees of the subdivision or owner of the property for the purpose of maintenance of the storm water detention facility.
A plan for perpetual maintenance and designating responsibility for the maintenance shall be provided for its continuing performance to the standards established by this criteria.

39-5-64 RESERVED.

DIVISION XV - PLAN REQUIREMENTS

39-5-65 PLAN REQUIREMENTS. The plan requirements shall be:
(A) Elevation-area-capacity curves for the storage facility including notation of the storage volumes allocated to runoff, and permanent residual water storage for other uses (wet basins only).
(B) Inflow hydrographs (detention volumes for rational method) for the 15-, 25-, and 100-year recurrence interval design storms.
(C) Stage-discharge rating curves for each spillway and for combined spillway discharges.
(D) Routing curves for the 15-year and all greater criteria recurrence interval design storms with time plotted as the abscissa and the following plotted as ordinates (this item is not required for the rational method):
   (1) Cumulative inflow volume.
   (2) Cumulative discharge.
   (3) Stage elevation.

39-5-66 CONSTRUCTION ALTERNATIVES.
(A) A developer shall build, as part of his development, a detention basin as required by this Code, unless the following sections apply.
(B) Developers of adjacent tracts may combine to build one detention site large enough to meet the requirements of all the tracts of land with approval of the City. The basin shall be located in the same drainage basin.
(C) On-site detention will be required whenever increased runoff from the proposed development creates a hazard down stream as determined by the City Engineer.

39-5-67 RESERVED.
DIVISION XVI - INSPECTION, MAINTENANCE AND ACCEPTANCE BY CITY

39-5-68 INSPECTION. The developer shall inspect or cause to be inspected, all storm water detention systems constructed within the City. Through such inspection reports the City Engineer shall ensure that the facilities under construction are being constructed in accordance with the approved plans for such development.

39-5-69 MAINTENANCE. Each owner of the property being developed has the responsibility and duty to properly operate and maintain any storm water management system which has not been accepted for maintenance by the City. The responsibility of maintenance of the system and subdivision projects shall remain with the developer until such time as the storm water management system escrow for such development has been released at the end of the one (1) year warranty period. Upon release of escrow, the maintenance responsibility shall be vested in the trustees of the subdivision by virtue of a trust indenture. Indenture of trusts shall clearly indicate resident responsibility for maintenance. All such privately owned maintained systems shall be subject to periodic inspections by the City Engineer or its representative. After an inspection by the City Engineer, he determines whether or not the conditions of the privately owned storm water detention system are safe and correct. Any cost incurred by the City, as a result of the City Engineer's actions, shall be attest against the owner(s) of the system.

39-5-70 ACCEPTANCE. Upon acceptance by the City Council, the storm water detention system may be dedicated to the City for perpetual maintenance. Any such system shall include adequate perpetual access and sufficient area for maintenance by the City personnel and vehicles.

39-5-71 RESERVED.
DIVISION XVII - PENALTIES FOR VIOLATION

39-5-72 GENERAL. Violation of the provisions of this Code or failure to comply with any of its requirements, including conditions and safeguards established shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense.

39-5-73 CORRECTIVE ACTIONS. Nothing herein contained shall prevent the City from taking such other lawful actions as is necessary to forbid or remedy any violations. All such costs connected therewith shall accrue to the person or persons responsible.

39-5-74 PENALTY. Any person who violates this Code shall be subject to the penalty in Section 1-1-20 in the Municipal Code.

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]
# TABLE 5-A

## STREET DESIGN SPECIFICATIONS

<table>
<thead>
<tr>
<th>Residential Street Classification</th>
<th>Max. No. of Dwelling Units/Net Acre</th>
<th>Permitted On-Street Parking</th>
<th>Required R.O.W. (ft.)</th>
<th>Min. Pave- ment Width (ft.)</th>
<th>Max. Gradient (%)</th>
<th>Min. Gradient (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marginal Access</td>
<td>To 1.99</td>
<td>None</td>
<td>40</td>
<td>20</td>
<td>6</td>
<td>1.3</td>
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<tr>
<td>Local</td>
<td>2.0-4.50</td>
<td>Both Sides</td>
<td>45</td>
<td>30</td>
<td>6</td>
<td>1.0</td>
</tr>
<tr>
<td>Local Collector</td>
<td>4.50/Greater</td>
<td>Both Sides</td>
<td>50</td>
<td>34</td>
<td>6</td>
<td>1.0</td>
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<tr>
<td>Collector*</td>
<td>Over 250 dwelling units served</td>
<td>None</td>
<td>70</td>
<td>28</td>
<td>6</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial and Industrial Street Classification</th>
<th>Permitted On-Street Parking</th>
<th>Required R.O.W. (ft.)</th>
<th>Min. Pave- ment Width (ft.)</th>
<th>Max. Gradient (%)</th>
<th>Min. Gradient (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>None</td>
<td>60</td>
<td>26</td>
<td>10</td>
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<tr>
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<td>80</td>
<td>44</td>
<td>8</td>
<td>1.0</td>
</tr>
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</table>

*Parking land width, add ten (10) feet.
CHAPTER 40

ZONING CODE

ARTICLE I - GENERAL PROVISIONS

40-1-1  **ADOPTION AND REPEAL.** This is an ordinance amending the City of Sullivan Zoning Code which became effective December 15, 1967, by repealing said ordinance and all subsequent amendments thereto, and enacting a new ordinance in lieu thereof to establish comprehensive zoning regulations for Sullivan, Illinois, and providing for the administration, enforcement, and amendment thereof; and to repeal all ordinances or resolutions in conflict herewith.

40-1-2  **TITLE.** This Code shall be known and may be cited as the "1990 Sullivan Zoning Code" with a reference to the ordinance number.

40-1-3  **AUTHORITY AND PURPOSE.** This Code is adopted pursuant to the authority contained in the zoning enabling legislation of the Illinois Compiled Statutes, Chapter 65, Section 5/11-13-1 et seq. The intention of the City Council in enacting this Code is to obtain the objectives set out in Paragraph 5/11-13-1 of the enabling legislation, including: maintenance of the community’s health, safety and welfare; conservation and promotion of the value of land and buildings; and insurance and facilitation of the preservation of sites, areas, and structures of historical, architectural and aesthetic importance.

The City Council intends this Code to contribute to the realization of the mission of the 1987 Comprehensive Plan adopted by the Council, which is to:

(A)  Increase employment opportunities;
(B)  Improve standards of living;
(C)  Provide the highest quality educational, cultural and recreational opportunities;
(D)  Provide a safe, caring and healthy environment.

The City Council expresses its further intent that neither this Chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

40-1-4  **DEFINITIONS.**

(A)  **Rules of Construction.** Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this Code shall be construed to have its usual legal definition.

(1)  the present tense includes the future tense.
(2)  the masculine gender includes the feminine and the neuter.
(3) the singular number includes the plural, and vice versa.
(4) the word "shall" is always mandatory; the word "may" is always permissive.

Terms.
(1) **Accessory Use:** See Article II.
(2) **Adjacent:** adjoining, bordering, touching or contiguous. If two (2) lots are separated by a street, public alley or public walk, they shall be deemed to be adjacent.
(3) **Alley:** A public or private thoroughfare that affords only a secondary means of access to property abutting thereon and is not intended for general traffic.
(4) **Alteration, Structural:** Any change in the bearing wall, columns, beams, girders, or supporting member of a structure, any change in the total floor area of a building, any change in size of a structure, whether by extending horizontally or by increasing in height, or any movement of a structure from one location to another.
(5) **Apartment:** A room or suite of rooms, in a building other than a single-family dwelling, used exclusively for a residence by a single family.
(6) **Basement:** A story of a building having more than one-half (1/2) its height below the level of the sidewalk opposite the middle of the front of the building or, if there is no sidewalk in front of the building, measured from the level of the surface of the ground at the point on the front lot line opposite the middle of the front of the building. For the purposes of this Code the word “basement” is synonymous with “cellar”.
(7) **Bed and Breakfast:** An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. “Bed and breakfast” establishments shall not include in its definition motels, hotels, boarding houses, or food service establishments.
(a) “Guest room” as used in the definition of a “Bed and Breakfast” establishment shall mean a sleeping room intended to serve no more than two (2) transient guests per night.
(8) **Boarding House:** A building in which meals, but not lodging, are regularly provided or offered for compensation to three (3) or more persons by prearrangement and for definite periods of time, but which is not open to transient customers.
(9) **Building, Accessory:** A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.
10. **Building, Principal:** The primary building on a lot or a building that houses a principal use.

11. **Certify:** Whenever this Code requires that some agency certify the existence of some fact or circumstance to the City, the City may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the City may accept certification by telephone from some agency when the circumstances warrant it, or the City may require that the certification be in the form of a letter or other document.

12. **Child Care Facility:** Any facility for the care of children which requires licensing by the State of Illinois.

13. **Commercial Feed Lot:** Any tract on which the principal use is the raising of, or the concentrated feeding of livestock, fowl or edible animals for the sale of such animals or for the sale of products derived from such animals.

14. **Developer:** A person who is responsible for any undertaking that requires a zoning permit, special use permit, or sign permit.

15. **Development:** That which is to be done pursuant to a zoning permit, special use permit, or sign permit.

16. **Dwelling Unit:** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a residence by one (1) family.

17. **Family:** One (1) or more persons living together as a single housekeeping unit.

18. **Farm:** A tract of land used for the growing and storage of the usual agricultural products such as grain, vegetables, and fruit, as well as the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine. The term “farms” includes the utilization of such land for one (1) or more of the above uses including dairy farms with the necessary operations for treating or storing the product provided, however, that the operation of any accessory uses shall be secondary to that of the normal farming activities. The term “farms” excludes the raising of livestock except on adequately fenced tracts containing not less than ten (10) acres and having an average width of three hundred (300) feet, and excludes the raising of poultry except when on a tract which is adequately fenced and which contains not less than three (3) acres, but in no event shall such livestock or poultry be housed or confined within two hundred (200) feet of a tract of one (1) acre or less containing a single-family residence. Livestock or poultry may be raised only in quantities reasonably sufficient for the immediate use of and consumption by the occupants of the premises.
(a) Any tract on which the principal use is the raising of fur-bearing animals, such as mink, muskrats, rabbits, etc., shall not be considered a farm.

(b) A commercial feed lot shall be considered a farm.

(c) Residential structures occupied by persons primarily engaged in farming are included in the term “farming”. However, there shall not be more than three (3) dwelling units on any one (1) farm.

(19) **Floodplain:** Any land area susceptible to be inundated by water from the base flood. As used in this Code, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the “Flood Boundary and Floodway Map” prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the office of the City Clerk.

(20) **Frontage:** That portion of a lot abutting a street or alley.

(21) **Gross Floor Area:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

(22) **Handicapped Care Facility:** Any facility which is licensed by the State of Illinois for the care and treatment of handicapped individuals.

(23) **Home Garden:** A private garden in which vegetables and fruits are raised for consumption by the gardener and his family and none of the produce thereof is sold or placed on the market.

(24) **Home Occupation:**
   (a) A commercial activity that:
   (i) is conducted by a person on the same lot (in a residential district) where such person resides, and
   (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but can be conducted without any significantly adverse impact on the surrounding neighborhood.

   (b) Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if:
   (i) goods, stock in trade, or other commodities are displayed,
   (ii) any on-premises retail sales occur,
   (iii) more than one (1) person not a resident on the premises is employed permanently in connection with the purported home occupation,
   (iv) it creates objectionable noise, fumes, odor, dust or electrical interference, or
(v) more than twenty-five percent (25%) of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than five hundred (500) square feet of gross floor area (whichever is less), is used for home occupation purposes.

(c) The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria:

(i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional,

(ii) workshops, greenhouses, or kilns,

(iii) dressmaking or hairdressing studios.

(25) **Hospital:** A building or portion thereof used for the treatment of sick, injured or infirm persons, and licensed as a hospital by the State of Illinois.

(26) **Hotel or Motel:** includes every building or structure kept, used, maintained, advertised, and held out to the public to be a place where lodging, or lodging and food, or apartments, or suites, or other accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which five (5) or more rooms are used for the lodging, or lodging and food, or apartments, or suites, or other accommodations of such guests.

(27) **Lawful Use:** Any use of a building or land which either conforms with the applicable use regulations or fails to conform with those regulations but qualifies and is permitted to continue to exist as a nonconforming use under the provisions of this or a prior Zoning Code.

(28) **Lawfully Existing:** Existing in compliance with the provisions of an applicable Zoning Code but not necessarily in conformity with the use regulations of that Code.

(29) **Loading Space:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

(30) **Lot:**

(a) A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.
(b) The permit-issuing authority and the owner of two (2) or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this Code.

(31) **Lot Area:** The total area circumscribed by the boundaries of a lot, except that:

(a) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty (30) feet from the center of the traveled portion of the street, and

(b) in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

(32) **Lot, Corner:** A lot abutting two (2) or more streets at their intersection, or upon two (2) parts of the same street, such intersection streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

(33) **Lot Line, Front:** The line dividing a lot from the street right-of-way. In the case of multiple street frontages, the shortest equaling or exceeding thirty (30) feet in length shall be the front lot line.

(34) **Lot Line, Rear:** The lot line opposite the front lot line. For purposes of establishing the required rear yard, in the case of an irregularly shaped or three (3) sided lot, it shall mean a line within the lot, ten (10) feet long, concentric with and at the maximum distance from the front lot line. A lot need not have a rear lot line.

(35) **Lot Line, Side:** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street shall be called a side street line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

(36) **Mini-Warehouse:** A building primarily containing rental compartments for storage of goods or materials not to be sold on the premises.

(37) **Mobile Home:** A portable dwelling unit with a Red HUD sticker denoting mobile home, with all the following characteristics:

(a) designed for long term occupancy and to be transported after fabrication on its own wheels, or on a flat bed or other trailers or on detachable wheels.
(b) arrives at the site where it is to be occupied as a portable dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

(38) **Nonconforming Lot:** A lot existing at the effective date of this Chapter (and not created for the purposes of evading the restrictions of this Chapter) that does not meet the minimum area requirement of the district in which the lot is located.

(39) **Nonconforming Use:** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. This also refers to the activity that constitutes the use made of the property.

(40) **Nursing Care Facility:** Any facility licensed by the State of Illinois for nursing care and treatment.

(41) **Office:** A room or a suite of rooms used for the practice of a profession or for the conduct of a business which does not involve the sale of goods from the premises. The term does not include a personal service shop. If the goods or merchandise are sold for delivery on or from the premises otherwise than as a customary incident to the principal office use, then the premises shall be considered to be a store rather than an office.

(42) **Open Space:** A yard, court, or the space between two (2) buildings or between a building and the boundary line of a parcel.

(43) **Parking:** See Article IV, Division I.

(44) **Permitted Use:** Any use of a building or land which is included in the list of permitted uses in the District in which the building or land is situated.

(45) **Person:** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

(46) **Planned Unit Development:** A development of a tract of land wherein the tract is subdivided and developed as a cohesive residential or other area having common grounds or recreational areas with a workable arrangement, by way of covenants running with the land, dedication, property owners associations or otherwise for the continuing existence of the common areas and maintenance thereof.

(47) **Plat:** A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

(48) **Public Utility Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of gas, electrical, steam or water transmission or
distribution systems, collection, communication, supply or disposal systems reasonably necessary for the furnishing of adequate City-wide, community or neighborhood services by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings. Public utility services shall be deemed to exclude customary connections maintained by the individual customer.

(49) **Residential, Multi-Family:** A residential use consisting of a building containing three (3) or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building, or attached to it by a common floor or wall (even the wall of an attached garage or porch).

(50) **Residence, Single-Family:** A residential use consisting of a single detached building containing one (1) dwelling unit and located on a lot containing no other dwelling units.

(51) **Residence, Two-Family:** A residential use consisting of a building containing two (2) dwelling units. If two (2) dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

(52) **Restaurant:** An establishment in which foods, refreshments or beverages are offered for sale for consumption in the building in which the establishment is located or at tables situated on the lot upon which the establishment is located.

(53) **Retail Store:** A store in which goods are sold for delivery on or from the premises to the ultimate consumer.

(54) **Service Station:** Any building or premises used for the dispensing, sale or offering for sale at retail of automobile fuels, oil and accessories. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the building or premises shall be deemed to be a public garage.

(55) **Sign:** See Article IV.

(56) **Sign Permit:** See Article IV.

(57) **Special Use Permit:** A permit issued by the Zoning Board of Appeals that authorizes the recipient to make use of property in accordance with the requirements of this Chapter as well as any additional requirements imposed by the Zoning Board of Appeals.

(58) **Story:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. One-half (1/2) story is any story or space situated, wholly or partly in the roof, so designated, arranged or built to be used for storage or habitation.
(59) **Street:** Any public or private way whose primary function is to furnish the chief means of vehicular access to the properties abutting it.

(60) **Structure:** Anything constructed or erected.

(61) **Structure, Alteration:** Any change in the structural members of a building, such as foundations, bearing walls, columns, beams, or girders.

(62) **Trailer:** A portable dwelling unit designed as a temporary dwelling for travel, recreational and vacation uses which:
   (a) is identified on the unit by the manufacturer as a travel trailer, or
   (b) is carried on a truck or specially designed automobile or bus or truck, or
   (c) is a specially designed automobile, truck or bus, or
   (d) is in the form of a tent or expandable trailer or truck.

(63) **Truck Terminal:** A premises which is used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment, and which is designed to accommodate the simultaneous loading or unloading of **five (5)** or more trucks.

(64) **Variation:** A grant of permission by the Zoning Board of Appeals that authorizes the recipient to do that which, according to the strict letter of this Chapter, he could not otherwise legally do.

(65) **Warehouse:** A building used for the storage of goods for compensation or the storage of goods which will be subsequently transported to another location for sale or consumption.

(66) **Yard:** An open space, other than a court, on the same lot with a building or group of buildings which open space lies between the building or group of buildings and a lot line and is unoccupied and unobstructed from the ground upward.

(67) **Yard, Front:** A yard extending across the full width of the lot and lying between the front lot line of the lot and the nearest line of the building.

(68) **Yard, Rear:** A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building. The depth of a rear yard shall be the minimum distance between the building and rear lot line, measured at right angles to the rear line of the lot.

(69) **Yard, Side:** An open, unoccupied space between the side lot line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the building and the side lot line, measured at right angles to the side line of the lot.

(70) **Zoning Permit:** A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Code.
ARTICLE II - DISTRICTS AND USE REGULATIONS

40-2-1 COMPLIANCE WITH REGULATIONS.

Applicability.

(1) The regulations set forth by this Article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as set forth elsewhere in this Chapter.

(2) No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations specified herein and for the district in which it is located.

(3) The regulations, standards, rules, requirements, provisions, and restrictions set by this Chapter shall apply to all structures, uses, lots, and tracts of land created or established after the effective date of this Code and shall not be deemed to require any change in the structures, uses, lots, and/or tracts of land lawfully existing on the effective date of this Code except as expressly specified herein.

(a) No more than one (1) main building shall be erected on one (1) lot.

(b) Nothing in this Code shall be deemed to prohibit or regulate any public road or street improvement or any temporary structure incidental to that construction provided that the temporary structure shall be removed at the completion of such construction.

(c) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(d) No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum established by this Code.

(e) Every front, side, and rear yard shall be open to the sky, unobstructed by buildings or structures, except for accessory buildings in a rear yard.
(B) **Restrictions.**

(1) It shall be unlawful to lease, sell or convey a portion of an improved lot when the effect of such action is to reduce the number of parking spaces or open space on the lot below the minimum number of such parking spaces or open space required by this Code.

(2) It shall also be unlawful to lease, sell or convey a lot, or a portion of a lot, used for required off-street parking without providing other parking facilities which meet the requirements of this Code.

40-2-2 **CATEGORIES AND PURPOSES OF DISTRICTS.** In order to regulate and restrict the location of buildings erected, converted, enlarged or structurally altered for specific uses; to regulate the use of land and buildings; to regulate the intensity of the use of land and buildings; and to require off-street parking facilities for certain uses in particular areas of the City; the City of Sullivan, Illinois is hereby divided into the following districts:

(A) **R-1 Low Density Residence District.** This district is designed and intended to provide for single-family residences on relatively large lots to permit spacious development with modern safety standards, as well as compatible low density non-residential uses.

(B) **R-2 Medium Density Residence District.** This district is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

(C) **R-3 High Density Residence District.** This district is designed and intended to allow for two-family and multi-family structures in addition to single-family dwellings. The purposes contained in the definitions of R-1 and R-2 districts pertain here as well.

(D) **B-1 Low Density Business District.** This district is primarily designed and intended to accommodate retail and professional business uses. Such areas will also generally constitute transition or buffer zones between major arterial streets or more intensively developed commercial or business areas and residential districts.

(E) **B-2 Central Business District.** This district is designed and intended to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the City's central business district.

(F) **I-1 Light Industrial District.** This district is designed and intended to provide for the range of light industrial activities, which by their nature, must be segregated from the lower intensity activities found in the residential and low density business districts. This segregation is intended to help secure the safety of the lower intensity districts.

(G) **I-2 Heavy Industrial District.** The heavy industrial district is designed and intended to provide for a broad range of light and heavy industrial activities. These uses are by their nature segregated from other zone districts.
40-2-3 **ZONING MAP.**

(A) **Incorporation and Handling of Map.**

(1) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the City’s planning jurisdiction.

(2) The Official Zoning Map dated April 8, 1991 is adopted and incorporated herein by reference. This map and all notations, colors, references, legends, symbols, and text thereon pertaining to the zoning districts shall be as much a part of this Code as if fully described herein. This map shall be drawn on a durable material from which prints can be made, shall be dated, and shall be kept by the Zoning Administrator. It shall also be available for public reference in the office of the City Clerk.

(3) Should the Official Zoning Map be lost, destroyed, or damaged, the Zoning Administrator may have a new map drawn on a durable material from which prints can be made. No further Council authorization or action is required so long as no district boundaries are changed in this process.

(4) The Zoning Administrator shall keep copies of superseded prints of the Zoning Map for historical reference.

(B) **Interpretation of Map and District Boundaries.** The boundaries of the districts as shown on the map accompanying and made a part of this Code are generally intended to coincide with the center lines of streets and alleys or with platted lot lines. If, on the map, the boundary line of a district:

(1) approximates the line of a street or alley the boundary line shall be construed to be the center line of the street or alley.

(2) approximates the boundary line of a platted lot the district boundary line shall be construed to be the lot line.

(3) divides a platted lot, or unplatted or unsubdivided property, into distinct parts the district boundary lines shown on the map shall be determined by the scale appearing on the map.

40-2-4 **CLASSIFICATION OF LAND SUBSEQUENTLY ANNEXED.**

(A) All land which may hereafter become a part of the incorporated area of the City, as a result of annexation, shall automatically be classified as R-1 Low Density Residence District, with the exception of land which shall be annexed pursuant to the terms and conditions of an annexation agreement executed between the City and a landowner, which shall have the classification stated in said agreement. *(Ord. No. 08-10; 04-28-08)*

(B) Within three (3) months of the date of such annexation the Planning Commission shall hold a public hearing, after notice as required for amendments to this Code.

(C) Within thirty (30) days after such hearing the Planning Commission shall report to the City Council on its recommendations for the classification of the annexed territory.
**40-2-5 ** **TABLE OF PERMISSIBLE USES.** The following are permitted uses in the specific districts:

<table>
<thead>
<tr>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>B-1</th>
<th>B-2</th>
<th>I-1</th>
<th>I-2</th>
<th>PERMISSIBLE USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Residential</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Single-family residences</td>
</tr>
<tr>
<td>S</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Two-family residences</td>
</tr>
<tr>
<td>S</td>
<td>S</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Multi-family residences</td>
</tr>
<tr>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Accommodations</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Bed and breakfast establishments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Z</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td>Boarding houses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Z</td>
<td>Z</td>
<td></td>
<td></td>
<td></td>
<td>Hotels and motels</td>
</tr>
<tr>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Miscellaneous</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Farms</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Mobile home parks</td>
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<td>Z</td>
<td>Z</td>
<td>Z</td>
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<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Business</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Home occupations</td>
</tr>
<tr>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Recreation, amusement, entertainment</td>
</tr>
<tr>
<td>Z</td>
<td>S</td>
<td>Z</td>
<td>Z</td>
<td>S</td>
<td>Z</td>
<td>Z</td>
<td>Services and enterprises related to animals</td>
</tr>
<tr>
<td>S</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Office, clerical, research and services not primarily related to goods or merchandise</td>
</tr>
<tr>
<td>Z</td>
<td>Z</td>
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<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Sales and rental of goods, merchandise and equipment</td>
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<td>S</td>
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<td>S</td>
<td>S</td>
<td>Z</td>
<td>Z</td>
<td>Motor vehicle sales and service</td>
</tr>
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<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Restaurants, bars, night clubs</td>
</tr>
<tr>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Mini-warehouses</td>
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<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Newspaper publication</td>
</tr>
<tr>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>Advertising sign or billboard</td>
</tr>
<tr>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Industrial (See Appendix “A”)</td>
</tr>
<tr>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Public, Semi-Public</td>
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<td>Z</td>
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<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Educational</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Schools</td>
</tr>
<tr>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>S</td>
<td>S</td>
<td>Z</td>
<td>Z</td>
<td>Religious facilities</td>
</tr>
<tr>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Z</td>
<td>Libraries and similar uses</td>
</tr>
</tbody>
</table>

(Ord. No. 09-04; 03-09-09)
### Legend

When used in connection with a particular use in the Table of Permissible Uses, the letter “Z” means that the use is permissible in the indicated zone with a zoning permit issued by the Zoning Administrator. The letter “S” means a special use permit must be obtained from the Zoning Board of Appeals.

### 40-2-6 PERMISSIBLE USES AND SPECIFIC EXCLUSIONS.

#### Liberal Construction of Table of Permissible Uses.

1. The presumption established by this Code is that all legitimate uses of land are permissible within at least one (1) zoning district in the City's planning jurisdiction. Therefore, because the list of permissible uses set forth in the Table of Permissible Uses cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

2. Notwithstanding the above, all uses that are not listed in the Table of Permissible Uses, even given the liberal interpretation mandated by the language above, are prohibited. Nor shall the Table of Permissible Uses be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

#### Specific Exclusions.

Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

1. any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City's Fire Prevention Code;

2. stockyards, slaughterhouses, rendering plants, commercial feed lots;
(3) use of a travel trailer or motor home as a temporary or permanent residence, except that overnight occupancy may be allowed on an occasional basis for not more than three (3) days. Situations that do not comply with this subsection on the effective date of this Code are required to conform within one (1) year.

(4) use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. Situations that do not comply with this subdivision on the effective date of this Code are required to conform within thirty (30) days.

40-2-7 ACCESSORY USES.

(A) Definition. Whenever an activity (which may or may not be separately listed as a principal use in Table of Permissible Uses) is conducted in conjunction with another principal use and the former use (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.

(B) Interpretation of Definition of Accessory Uses. Without limiting the generality of the above subsection, the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

(1) offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation;

(2) hobbies or recreational activities of a noncommercial nature;

(3) the renting out of one (1) or two (2) rooms within a single-family residence to not more than two (2) persons who are not part of the family that resides in the single-family dwelling;

(4) yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety (90) day period.

(C) Activities Not Regarded as Accessory. The following activity shall not be regarded as accessory to a residential principal use and is prohibited in residential districts: storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.

(D) No Zoning or Special Use Permits Needed for Certain Uses. Notwithstanding any other provisions of this Chapter, no zoning or special use permit is necessary for the following uses;
(1) streets;
(2) electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way;
(3) neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.

**40-2-8 CHANGE IN USE.** A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

(A) the change involves a change from one principal use category to another.

(B) a mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than one hundred eighty (180) consecutive days or has been abandoned.
ARTICLE III - INTENSITY REGULATIONS

40-3-1 APPLICABILITY. Except as otherwise provided, every principal and accessory building and use in the R-1, R-2, R-3, B-1, B-2, I-1 and I-2 districts shall be subject to the applicable standards set forth in the following Table of Intensity Regulations.

40-3-2 TABLE OF INTENSITY REGULATIONS.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
</tr>
<tr>
<td><strong>Section 3.2 Lot Areas</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Size (in square feet)</td>
<td>8000</td>
</tr>
<tr>
<td><strong>Section 3.4 Lot Widths</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width (in linear feet)</td>
<td>80</td>
</tr>
<tr>
<td><strong>Section 3.5 Yards</strong></td>
<td></td>
</tr>
<tr>
<td>Required Yards (in feet)</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>25</td>
</tr>
<tr>
<td>Side</td>
<td>10</td>
</tr>
<tr>
<td>Rear</td>
<td>20</td>
</tr>
<tr>
<td><strong>Section 3.6 Height</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Height (in feet)</td>
<td>35</td>
</tr>
</tbody>
</table>

(Ord. No. 04-11; 05-24-04)

NOTE: Also refer to the related sections of this Article, whose provisions supplement the requirements of this Table. (Ord. No. 01-16; 10-08-01)

40-3-3 LOT AREAS.

(A) All lots in Sullivan’s zoning districts shall have at least the amount of square footage indicated in the preceding table.

(B) Lots used or to be used for more than one dwelling unit shall have a minimum area of two thousand (2,000) square feet per dwelling unit.
40-3-4 LOT WIDTHS.

(A) **Prohibition.** No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

1. could be used for purposes that are permissible in that zoning district and;
2. could satisfy any applicable yard requirements for that district.

(B) **Presumptive Standards.** Without limiting the generality of the foregoing standard, the preceding table indicates minimum lot widths that are recommended and are deemed presumptively to satisfy the standard set forth in Section 40-3-4(A). The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required yard from the street intersects with lot boundary lines at opposite sides of the lot.

(C) **Future Lots.** No lot created after the effective date of this Chapter that is less than the recommended width shall be entitled to a variation from any minimum yard requirement.

40-3-5 YARDS.

(A) **Minimum.** No portion of any building or any freestanding sign may be located on any lot closer to the street right-of-way line or centerline than is authorized in the table set forth in this Article.

(B) **Front.**

1. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the front yard shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the yard shall be measured by subtracting one-half (1/2) of the distance of the width of the street from the measurement of the yard from the street centerline.

2. Lots having a frontage on two (2) or more streets shall have a required front yard on each street frontage except that neither the buildable width nor depth of the lot shall be reduced to less than thirty (30) feet.

3. As used in this Section, the term “building” includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

   (a) gas pumps and overhead canopies or roofs;
   (b) fences adjacent to public street rights-of-way if such fences exceed six (6) feet in height and are substantially opaque.

4. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line yard requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the
nonresidential district shall be required to observe the property line yard requirement applicable to the adjoining residential lot.

(5) Front yard distances shall be measured from the street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.)

(C) **Side.** The provision of required side yards shall not reduce the buildable width of a lot to less than **thirty (30) feet**, except that a required side yard shall not be less than **five (5) feet** in the districts which require side yards.

(D) **Rear.** The provision of required rear and front yards shall not reduce the buildable depth of a lot to less than **thirty (30) feet** in length, except that a required rear yard shall not be less than **seven (7) feet**.

---

**40-3-6 HEIGHT.**

(A) **Interpretation.** For purposes of this Section:

(1) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

(2) A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof’s surface, whichever is greater. Roofs with slopes greater than **seventy-five percent (75%)** are regarded as walls.

(B) **Certain Features Exempt From District Height Limitations.** The following features are exempt from the district height limitations set forth in the Table of Intensity Regulations:

(1) chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage;

(2) flagpoles and similar devices;

(3) heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.

(4) grain elevators.

(C) **Requirements for Height Exemptions for Certain Features.** The features listed in **Section 40-3-6(B)** are exempt from the height limitations set forth in the Table of Intensity Regulations if they conform to the following requirements:

(1) not more than **one-third (1/3)** of the total roof area may be consumed by such features;

(2) the features described in **Section 40-3-6(B)** must be set back from the edge of the roof a minimum distance of **one (1) foot** for every foot by which such features extend above the roof surface of the principal building to which they are attached;
(3) the Zoning Administrator may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in Sections 40-3-6(B)(1) and 40-3-6(B)(3) from view.

(D) **Fire Chief Certification Limitation.** Notwithstanding Section 40-3-6(B), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multi-family residential building containing **four (4)** or more dwelling units may not exceed **thirty-five (35) feet** unless the Fire Chief certifies to the permit-issuing authority that such building is designed to provide adequate access for fire fighting personnel or the Building Inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire.
ARTICLE IV

SPECIAL REGULATIONS

DIVISION I - PARKING AND LOADING

40-4-1 DEFINITIONS. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this Section.

(A) Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

(B) Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

(C) Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

(D) Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of Section 40-4-1.

(E) Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading or unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

(F) Parking Area Aisles. That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

(G) Parking Space. A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

40-4-2 NUMBER OF PARKING SPACES REQUIRED.

(A) All developments in all zoning districts except in the B-2 district shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.

(B) The presumptions established by this Article are that:

1. a development must comply with parking standards set forth in the accompanying Table of Parking Requirements to satisfy the requirement stated in Section 40-4-2(A), and;

2. any development that does meet these standards is in compliance. However, the Table of Parking Requirements is only intended to establish presumptions and should be flexibly administered.

(C) When determination of the number of parking spaces required by the Table of Parking Requirements results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.
(D) The City Council recognizes that the Table of Parking Requirements set forth in Section 40-4-3 cannot and does not cover every possible situation that may arise. Thus, the inflexible application of the parking standards set forth in Division II may result in a development either with inadequate parking space or parking space in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, the Zoning Administrator may permit deviations from the presumptive requirements of Division II and may require more parking or allow less parking whenever he finds that such deviations are more likely to satisfy the standard set forth in Section 40-4-2(A).

(E) Without limiting the generality of the foregoing, the Zoning Administrator may allow deviations from the parking requirements set forth in Division II when he finds that:

1. a residential development is irrevocably oriented toward the elderly, or
2. a business is primarily oriented to walk-in trade.

(F) Whenever the Zoning Administrator allows or requires a deviation from the presumptive parking requirements set forth in Division II, he shall enter on the face of the permit the parking requirement that he imposes and the reasons for allowing or requiring the deviation.

(G) If the Zoning Administrator concludes, based upon information he receives in the consideration of a specific development proposal, that the presumption established by Division II for a particular use classification is erroneous, he shall initiate a request for an amendment to the Table of Parking Requirements.

40-4-3 TABLE OF PARKING REQUIREMENTS.

<table>
<thead>
<tr>
<th>PRINCIPAL USE</th>
<th>PARKING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single-Family Residence</td>
<td>P1</td>
</tr>
<tr>
<td>Two-Family Residence</td>
<td>P1</td>
</tr>
<tr>
<td>Multiple-Family Residence</td>
<td>P2</td>
</tr>
<tr>
<td>Bed and Breakfast Establishments</td>
<td>P1 &amp; P3</td>
</tr>
<tr>
<td>Boarding Houses</td>
<td>P1 &amp; P13</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>P3 &amp; P4</td>
</tr>
<tr>
<td>Farms</td>
<td>P1</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>P1</td>
</tr>
<tr>
<td>Home Occupations</td>
<td>P1 &amp; P5</td>
</tr>
<tr>
<td>Principal Use</td>
<td>Parking Requirements</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>Business</strong></td>
<td></td>
</tr>
<tr>
<td>Recreation, etc.</td>
<td>P4 &amp; P6</td>
</tr>
<tr>
<td>Animal Services</td>
<td>P4 &amp; P7</td>
</tr>
<tr>
<td>Offices</td>
<td>P4 &amp; P5 or P7</td>
</tr>
<tr>
<td>Retail Stores</td>
<td>P4 &amp; P7</td>
</tr>
<tr>
<td>Motor Vehicle Facilities</td>
<td>P4 &amp; P7</td>
</tr>
<tr>
<td>Restaurants, etc.</td>
<td>P4 &amp; P6</td>
</tr>
<tr>
<td>Mini-Warehouses</td>
<td>P4 &amp; P8</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>P4 or P7</td>
</tr>
<tr>
<td>Truck Terminals</td>
<td>P4</td>
</tr>
<tr>
<td>Warehouse and Storage</td>
<td>P4 or P7</td>
</tr>
<tr>
<td><strong>Public, Semi-Public</strong></td>
<td></td>
</tr>
<tr>
<td>Schools, etc.</td>
<td>P9</td>
</tr>
<tr>
<td>Libraries</td>
<td>P4 &amp; P7</td>
</tr>
<tr>
<td>Churches</td>
<td>P10</td>
</tr>
<tr>
<td>Hospitals</td>
<td>P4 &amp; P12</td>
</tr>
<tr>
<td>Group Care Facilities</td>
<td>P4 &amp; P12</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>P13</td>
</tr>
<tr>
<td>Bus Stations, Train Stations</td>
<td>P7</td>
</tr>
</tbody>
</table>

**Legend:**

- P1 2 spaces per dwelling unit
- P2 1 ½ spaces per dwelling unit
- P3 1 space per rentable sleeping room
- P4 1 space per employee on maximum shift
- P5 2 spaces per full-time, professional occupant, 1 per each other full-time employee
- P6 1 space for every three seats
- P7 1 space for every 200 square feet of gross floor area
- P8 1 space for each rental unit
- P9 1 off-street space per each employee and one for each ten students
- P10 1 space for each seven seats in assembly room
- P11 2 spaces per bed
- P12 3 spaces for every 5 beds
- P13 1 space for every 100 square feet of gross floor area
40-4-4 PARKING SPACE DIMENSIONS.
(A) Subject to Sections 40-4-4(B), (C), and (D), each parking space shall contain a rectangular area at least **nineteen (19) feet** long and **nine (9) feet** wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.
(B) In parking areas containing **ten (10)** or more parking spaces, up to **twenty percent (20%)** of the parking spaces need contain a rectangular area of only **seven and one-half (7 ½) feet** in width by **fifteen (15) feet** in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
(C) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than **twenty-two (22) feet** by **nine (9) feet**.
(D) In parking areas containing **ten (10)** or more parking spaces, **one (1)** handicapped parking space shall be provided for each **twenty-five (25)** required parking spaces up to one hundred (100) such required parking spaces, plus **one (1)** handicapped parking space for each **fifty (50)** additional required parking spaces in excess of one hundred (100). Each handicapped parking space shall be at least **nineteen (19) feet** long and **sixteen (16) feet** wide, and shall be clearly marked as being reserved for handicapped parking.

40-4-5 REQUIRED WIDTHS OF PARKING AREA AISLES AND DRIVEWAYS.
(A) Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

<table>
<thead>
<tr>
<th>Parking Angle (degrees)</th>
<th>0</th>
<th>30</th>
<th>45</th>
<th>60</th>
<th>90</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Way Traffic (feet)</td>
<td>13</td>
<td>11</td>
<td>13</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>Two-Way Traffic (feet)</td>
<td>19</td>
<td>20</td>
<td>21</td>
<td>23</td>
<td>24</td>
</tr>
</tbody>
</table>

(B) Driveways shall be not less than **ten (10) feet** in width for one-way traffic and **eighteen (18) feet** in width for two-way traffic, except that **ten (10) foot** wide driveways are permissible for two-way traffic when:
- (1) the driveway is not longer than **fifty (50) feet**;
- (2) it provides access to not more than **six (6) spaces** and;
- (3) sufficient turning space is provided so that vehicles need not back into a public street.

40-4-6 GENERAL DESIGN REQUIREMENTS.
(A) Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking
areas consisting of driveways that serve one (1) or two (2) dwelling units, although backing onto arterial streets is discouraged.

(B) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(C) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights of way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(D) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

40-4-7 VEHICLE ACCOMMODATION AREA SURFACES. Vehicle accommodation area that include lanes for drive-up windows for food services shall be graded and surfaced with asphalt, concrete, chip and seal or other material that will provide equivalent protection against dust.

40-4-8 JOINT USE OF REQUIRED PARKING SPACES.

(A) One (1) parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required spaces assigned to one use may not be credited to any other use.

(B) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent (90%) vacant on weekends, another development that operates only on weekends could be credited with ninety percent (90%) of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty percent (50%) of capacity on days other than Sunday, another development could make use of fifty percent (50%) of the church lots spaces on those other days.

(C) If the joint use of the same parking spaces by two (2) or more principal uses involves satellite parking spaces, then the provisions of Section 40-4-9 (Satellite Parking) are also applicable.

40-4-9 SATELLITE PARKING.

(A) If a number of off-street parking spaces required by this Article cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this Section. These off-site spaces are referred to in this Section as satellite parking spaces.
(B) All such satellite parking spaces (except spaces intended for employee use) must be located within **four hundred (400) feet** of a public entrance of a principal building housing the use associated with such parking, or within **four hundred (400) feet** of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

(C) The developer wishing to take advantage of the provisions of this Section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

**40-4-10 SPECIAL PROVISIONS FOR LOTS WITH EXISTING BUILDINGS.** Notwithstanding any other provisions of this Article, whenever:

(A) there exists a lot with one (1) or more structures on it constructed before the effective date of this Article and;

(B) a change in use that does not involve any enlargement of a structure is proposed for such lot and;

(C) the parking requirements contained in the Table of Parking Requirements (Section 40-4-3) that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking;

then the developer need only comply with the requirements contained in that table to the extent that:

(D) parking space is practicably available on the lot where the development is located and;

(E) satellite parking space is reasonably available.

However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

**40-4-11 LOADING AND UNLOADING AREAS.**

(A) Subject to Section 40-4-11(E), whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this Section to accommodate the delivery or shipment operations in a safe and convenient manner.

(B) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that,
presumptively, satisfy the standard set forth in this subsection. However, the Zoning Administrator may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

<table>
<thead>
<tr>
<th>Gross Leasable Area of Building (square feet)</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 – 19,999</td>
<td>1</td>
</tr>
<tr>
<td>20,000 – 69,999</td>
<td>2</td>
</tr>
<tr>
<td>70,000 – 127,999</td>
<td>3</td>
</tr>
<tr>
<td>128,000 – 191,999</td>
<td>4</td>
</tr>
<tr>
<td>192,000 – 255,999</td>
<td>5</td>
</tr>
<tr>
<td>256,000 – 319,999</td>
<td>6</td>
</tr>
<tr>
<td>320,000 – 391,999</td>
<td>7</td>
</tr>
</tbody>
</table>

Plus one (1) space for each additional seventy-two thousand (72,000) square feet or fraction thereof.

* Minimum dimensions of twelve (12) feet by fifty-five (55) feet and overhead clearance of fourteen (14) feet from street grade required.

(C) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can:

1. maneuver safely and conveniently to and from a public right of way, and

2. complete the loading and unloading operations without obstructing or interfering with any public right of way or any parking space or parking lot aisle.

(D) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(E) Whenever there exists a lot with one (1) or more structures on it constructed before the effective date of this Article, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this Section cannot be satisfied because there is not sufficient area available on the lot that can practically be used for loading and unloading, then the developer need only comply with this Section to the extent reasonably possible.

40-4-12 - 40-4-13 RESERVED.
DIVISION II - MOBILE HOME PARK REGULATIONS

40-4-14 REGULATIONS.

(A) In any district in which mobile home parks are permitted, the following regulations and minimum standards shall apply:

1. The minimum area of any tract used for a mobile home park shall be two hundred thousand (200,000) square feet.

2. An entrance shall be provided for the mobile home park with the width of sixty-five (65) feet tapered to the mobile home park street with an arc on each side made by striking an arc on each side with a radius of thirty-two and one-half (32 1/2) feet from a center point at the intersection of two (2) thirty-two and one-half (32 1/2) foot lines drawn perpendicular to the curb line of the street from which access is made and perpendicular to the curb line of the mobile home park street.

3. The minimum width of the tract containing mobile home stands and buildings open to the occupants shall be one hundred fifty (150) feet.

4. The tract shall comprise a single plot except where the site is divided by public streets or alleys, or where the total property includes separate parcels for necessary utility plants with permanent rights-of-way and easements for connection and access or for other structures necessary to the park, but not open generally to the occupants.

(B) The minimum number of spaces completed and ready for occupancy before first occupancy is permitted shall be five (5) spaces.

(C) Length of Residential Occupancy. No space shall be rented for residential use of a mobile home in any such park except for periods of thirty (30) days or more and no mobile home shall be admitted to the park unless it has facilities for connection to the sanitary sewer service of the City and the water supply of the City.

(D) Convenience establishments of a commercial nature including, stores, coin-operated laundry and dry cleaning establishments and laundry and dry cleaning agencies, and beauty shops and barber shops, may be permitted in mobile home parks subject to the following restrictions: such establishments and the parking areas primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park, and shall present no visible evidence of their commercial character from any portion of any residential district outside the park. The owner/s or operator/s of a mobile home park may maintain, within the confines of the park, an office facility for the purpose of selling and/or purchasing of mobile homes to be used exclusively within the subject mobile home park. Sales or purchases of mobile homes to be used or moved outside of the mobile home park are prohibited unless such sale or purchase is for the sole purpose of immediate removal and demolition of said mobile home. (Ord. No. 17-7; 03-27-17)

(E) The minimum lot area shall be four thousand (4,000) square feet for each mobile home and off-street parking shall be provided on the premises or adjacent premises for two (2) cars for each lot.
DIVISION III - PLANNED UNIT DEVELOPMENT

40-4-17 PURPOSE. In any district, in order to permit planned diversification in the location of structures of the same general use and to improve circulation and other site qualities, while insuring adequate standards, one (1) or more structures may be erected and maintained on the same lot, or several lots regardless of size in the same ownership may be combined into one special plan covering a planned building group, provided that the tract of land to be included is at least forty thousand (4,000) square feet in area, or is bounded on all sides by streets or public open spaces.

40-4-18 APPLICATION REQUIREMENTS. All applications for approval of a special plan hereunder shall be filed with the Planning Commission by the owner or owners of the entire land area to be included within the special plan and shall contain such information and representations required by this Code or deemed necessary by the Planning Commission and the City Council, and shall include plats and plans showing at least the following details, where applicable, drawn to scale:

(A) the area which will be included within the special plan and a description thereof.
(B) all public and private rights-of-way and easements bounding and intersecting the planned area which are proposed to be continued, created, relocated or abandoned.
(C) the location of each existing and each proposed structure in the area and approximate location of entrances and loading points thereof.
(D) all curb cuts, driving lands, parking areas, loading areas, public transportation points, street signs and illumination facilities for the same.
(E) all pedestrian walks, malls and open areas.

40-4-19 HEARING. The Planning Commission shall fix a time for a public hearing on the special plan and give notice of the hearing in the manner and for the length of time prescribed by Article V. At the hearing any interested person or party may appear and be heard either in person or by his agent or attorney. The Planning Commission shall hear evidence and arguments upon each of the following questions:

(A) Will neighboring property be adversely affected by the development of the tract under the plan?
(B) Is there anything in the plan which is inconsistent with the intent and purpose of this Code to promote the public health, safety, morals, and general welfare?
(C) Under the proposed plan, can the tract or any portion of it be used for any purpose other than those permitted in the R-1, R-2 or R-3 districts, provided that the special plan is for a residential development?
(D) Under the proposed plan, can the tract or any portion of it be used for any purpose other than those permitted in the B-1 or B-2 districts, provided that the special plan is for a commercial development?
(E) Under the proposed plan, can the tract or any portion of it be used for any other purpose than those permitted in the I district, provided that the special plan is for an industrial development?
(F) Is the land coverage by buildings, exclusive of streets, under the plan, greater than fifty percent (50%) for a business or industrial development?
(G) Does the plan omit any necessary street or street right-of-way?

40-4-20  ADDITIONAL PROVISIONS. All special plans submitted hereunder shall also make due provision for:
(A) adequate design of grades, paving, gutters, and drainage to handle storm waters, prevent erosion and formation of dust.
(B) adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking, loading areas and illumination.
(C) open space at external boundaries which will be landscaped and maintained at least equal to that which is required on abutting property.
(D) in residential groups, an adequate and safe location of play areas for children, and other recreational areas shall be provided.
(E) in business and industrial groups near or abutting residential districts, screening to reduce the visual encroachments on residential privacy.
(F) the placement of residential, business and industrial groups in such a manner so as to produce a compatible arrangement.
(G) accessibility for emergency vehicles.
(H) in buildings containing dwelling units, walls containing main window exposure or main entrance shall be so oriented as to insure adequate light and air.
(I) street improvements and street right-of-way dedications shall be made in conformance with any applicable Subdivision Code.

40-4-21  PROCEDURE.
(A) Within thirty (30) days after the hearing, the Planning Commission shall submit its finding and recommendation to the City Council.
(B) If the Planning Commission finds from evidence produced at the hearing that the answer to each of the foregoing applicable questions, under Section 40-4-19 is in the negative, and further, that in its judgment due consideration had been given to the remaining points under Section 40-4-20, it shall recommend the approval of the plans.
(C) If it finds that the answer to one (1) or more of the applicable questions, under Section 40-4-19, is in the affirmative, and, further, that, in its judgment, due consideration had not been given to the remaining points, under Section 40-4-20, it shall recommend that the plan be disapproved. The Planning Commission report shall include a specific finding of fact on each of the foregoing applicable questions.
40-4-22  **APPROVAL OF PLAN.** If the Council, after receiving the report of the Commission, approves the plan, then it may amend this Code and waive regulations in conflict with the plan as to the tract so proposed to be developed.

40-4-23  **UNIFORMITY REQUIRED.** All special plans approved by the City Council shall limit and control the issuance and validity of building and zoning construction permits and occupancy or use permits and shall restrict and limit construction, location, use and operation of all land conditions and limitations set forth in such plans; all regulations shall, however, be uniform for each class or kind of building throughout each district, provided that upon application for approval to the Planning Commission, based only upon a showing of engineering necessity thereof, minor changes in the location of structures may be permitted if such minor changes will not cause any of the following:

(A) a change in character of the development;
(B) an increase in the coverage of structures;
(C) an increase in the intensity of use;
(D) an increase in the problems of traffic circulation and public utilities;
(E) a reduction in approved open space;
(F) a reduction of off-street parking and loading space.

40-4-24  **DEDICATIONS AND CERTIFICATIONS.** Prior to the issuance of a building permit by the Zoning Administrator, all required street dedications shall have been made and certification of same shall be made to the Zoning Administrator.

40-4-25  **AMENDMENT AND WITHDRAWAL OF PLANS.** Pursuant to the same procedure and subject to the same limitations and requirements by which plans were approved, all plans for a planned development unit may be amended or withdrawn.

40-4-26 - 40-4-29  **RESERVED.**
DIVISION IV - SIGN REGULATIONS

40-4-30 PURPOSE. This Section is intended to promote the public safety and welfare by controlling the number of signs in the community, and by insuring adequate spacing of such signs so that confusion is reduced and so that businesses, organizations, and others can more effectively communicate with the public. It is further intended to promote the public safety and welfare by regulating the size, height, location and general characteristics of signs, to protect and enhance the physical appearance of the community and the scenic value of the surrounding area, and by regulating signs located near to or visible from public property such as streets, highways, parks, schools, and hospitals where such signs could jeopardize the public’s investment in these facilities.

40-4-31 DEFINITIONS. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used in this Article.

(A) Sign. Any device that is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the following objectives:
   (1) to attract the attention of such persons or,
   (2) to communicate information to them.

(B) Billboard. An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

(C) Effective Date of this Section. The effective date of this Section as originally adopted, or the effective date of an amendment to it if the amendment makes a sign nonconforming.

(D) Freestanding Sign. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of, or attached to, a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign”, is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

(E) Internally Illuminated Signs. Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that:
   (1) are filled with neon or some other gas that glows when an electric current passes through it an
   (2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.
(F) **Off-Premises Sign.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located.

(G) **On-Premises Sign.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

(H) **Temporary Sign.** A sign that:

1. is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or

2. is intended to remain on the location where it is erected or placed for a period of not more than **thirty (30) days**. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

**40-4-32 GENERAL PROHIBITION.** Any sign not expressly permitted by this Code is prohibited in the City. In addition, the following prohibitions shall apply to all signs, including those exempted from the permit requirement:

(A) no sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(B) no sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(C) freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

(D) no sign or supporting structure may be located in or over the traveled portion of any public right of way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the City.

(E) no sign may be affixed to public property, including but not limited to: utility poles, street lights, traffic signs, and public buildings without the express authorization of the City.

**40-4-33 PERMIT REQUIRED FOR SIGNS.**

(A) Signs not approved or exempted may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Administrator.
(1) Sign permit applications and sign permits shall be governed by the same provisions of this Code applicable to zoning permits.

(2) If plans submitted for a zoning permit or special use permit include sign plans in sufficient detail that the permit issuing authority can determine whether the proposed sign or signs comply with the provisions of this Code, then issuance of the requested zoning or special use permit shall constitute approval of the proposed sign or signs.

(3) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign.

(B) The following operations shall not be considered as creating a sign, and shall not require a sign permit:

(1) The changing of the advertising copy or message on an approved painted or printed sign, or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.

(2) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or sign structure.

40-4-34 Determining the Number of Signs. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

40-4-35 Computation of Sign Area.

(A) The area of a sign shall be computed as follows:

(1) **Flat Sign.** The area of the smallest convex geometric figure encompassing the sign.

(2) **Volumetric Sign.** The area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.
(B) **Measurement of Freestanding Sign Height.** Freestanding signs shall be measured from the point where the sign is placed in the ground to the uppermost extremity of the sign.

(C) **Measurement of Business Frontage.** Business frontage is the lineal footage of a lot, facing the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage.

40-4-36 **GENERAL SIGN PROVISIONS FOR SIGNS ALLOWED IN SPECIFIC DISTRICTS WITH A PERMIT.** The following tables list the requirements for specific types of signs in particular districts.

<table>
<thead>
<tr>
<th>Table 1: On-Premise Freestanding Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Districts Permitted</td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>B-1</td>
</tr>
<tr>
<td>B-2</td>
</tr>
<tr>
<td>I-1 and I-2</td>
</tr>
</tbody>
</table>
### Table 2: On-Premise Wall Signs and Wall Mounted Signs

<table>
<thead>
<tr>
<th>Districts Permitted</th>
<th>Maximum Number Permitted</th>
<th>Maximum Area of Sign</th>
<th>Maximum Height of Sign</th>
<th>Location of Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>No limit</td>
<td>40% of wall area</td>
<td>N/A</td>
<td>Signs shall not extend beyond the top or ends of the wall surface on which they are placed.</td>
</tr>
<tr>
<td>B-2</td>
<td></td>
<td>40% of wall area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I-1 and I-2</td>
<td></td>
<td>50% of wall area</td>
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<td></td>
</tr>
</tbody>
</table>

### Table 3: On-Premise Roof Signs

<table>
<thead>
<tr>
<th>Districts Permitted</th>
<th>Maximum Number Permitted</th>
<th>Maximum Area of Sign</th>
<th>Maximum Height of Sign</th>
<th>Location of Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>One per premise, except no on-premises roof sign permitted if an on-premise freestanding sign exists on the same premise.</td>
<td>75 square feet</td>
<td>9 feet as measured from that part of the roof immediately below sign, but in no case shall the height exceed maximum height authorized in zoning district.</td>
<td>Sign must be located wholly within the roof area of structure.</td>
</tr>
<tr>
<td>B-2</td>
<td></td>
<td>50 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I-1 and I-2</td>
<td></td>
<td>100 square feet</td>
<td>11 feet as measured from the part of roof immediately below sign, but in no case shall height exceed maximum height authorized in zoning district.</td>
<td></td>
</tr>
</tbody>
</table>
### Table 4: On-Premise Projecting Signs

<table>
<thead>
<tr>
<th>Districts Permitted</th>
<th>Maximum Number Permitted</th>
<th>Maximum Area of Sign</th>
<th>Maximum Height of Sign</th>
<th>Location of Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>One per business frontage, except that no on-premise projecting sign is permitted if more than one on-premises freestanding or roof sign exists on the same frontage.</td>
<td>32 square feet</td>
<td>9 foot minimum clearance above ground. No sign shall extend above that portion of the roof immediately adjacent to the sign. No sign shall project more than 5 feet from the fact of the building to which it is attached.</td>
<td>Not to extend over any public right of way, except that if a business in the B-2 district is within a building whose face is less than 5 feet from the property line, the projecting sign may extend up to 5 feet over the public right of way.</td>
</tr>
<tr>
<td>B-2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 5: Off-Premises Freestanding Signs

<table>
<thead>
<tr>
<th>Districts Permitted</th>
<th>Maximum Number Permitted</th>
<th>Maximum Area of Sign</th>
<th>Maximum Height of Sign</th>
<th>Location of Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1*</td>
<td>One per premise, except none permitted if the business or industry already has their own freestanding sign on premise.</td>
<td>32 square feet (Sign can be shared by more than one business)</td>
<td>20 feet</td>
<td>Signs shall conform to the setback requirements for structures in the applicable district. No signs can interfere with the line of sight for traffic</td>
</tr>
<tr>
<td>B-2*</td>
<td></td>
<td>32 square feet (Sign can be shared by more than one business)</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>I-1 and I-2 *</td>
<td></td>
<td>32 square feet (Sign can be shared by more than one business)</td>
<td>20 feet</td>
<td></td>
</tr>
</tbody>
</table>
For the purposes of this Section, the property where the purposed sign is to be located must currently be used as Business or Industrial. If the lot is vacant, previous use of lot applies. It is the intent of this Section to not allow signs on property used as residential.

It is the intent of the City to limit the number of freestanding off-premise signs in the City, while trying to allow every business to have access to a sign. No business can have more than one off-premise sign in the City.

40-4-37 PERMIT EXEMPTIONS AND REGULATIONS FOR SPECIAL SIGNS NOT PROVIDED FOR IN SECTION 40-4-36.

(A) The signs described in this Section are in addition to the signs permitted in the respective use districts, but do not require a permit and are subject to the conditions and limitations set forth in this Section as well as the general prohibitions on all signs:

(1) signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as:
   (a) signs giving property identification names or numbers or names of occupants,
   (b) signs on mailboxes or newspaper tubes, and
   (c) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals;

(2) signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs;

(3) official signs of a noncommercial nature erected by public utilities;

(4) flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device;

(5) integral decorative or architectural features or works do not contain letters, trademarks, moving parts, or lights;

(6) signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter;

(7) church bulletin boards, church identification signs, and church directional signs that do not exceed one (1) per abutting street;

(8) signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs;

(9) signs proclaiming religious, political, or other noncommercial messages that do not exceed one (1) per abutting street and sixteen (16) square feet in area and that are not internally illuminated.

(B) Temporary Signs. The following temporary signs do not require a permit:

(1) signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed six (6) square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than five (5) acres, a single sign on each street frontage may be erected. For lots of five (5) acres or more in area
and having a street frontage in excess of **four hundred (400) feet**, a second sign not exceeding **four (4) square feet** in area may be erected:

(2) **Construction Site Identification Signs.** Not more than **one (1)** such sign may be erected per site, and it may not exceed **thirty-two (32) square feet** in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within **ten (10) days** after the issuance of the final occupancy permit;

(3) **Signs Erected in Connection with Elections or Political Campaigns.** Such signs shall not be erected until **forty-five (45) days** before the election and shall be removed within **three (3) days** following the election or conclusion of the campaign. Signs for political rallies, fund raisers, etc. may be erected **two (2) days** prior to the event and must be removed the following day. No sign may exceed **thirty-two (32) square feet** in surface area;

(4) signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place. Such signs may be erected not sooner than **thirty (30) days** before the event and must be removed not later than **three (3) days** after the event;

(5) temporary signs not covered in the foregoing categories do not need a permit, so long as such signs meet the following restrictions:
   (a) not more than **one (1)** such sign may be located on any lot.
   (b) no such sign may exceed **four (4) square feet** in area.
   (c) such signs may not be displayed for longer than **three (3) consecutive days** nor more than **ten (10) days** out of any three hundred sixty-five (365) day period;

(6) other temporary signs not listed in **Section 40-4-37(B)** shall be regarded and treated in all respects as permanent signs, except that temporary signs shall not be included in calculating the total amount of permitted sign area.

**40-4-38**

**ILLUMINATED SIGNS AND SIGNS CONTAINING LIGHTS.**

(A) Unless otherwise prohibited by this Code, signs may be illuminated if such illumination is in accordance with this Section.

(B) No sign within **one hundred fifty (150) feet** of a residential zone may be illuminated between the hours of **Midnight** and **6:00 A.M.**, unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

(C) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right of way or residential premises.

(D) Except as herein provided, internally illuminated signs are not permissible in the R-1, R-2, and R-3 zoning districts.

(E) Except as to temporary signs erected in connection with the observance of holidays;

(1) illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited;

(2) no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions or public service messages.

**40-4-39**

**NONCONFORMING SIGNS.**

(A) Nonconforming signs that were otherwise lawful on the effective date of this Code
(B) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.

(C) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Code.

(D) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Code, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section, a nonconforming sign is “destroyed” if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds fifty percent (50%) of the value (tax value if listed for tax purposes) of the sign so damaged.

(E) The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under the circumstances where such a sign would not be allowed).

(F) Subject to the other provisions of this Section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any twelve (12) month period fifty percent (50%) of the value (tax value if listed for tax purposes) of such sign.

(G) If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

(H) If a nonconforming billboard remains blank for a continuous period of one hundred eight (180) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Code or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Section, a sign is “blank” if:

1. it advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
2. the advertising message it displays becomes illegible in whole or substantial part; or
3. the advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

40-4-40 MAINTENANCE OF SIGNS.

(A) All signs and all components thereof, including, but not limited to: supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be
constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

(B) If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within thirty (30) days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

(C) If the message portion of a sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This Section shall not be construed to alter the effect of this Article, which prohibits the replacement of a nonconforming sign. Nor shall this Section be construed to prevent the changing of the message of a sign.

(D) The area within ten (10) feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than five (5) inches in height.

40-4-41  UNLAWFUL CUTTING OF TREES OR SHRUBS. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

(A) within the right of way of any public street or road, unless the work is done pursuant to the express written authorization of the City;

(B) on property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located;

(C) in any area where such trees or shrubs are required to remain under a permit issued under this Code.

40-4-42  A-FRAME SIGNS. Notwithstanding any provision to the contrary in this Section A-Frame signs may be permitted in Zoning Districts B1, B2, I1, and I2 on public sidewalks, providing they comply with the following provisions:

(A) Application. An application for an A-Frame sign permit shall be submitted and include a plan reasonably depicting the location, size, text, appearance, and method of installation of the proposed sign to be located on the public sidewalk and such additional information as the City Clerk may reasonably require. The City Clerk may approve the application after determining the proposed sign plan will be reasonable, attractive, and promote pedestrian and retail vitality in Zoning Districts B1, B2, I1, and I2, and that there is adequate space remaining on the public sidewalk to facilitate safe circulation of pedestrian traffic. No material change to the approved plan shall be made without the prior written approval of the City Clerk. There shall be no charge to the applicant for said permit. Said permits shall be for a term of one (1) year, from June 1 to May 31, and must be renewed annually.

(B) Number of Signs. A maximum of one (1) A-Frame sign is permitted for each eligible business on any eligible block face. (Ord. No. 17-33; 11-27-17)

(C) Eligible Business. An eligible business shall include restaurants, bars, theatres, and retail oriented businesses including personal service providers. (Ord. No. 17-33; 11-27-17)
(D) **Size of Sign.** Signs may not exceed *forty-two (42) inches* in height and *twenty-four (24) inches* in width.

(E) **Illumination or Animation.** Illuminated or animated signs are prohibited.

(F) **Pedestrian Safety.** Pedestrian safety shall be preserved through the placement or securing of the sign so as to permit safe and adequate pedestrian throughway along the sidewalk, crossing of streets, entry, lighting from cars and buses, and access to curb ramps.

   (1) Signs must be properly weighted against the wind.

   (2) A minimum clear sidewalk width of *forty-eight (48) inches* shall be maintained.

   (3) Signs may not be placed within *twelve (12) inches* of the curb, which shall be defined as the edge of the street or the top most level edge of the steps.

   (4) Signs shall not be placed upon the sidewalk more than *thirty (30) minutes* prior to the beginning of each day’s operating hours and shall be removed immediately upon the close of business for the day.

(Ord. No. 17-33; 11-27-17)

(G) **Temporary Signs.** All signs, including installation materials placed on the public sidewalks, shall be temporary and readily removable without any damage to the surface of the sidewalk.

(H) **Compliance with Law.** All signs shall comply with all applicable City, State, and Federal laws and regulations, including the Americans With Disabilities Act. (Ord. No. 17-33; 11-27-17)

(I) **Requirements.** Signs shall comply with such additional reasonable terms and conditions as the City Clerk may require and include in the permit.

(J) **Zoning Administrator.** Copies of the granted permit shall be given to the Zoning Administrator.

(K) **Insurance.** A business owner shall be required to have a *One Million Dollar ($1,000,000)* liability policy providing coverage for any accident relating to the placement or maintenance of said signs and the City must be named as an additional insured. A copy of said policy shall be delivered to the City annually, at the time application for a permit is made. Failure to submit a certificate of insurance to the City shall be a violation of this Section and the business owner shall be required to remove said merchandise from public property.

(L) **Attachments.** No attachments are permitted on signs such as balloons, menus, and sale notices.

(M) **Penalty.** Violations of the provisions of this Section or failure to comply with any of its requirements shall be subject to the penalties and remedies for violations under the provisions of Article V Division I of the Zoning Code.

(Ord. No. 14-12; 06-23-14)

40-4-43 - 40-4-45 **RESERVED.**

**DIVISION V - FENCES**

40-4-46 **PURPOSE.** It shall be unlawful to erect or construct or cause to be erected or constructed any fence unless said fence shall meet the following requirements or specifications:

(A) fences located within the side and rear areas of a lot must be *seven (7) feet* in height or less;

(B) fences located within the front yard area of a lot must be *three (3) feet* in height or less unless said fence shall be of a see-through type of construction or design (such as chain-link or split rail);

(C) fences meeting the above requirements may be placed at or on a property line and shall not require the obtaining of a permit therefor.
ARTICLE V
ADMINISTRATIVE PROVISIONS
DIVISION I - ENFORCEMENT

40-5-1 COMPLAINTS REGARDING VIOLATIONS. Whenever the Zoning Administrator receives a written, signed complaint alleging a violation of this Code, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

40-5-2 PERSONS LIABLE. The owner of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

40-5-3 PROCEDURES UPON DISCOVERY OF VIOLATIONS.
(A) If the Zoning Administrator finds that any provision of this Code is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Zoning Administrator’s discretion.

(B) The final written notice (and the initial written notice may be the final notice) shall state what action the Zoning Administrator intends to take if the violation is not corrected and shall advise that the Zoning Administrator’s decision or order may be appealed to the Zoning Board of Appeals.

(C) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Code or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 40-5-4. Zoning Violation Notice form, See Appendix “T” in the appendix section of the City Code Book. (Ord. No. 04-11; 05-24-04)

40-5-4 PENALTIES AND REMEDIES FOR VIOLATIONS.
(A) Violations of the provisions of this Code or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variations or special use permits, shall constitute a misdemeanor, punishable by a fine of up to Fifty Dollars ($50.00), or a maximum thirty (30) days imprisonment, or both.

(B) Any act constituting a violation of the provisions of this Code or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variations or special use permits, shall also subject the offender to a civil penalty of Twenty-Five Dollars ($25.00). If the offender fails to pay this
penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of debt. A civil penalty may not be appealed to the Zoning Board of Appeals if the offender was sent a final notice of violation in accordance with Section 40-5-3 and did not take an appeal to the Zoning Board of Appeals within the prescribed time as described in Section 40-5-48.

(C) This Code may also be enforced by any appropriate equitable action.

(D) Each day that any violation continues after notification by the Zoning Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section.

(E) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Code.

40-5-5 PERMIT REVOCATION.

(A) A zoning, sign, or special use permit may be revoked by the Zoning Administrator (in accordance with the provisions of this Section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Code, or any additional requirements lawfully imposed by the Zoning Board of Appeals.

(B) Before a special use permit may be revoked, all of the notice and hearing and other requirements of this Article shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

(1) The burden of presenting evidence sufficient to authorize the permit issuing authority to conclude that a permit should be revoked for any of the reasons which allow the revocation of the permit shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

(2) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

(C) Before a zoning or sign permit may be revoked, the Zoning Administrator shall give the permit recipient ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.

(D) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, or special use permit after such permit has been revoked in accordance with this Section.

40-5-6 JUDICIAL REVIEW.

(A) Every final decision of the Zoning Board of Appeals shall be subject to review by the Circuit Court of Moultrie County by proceedings in the nature of certiorari.

(B) The petition for the writ of certiorari must be filed with the Moultrie County Clerk of Court within thirty (30) days after the later of the following occurrences:
(1) A written copy of the Board’s decision has been filed in the office of the Zoning Administrator, and
(2) A written copy of the Board’s decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.
(3) A copy of the writ of certiorari shall be served upon the City.

40-5-7 - 40-5-9  RESERVED.
DIVISION II - PERMITS

40-5-10 PERMITS REQUIRED.
(A) Subject to Article IV, Division IV (Sign Requirements), the use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one (1) or more of the following permits:

1. A zoning permit issued by the Zoning Administrator.
2. A special use permit issued by the Zoning Board of Appeals.

(B) Issuance of a special use or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this code and all additional requirements imposed pursuant to the issuance of a special use permit (if applicable) have been complied with.

40-5-11 ZONING PERMITS.
(A) The Zoning Administrator shall issue a zoning permit unless he finds, after reviewing the application and consulting with the applicant:

1. the requested permit is not within his or her jurisdiction according to the Table of Permissible Uses or;
2. the application is incomplete or;
3. if completed as proposed in the application, the development will not comply with one or more requirements of this Code.

(B) In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning permit recipient to comply with all of the requirements of this Code prior to commencing the intended use of the property or occupying any buildings, the Zoning Administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this Code are concerned) if the permit recipient provides a performance bond or other security satisfactory to the Zoning Administrator to ensure that all of the requirements of this Code will be fulfilled within a reasonable period (not to exceed twelve (12) months) as determined by the Zoning Administrator.

(C) An application for a zoning permit shall be made by the owner of the building or the land, or by his or her agent, and shall state the precise purpose or purposes for which the building or land will be used.

(D) No zoning permit shall be issued unless the use or uses set forth in the application are conforming uses and the applicant demonstrates to the satisfaction of the Zoning Administrator that the applicable parking and sign regulations of this Code for that use are fully met.
The permit shall state upon its face the precise purpose or purposes for which the building or land shall be used. Any transfer of ownership of the building or land shall automatically effect a transfer of the zoning permit.

No building or land shall be used for any use other than that specified in the permit.

**40-5-12 NONCONFORMING USES.**

(A) The application for the permit, and the permit if issued, shall state the precise purpose or purposes for which the building or land was occupied or used on such date, and in the case of buildings other than dwellings, shall state the date that the building was constructed or the date of its last substantial conversion, enlargement or structural alteration.

(B) No change shall be made in a nonconforming use unless:

   (1) Such change is permitted under the provisions of Division III of this Article.
   
   (2) The parking, zoning and sign regulations applicable to the changed use are fully met, and
   
   (3) A new permit authorizing such change has been issued by the Zoning Administrator.

**40-5-13 APPLICATION FORM.** An application for a permit shall be submitted in such form as the Zoning Administrator may prescribe.

**40-5-14 THOSE AUTHORIZED TO MAKE APPLICATION.**

(A) The application 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 in fee, it shall be accompanied by an affidavit of the owner in fee, authorizing the application.

**40-5-15 AMENDMENTS TO APPLICATION.**

(A) Nothing in this Code 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 new permit secured.

**40-5-16 REPAIRS.** Repairs may be made without filing an application or obtaining a permit subject to the provisions in this Code concerning nonconformities.
40-5-17  REDUCING OR DIMINISHING LOT AREA.  It shall be unlawful to reduce or diminish the area of a lot or plot on which a plot plan has been filed and has been used as the basis for a permit, unless a revised plot plan showing the proposed changes in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

40-5-18  RECORD OF APPLICATIONS AND PERMITS.
(A)  The Zoning Administrator shall keep a record of each permit issued by him and shall carefully preserve the original of the following: each application for a zoning, special use, and sign permit, and amendments thereto.
(B)  The records and files of the Zoning Administrator shall be open to inspection by any person at all reasonable times.

40-5-19  SIGNATURE TO PERMIT.  Every permit issued by the Zoning Administrator under the above provisions shall have his or her signature affixed thereto.

40-5-20  EXPIRATION OF PERMIT.  A permit under which no work is commenced within six (6) months after issuance shall expire by limitation and a new permit shall be secured before work is started.

40-5-21  POSTING OF PERMIT.  A copy of the permit shall be kept on the premises for public inspection until the completion of the work.  The Zoning Administrator shall require a certified copy of the approved plans to be kept on the premises at all times until the completion of the work.

40-5-22  FEES.  The fee for filing an application for a zoning permit or any amendment thereto shall be set from time to time by the City Council and payable to the City at the time of filing of the application for a zoning permit.

40-5-23 - 40-5-25  RESERVED.
DIVISION III - NONCONFORMITIES

40-5-26 DEFINITIONS. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used in this Article.

(A) Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

(B) Effective Date of this Code. Whenever any of the provisions of this Section refers to the effective date of this Code, the reference shall be deemed to include the effective date of any amendments to this Code if the amendment, rather than this Code as originally adopted, creates a nonconforming situation.

(C) Expenditure. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

(D) Nonconforming Lot. A lot existing at the effective date of this Code (and not created for the purposes of evading the restrictions of this Code) that does not meet the minimum area requirement of the district in which the lot is located.

(E) Nonconforming Project. Any structure, development, or undertaking that is incomplete at the effective date of this Code and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

(F) Nonconforming Sign. A sign that, on the effective date of this Code does not conform to one (1) or more of the regulations set forth in this Code.

(G) Nonconforming Use. A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use). The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use).

(H) Nonconforming Situation. A situation that occurs when, on the effective date of this Code, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and yard requirements) is not in conformity with this Code, or because land or buildings are used for purposes made unlawful by this Code. Nonconforming signs shall not be regarded as nonconforming situations for purposes of this Article but shall be governed by the provisions of Article IV.
40-5-27 CONTINUATION OF CERTAIN USES.
(A) Nonconforming uses under the previous Zoning Code which would be permitted as special uses under this amendment shall be regarded as special uses.
(B) Uses authorized as special or conditional uses by action of the City Council prior to this amendment shall be regarded as special uses.

40-5-28 CONTINUATION OF NONCONFORMING SITUATIONS AND COMPLETION OF NONCONFORMING PROJECTS. Unless otherwise specifically provided for or regulated in this Article, nonconforming situations that were otherwise existing on the effective date of this Code may be continued.

40-5-29 UNDEVELOPED NONCONFORMING LOTS.
(A) Definition. A lot is undeveloped if it has no substantial structures upon it.
(B) When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum set forth in Article II, then the lot may be used as proposed just as if it were conforming.
(C) When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable yard requirements cannot reasonably be complied with, then the Zoning Board of Appeals may allow deviations from the applicable setback requirements if it finds that:
   (1) the property cannot reasonably be developed for the use proposed without such deviations;
   (2) these deviations are necessitated by the size or shape of the nonconforming lot and;
   (3) the property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.
(D) For purposes of the foregoing subsection, compliance with applicable yard requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be construed and located on the lot in conformity with such yard requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
(E) Subject to the following sentence, if, on the date this Section becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one (1) or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his or her successors in interest may take advantage of the provisions of this Section. This Section shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this Section is to require nonconforming
lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

**40-5-30 EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS.**

(A) Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situations. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

1. an increase in the total amount of space devoted to a nonconforming use or;
2. greater nonconformity with respect to dimensional restrictions such as yard requirements, or height limitations or other requirements such as parking requirements.

(B) Unless specifically authorized by this Code, a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if ten percent (10%) or more of the earth products had already been removed on the effective date of this Code.

(C) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other portions of this Section occur.

(D) Any structure used only for residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as yard and parking requirements. The allowance in this paragraph is subject to the limitations stated in this Article concerning abandonment and discontinuance of nonconforming situations.

(E) Multiple structure lots:

1. Whenever there exists a lot with one (1) or more structures on it, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the parking or loading requirements of Article IV that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation.
However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with the parking requirements of this Code if:

(a) parking requirements cannot be satisfied on the lot with respect to which the permit is required and;

(b) such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the zoning or special use permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

40-5-31 REPAIR, MAINTENANCE AND RECONSTRUCTION.

(A) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than twenty-five percent (25%) of the appraised valuation of the structure to be renovated may be done only in accordance with a zoning permit issued pursuant to this Section.

(B) If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed seventy-five percent (75%) of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this Section. This Section does not apply to structures used only for residential purposes, which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced.

(C) Specific definitions for purposes of Section 40-5-31(A) and 40-5-31(B):

(1) The “cost” of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

(2) The “cost” of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of this Section by doing such work incrementally.

(3) The “appraised valuation” shall mean either three (3) times the assessed valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.

(D) The Zoning Administrator shall issue a permit authorized by this Section if he finds that, in completing the renovation, repair or replacement work:

(1) no impermissible violation of this Code will occur and;
(2) the permittee will comply to the extent reasonably possible with all provisions of this Code applicable to the existing use (except that the permittee shall not lose his or her right to continue a nonconforming use).

(E) Compliance with a requirement of this Code is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

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40-5-32 Change to Use of Property Where a Nonconforming Situation Exists.

(A) A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning or special use permit, may not be made except in accordance with the provisions of this Section. However, this requirement shall not apply if only a sign permit is needed.

(B) If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Code applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this Code is achieved, the property may not revert to its nonconforming status.

(C) If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this Code applicable to that use cannot reasonably be complied with, then the change is permissible if the Zoning Administrator issues a permit authorizing the change. This permit may be issued if the Zoning Administrator finds, in addition to any other findings that may be required by this Code, that all of the applicable requirements of this Code that can reasonably be complied with. Compliance with a requirement of this Code is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this Section to construct a building or add to an existing building if additional nonconformities would thereby be created.

(D) If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the Zoning Administrator issues a permit authorizing the change. The Zoning Administrator shall issue the permit if he finds, in addition to other findings that may be required by this Code, that:

(1) the use requested is one that is permissible in some zoning district with either a zoning or special use permit, and

(2) all of the conditions applicable to the permit authorized in Section 40-5-32 are satisfied, and
(3) the proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

40-5-33 ABANDONMENT AND DISCONTINUANCE OF NONCONFORMING SITUATIONS.

(A) When a nonconforming use is discontinued for a consecutive period of one hundred eighty (180) days, or discontinued for a period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes.

(B) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of one hundred eighty (180) days, or discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the Zoning Administrator issues a permit to allow the property to be used for this purpose without correcting the nonconforming situation. This permit may be issued if the Zoning Administrator finds that elimination of a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.

(C) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this Section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

(D) When a structure or operation made nonconforming by this Code is vacant or discontinued at the effective date of this Code, the one hundred eighty (180) day period for purposes of this Section begins to run on the effective date of this Code.

40-5-34 COMPLETION OF NONCONFORMING PROJECTS.

(A) All nonconforming projects on which construction was begun at least one hundred eighty (180) days before the effective date of this Code as well as all nonconforming projects that are at least ten percent (10%) completed in terms of the total expected cost of the project on the effective date of this Code may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this Section shall apply only to the particular phase under construction.
(B) Except as provided in the previous section, all work on any nonconforming project shall cease on the effective date of this Code, and all permits previously issued for work on nonconforming projects may begin or any be continued only pursuant to a zoning, special use or sign permit issued in accordance with this Section by the individual or Board authorized by this Code to issue permits for the type of development proposed.

The Zoning Administrator shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his or her position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this Code and thereby would be unreasonably prejudiced if not allowed to complete his or her project as proposed. In considering whether these findings may be made, the permit issuing authority shall be guided by the following, as well as other relevant considerations:

1. All expenditures made to obtain or pursuant to a validly issued and unrevoked zoning, sign or special use permit shall be considered as evidence of reasonable reliance on the land use law that existed before this Code became effective.

2. Except as provided in the previous section, no expenditures made more than one hundred eighty (180) days before the effective date of this Code may be considered as evidence of reasonable reliance on the land-use law that existed before this Code became effective. An expenditure is made at the time a party incurs a bonding obligation to make that expenditure.

3. To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.

4. To the extent that a nonconforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.

5. An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of:
   (a) the total estimated cost of the proposed project and;
   (b) the ordinary business practices of the developer.

6. A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.

7. Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the Zoning Administrator may still find that he acted in good faith if he did not
proceed with his or her plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The permit issuing authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that:

(a) at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development and;

(b) the developer had legitimate business reasons for making expenditures.

(C) When it appears from the developer’s plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under Section 40-5-34(B). In addition to the matters and subject to the guidelines set forth in these previous subdivisions, the Zoning Administrator shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:

(1) whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.

(2) whether any improvements, such as streets or utilities, have been installed in phases not yet completed.

(3) whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.

(D) The Zoning Administrator shall not consider any application for the permit authorized by Section 40-5-34(B) that is submitted more than sixty (60) days after the effective date of this Code. The Zoning Administrator may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one (1) year.

(E) The Zoning Administrator shall send copies of this Section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties in regard to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by certified mail not less than fifteen (15) days before the effective date of this Code.

(F) The Zoning Administrator shall establish expedited procedures for hearing applications for permits under this Section. These applications shall be heard, whenever possible, before the effective date of this Code, so that construction work is not needlessly interrupted.

40-5-35 - 40-5-40 RESERVED.
DIVISION IV - ZONING BOARD OF APPEALS

40-5-41 ZONING BOARD OF APPEALS; MEMBERS AND TERMS OF OFFICE.

(A) There shall be a Zoning Board of Appeals which will consist of seven (7) members who shall be appointed by the Mayor and confirmed by the Council.

(B) The original members of the Board shall serve for the following terms: One (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; one (1) for five (5) years; one (1) for six (6) years; and one (1) for seven (7) years.

(C) Upon the expiration of the term of an original member of the Board his or her successor shall serve for a term of five (5) years.

40-5-42 REMOVAL AND VACANCIES.

(A) The Mayor shall have the power to remove any member of the Board from office for cause and after a public hearing.

(B) Vacancies on the Board shall be filled for the unexpired term of the member whose place has become vacant.

40-5-43 CHAIR AND SECRETARY.

(A) The Mayor, with the consent of the Council, shall designate one of the members of the Board as the Chair.

(B) The Chair shall hold that office until his or her successor is appointed or until the expiration of his or her term as a member of the Board. The Chair, or in his or her absence the acting Chair, may administer oaths and compel the attendance of witnesses.

(C) The Board shall select one of their number as Secretary who shall keep the minutes of the meetings of the Board and keep its records and files. The Board may select or appoint such other officers as it deems necessary.

40-5-44 MEETINGS. All meetings of the Board shall be held at the call of the Chair, or at such other times as the Board may determine. All meetings of the Board shall be held in some public place designated by the board and shall be open to the public. At any meeting of the Board or at any hearing held by the Board any interested person may appear and be heard either in person or by his or her agent or attorney.

40-5-45 OFFICE, MINUTES AND RECORDS.

(A) The Board shall maintain its office and keep its minutes, files and records in the office of the City Clerk.
(B) The minutes of the proceedings of the Board shall show the vote of each member upon every question or indicate that the member was absent or failed to vote. Each rule, regulation, amendment, order, requirement, decision, or determination of the Board shall be signed by the Chair or acting Chair, attested by the Secretary, filed in the office of the Board and copied at length into the minutes.

(C) The minutes, files and records of the Board shall be open to inspection by the public at all reasonable times.

40-5-46 RULES. The Board may adopt such rules of procedure as are not in conflict with this Code or in conflict with the laws of the State of Illinois; provided, however, the concurring vote of four (4) members of the Board shall be necessary;

(A) to reverse any order, requirement, decision or determination of the Zoning Administrator;

(B) to decide in favor of the applicant in any matter upon which it is required to pass under this Code, or;

(C) to permit any variation in the application of the regulations imposed by this Code.

40-5-47 JURISDICTION. The Board shall have the power, and shall be charged with the duty, to hear and decide:

(A) appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Code;

(B) all matters specifically referred to it by the provisions of this Code;

(C) request for variations in the application of the regulations imposed by this Code, as set forth in Section 40-5-52.

40-5-48 PROCEDURE ON APPEALS.

(A) An appeal from any order, requirement, decision, or determination made by the Zoning Administrator may be taken to the Board by any person aggrieved by one (1) or more of the previously listed actions or by any officer, department, board or bureau of the City.

(B) The appeal shall be taken by filing a notice of appeal with the Zoning Administrator and with the Chair of the Board within thirty (30) days of the date of entry of such order, requirement, decision or determination.

(C) The notice of appeal shall describe the order, requirement, decision or determination appealed from and shall specify the grounds for the appeal.

(D) The Zoning Administrator shall, upon receipt of the notice of appeal, as soon as practicable transmit to the Secretary of the Board all the documents and files constituting the record upon which the action appealed from was taken.

(E) The Chair shall fix a reasonable time, not more than thirty (30) days in the future, for the hearing on the appeal and inform the Secretary of the time and place that the hearing will be held.
(F) The Secretary shall give due notice of the hearing in writing, to the appellant, to the Zoning Administrator, to the members of the Board and to any other person directly interested in the outcome of the appeal. It shall not be necessary to publish any notice of a hearing on an appeal. The Board shall decide the appeal within a reasonable time after the hearing.

(G) On an appeal the Board shall be limited to a determination of the propriety of the questioned action taken by the Zoning Administrator and it may reverse or affirm the action appealed from or modify the same and to that end the Board has all the powers of the Zoning Administrator under this Code.

(H) The Board shall not by its decision on an appeal permit a variation in the application of the regulations of this Code.

**40-5-49 STAY OF PROCEEDINGS.** 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 that by reason of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted;

(A) by the Board on application, after notice to the Zoning Administrator, and on due cause shown, or

(B) by order of a court of competent jurisdiction.

**40-5-50 PROCEDURE ON MATTERS REFERRED TO BOARD.**

(A) Any interested person may request the Board to hear and decide any matter specifically referred to it under this Code. Such request shall be in writing and shall be filed with the Chair of the Board. A copy of the request shall also be served upon the Zoning Administrator.

(B) The Chair shall fix a reasonable time, not more than thirty (30) days in the future, for the hearing on the request and inform the Secretary of the time and place that the hearing will be held. The Secretary shall give due notice of the hearing, in writing, to the person making the request, to the Zoning Administrator, to the members of the Board, and to any other person directly interested in the outcome thereof. It shall not be necessary to publish any notice of a hearing on such a request. The Board shall decide the matter within a reasonable time after the hearing.

**40-5-51 VARIATIONS WHICH MAY BE PERMITTED.**

(A) The Board may vary the application of the regulations imposed by this Code to permit:

(1) The reduction of the required parking area or number of parking spaces by not more than twenty-five percent (25%).
(2) A use in a B-1, B-2, I-1 or I-2 District, even though the proposed use is not specifically mentioned in the list of uses permitted in such districts, if the proposed use is:
   (a) comparable in general character to a permitted use,
   (b) is not specifically mentioned in the list of permitted uses in a less restricted district, and
   (c) is not offensive or obnoxious due to odor, dust, noise, gas, smoke or vibration.

(3) The reconstruction of a building occupied by a nonconforming dwelling or use if the building has been damaged by fire, explosion or Act of God and the cost of the reconstruction of the building will amount to more than fifty percent (50%) but less than seventy percent (70%) of the value of the building immediately prior to the occurrence.

(4) The construction of a building or structure in an R-1, R-2, R-3, B-1, or B-2 District by a public utility, if the building or structure is to serve the section of the City in which it is located, or such section and adjoining areas outside the City, as distinguished from the City at large.

(B) A request for a variation must be based upon practical difficulties and particular hardships in carrying out the strict letter of the regulations relating to the use, erection, or conversion, enlargement, or alteration of buildings or structures or to the use of land.

(C) Before granting any request for a variation, and as a condition precedent to the granting of such request the Board shall hear sworn evidence upon and determine:

   (1) that the property in question cannot be economically used or cannot yield a reasonable return, if permitted to be used only under the conditions allowed by the regulations,
   (2) that the plight of the owner is due to unique circumstances,
   (3) that the variance requested is not a hardship which is self-imposed, and
   (4) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

(D) Every decision or order of the Board granting a request for a variation shall include a finding of fact specifying the reason or reasons for granting the request including, specifically, a finding that the evidence adduced at the hearing sustains each of the conditions enumerated above.
40-5-52 PROCEDURE ON REQUEST FOR VARIATION.

(A) A request for a variation in the application of the regulations imposed by this Code shall be made in writing and shall be filed with the Chair of the Board and the Zoning Administrator. Each request shall be accompanied by a receipt showing the payment of the required fee.

(B) The Chair shall fix a reasonable time, not more than thirty (30) days in the future, for the hearing on the request and inform the Secretary of the time and place that the hearing will be held. The Secretary shall thereupon cause a notice of hearing to be published at least once, not more than thirty (30) days nor less than fifteen (15) days prior to the hearing, in a newspaper published in the City. The notice shall contain the time and place of the hearing and the particular location for which the variation is requested, as well as a brief statement as to the nature of the proposed variation. The Board shall act upon the request and either grant or deny the same, in whole or in part, within a reasonable time after the hearing.

40-5-53 PROCEDURE ON REQUEST FOR SPECIAL USE PERMIT.

(A) A request for a special use as provided for in this Code shall be made in writing and shall be filed with the Chair of the Board and the Zoning Administrator. Each request shall be accompanied by a receipt showing the payment of the required fee.

(B) Subject to the provisions in this Code relating to nonconformities, the Zoning Board of Appeals shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:

1. the requested permit is not within its jurisdiction according to the Table of Permissible Uses, or
2. the application is incomplete, or
3. if completed as proposed in the application, the development will not comply with one or more requirements of this Code.

(C) Even if the Zoning Board of Appeals finds that the application complies with all other provisions of this Code, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably that not:

1. will materially endanger the public health or safety, or
2. will substantially injure the value of adjoining or abutting property, or
3. will not be in harmony with the area in which it is to be located, or
4. will not be in general conformity with the land use plan.

(D) In granting a special use permit, the Zoning Board of Appeals may attach to the permit such reasonable requirements in addition to those specified in this Code as will ensure that the development in its proposed location:

1. will not endanger the public health or safety,
2. will not injure the value of adjoining or abutting property,
3. will be in harmony with the area in which it is located, and
4. will be in conformity with the land use plan.
(E) The Zoning Board of Appeals may not attach additional conditions that modify or alter the specific requirements set forth in this Code unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

40-5-54 REVIEW. No decision of the Board shall be subject to review, reversal, modification by the corporate authorities of the City, but shall be subject to judicial review pursuant to the provisions of the Illinois Administrative Review Act.

40-5-55 COSTS.
(A) The costs of proceedings before the Zoning Board of Appeals shall be charged to the person seeking the action of the Zoning Board of Appeals.
(B) The costs shall include but not be limited to, fees of members of the Board, reporter's fees and publication costs.

40-5-56 - 40-5-59 RESERVED.
DIVISION V - MISCELLANEOUS

40-5-60 AMENDMENTS.

(A) The regulations imposed and the districts created by this Code may be amended by ordinance but no such amendments shall be made without a public hearing before the Sullivan Planning Commission. Notice of the time and place of the hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper published in the City. The notice shall give the time and place of the hearing and contain a brief description of the proposed amendment.

(B) If the boundaries of a district are proposed to be changed then the notice shall also contain a description of the area for which the change is proposed.

(C) If, prior to the hearing, signed and acknowledged objections protesting the change of the regulations or districts are filed with the City Clerk by the owners of:

1. twenty percent (20%) or
2. the frontage immediately adjoining or across an alley therefrom, or
3. the frontage directly opposite the frontage proposed to be altered,

then the amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Council.

40-5-61 FEES. Fees for a change in a zoning, sign, or special use permit and requests for variations and petitions for amendments shall be established by the Council from time to time. Such fees shall be paid to the Zoning Administrator or the City Clerk who shall give a receipt therefor and account for the same to the Council.

40-5-62 PARTIAL INVALIDITY. The invalidity of any provision or section of this Code shall not affect the validity of the balance of this Code.

40-5-63 INTERPRETATION AND CONSTRUCTION OF CODE.

(A) It is not intended by the City Council that this Code is to repeal, abrogate, annul, impair or interfere with any other existing ordinance relating to the use of buildings or land, other than relevant portions of the 1967 Zoning Code. Neither is it intended by this ordinance to abrogate, annul, impair or interfere with any valid private covenants or restrictions on land.

(B) When this Code imposes greater restrictions upon the use of and/or buildings than those imposed by existing ordinance, or by private covenants or restrictions, then the provisions of this Code shall control.
40-5-64 **EFFECTIVE DATE.** This Code is declared to be urgent and necessary for the immediate preservation of the public peace, health and safety, and shall, therefore, take effect and be in full force ten (10) days after it is printed in pamphlet form as provided by law.
APPENDIX “A”

(SEE SECTION 40-2-5)

(A) **Light Industrial.** Within any Light Industrial District no building, structure, or premises shall be used, arranged or designed to be used, except for one (1) or more of the following uses:

1. Appliance repair.
2. Bakeries.
4. Building material storage yard, but only when such material is stored in a building or is screened against ground level view from any point within **five hundred (500) feet.**
5. Catering, express, hauling or storage yard and docks.
6. Catering.
7. Coal, coke or wood yard, but only where the material is stored in a building or screened as required in Item (4) of this Section.
8. Dyeing and cleaning establishments.
10. Farm equipment sales.
11. Agriculture, but not including the disposal or feeding of garbage.
13. Food lockers.
15. Industrial and manufacturing plants where the process or manufacturing or treatment of materials is such that:
   - No notice from the operations other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at the boundary line of any Residence District, and
   - No toxic matter, noxious smoke or gas, and no odor or particular matter detectable beyond the lot lines, and
   - No vibrations shall be detectable beyond the lines, and
   - No glare or heat shall be detectable beyond the lot lines, and
   - Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any Residence District or into public streets or parks,
   and where the operations are conducted in one (1) or more buildings and no more than **ten percent (10%)** of the lot or tract is used for the open storage of products, materials, or equipment, and screened to the extent of Item (4) in this Section.
16. Laundries.
17. Laundry and Cleaning pickup.
18. Lumber yard, but only where the material is stored in a building, or is screened as required in Item (4) of this Section.
(19) Mild distributing and/or mild processing plants, but not for the manufacturing of cheese.
(20) Offices.
(21) Outdoor advertising.
(22) Painting shop.
(23) Parking lot.
(24) Plumbing shop.
(25) Printing shop.
(26) Public garage.
(27) Restaurant.
(28) Storage warehouse.
(29) Tailor shop.
(30) Tinsmith.
(31) Tire repair.
(32) Wholesale warehouse or business.
(33) All permitted uses in Heavy Industrial by special-use permit.

(B) **Heavy Industrial.** Within any Heavy Industrial District, no building, structure or premises shall be used, arranged, or designed to be used, except for one (1) or more of the following uses:

1. Any use permitted in the Light Industrial District.
2. Where all operations are carried on in such a manner to eliminate or minimize gas fumes, odors, dust, smoke, noise, vibration, waste, materials, explosive and fire hazards, and other similar hazards or nuisances, the following uses are also permitted in the Heavy Industrial District:
   a. Alcohol manufacture.
   b. Ammonia, chlorine, bleaching powder manufacture.
   c. Asphalt manufacture or refining.
   d. Auto wrecking yard, if surrounded by a screen as required.
   e. Bag cleaning.
   f. Blast furnace.
   g. Boiler works.
   h. Breweries.
   i. Brick, tile or terra cotta manufacture.
   j. Cement, lime or gypsum or plaster of paris manufacture.
   k. Cheese manufacture.
   l. Coke ovens.
   m. Disinfectant manufacture.
   n. Distillation of bones, coal or wood.
   o. Distilleries.
   p. Dyestuff manufacture.
   q. Agriculture, but not including the disposal or feeding of garbage.
   r. Fertilizer manufacture.
   s. Food manufacturing plants.
(t) Forge plants and foundries.
(u) Garbage disposal, provided that the location and method of disposal shall be approved by the Zoning Enforcing Officer.
(v) Gas manufacture and storage.
(w) Iron, steel, brass, or copper foundry or fabrication.
(x) Junk, iron, or rag storage or baling.
(y) Oil cloth or linoleum manufacture.
(z) Oiled rubber goods manufacture.
(aa) Paint, oil, shellac, turpentine or varnish manufacture.
(bb) Paper or pulp manufacture.
(cc) Planing mills.
(dd) Railroad yards, shops and roundhouses.
(ee) Rock Crushers.
(ff) Rolling mills.
(gg) Rubber or gutta-percha manufacture or treatment.
(hh) Sewage treatment works.
(ii) Shoe polish manufacture.
(jj) Smelting of tin, copper, zinc or iron ores.
(kk) Tar distillation or waterproofing manufacture.
(ll) Any operation or process similar to those enumerated herein.
## APPENDIXES

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[Supplement No. 19; 03-01-13]
APPENDIX “A”

CITY OF SULLIVAN, ILLINOIS

APPLICATION FOR A RESIDENTIAL BUILDING PERMIT

I, the undersigned, hereby make application to □ erect □ enlarge □ repair __________________________ (type of construction – frame etc)

To be used for __________________________, located at __________________________

Estimated Cost $________________________ Proposed building will front on __________________________

Length _______ feet. Width _______ feet. Height _______ feet.

A SITE PLAN MUST ACCOMPANY THIS APPLICATION

Contractor __________________________ License # __________________________

Plumber __________________________ License # __________________________

Electrician __________________________ License # __________________________

Applicant Signature __________________________ Date __________________________

Easements Required: I, the property owner, shall give easements and right-of-ways where service lines are laid on my private property. An easement shall be granted providing for the installation and maintenance of the proposed service lines, to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same line, or to allow access for the purpose of construction, repair, maintenance, relocation or expansion of the electric, gas, water and sewer systems.

Property Owner Signature __________________________ Date __________________________

Min. distance to PROPERTY line at front _______ feet.
Min. distance to PROPERTY line at side _______ feet (if corner lot).
Min. distance to PROPERTY line on right side _______ feet (standing on street facing the lot).
Min. distance to PROPERTY line on left side _______ feet (standing on street facing the lot).
Min. distance to PROPERTY line at the rear _______ feet.

APPLICABLE INSPECTIONS $30.00 EACH

□ Structure □ Plumbing Rough-In

General Permit Fee $25.00 □ Foundation □ Plumbing Final

Inspection Fees $______ □ Footing □ Electrical Rough-In

Total Amount Due $______ □ Electrical Final

Zoning Department Signature __________________________ Date __________________________

Utility Clerk Signature __________________________ Date __________________________

Permit approved by Electric Distribution Foreman __________________________ Date __________________________

Permit approved by Gas Department Superintendent __________________________ Date __________________________

Permit approved by Sewer Distribution Foreman __________________________ Date __________________________

Permit approved by Street Department Superintendent __________________________ Date __________________________
## APPENDIX “B”
### CITY OF SULLIVAN, ILLINOIS
#### BUILDING INSPECTION REPORT

<table>
<thead>
<tr>
<th>Date of Permit Application</th>
<th>Permit #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner</td>
<td>Location</td>
</tr>
<tr>
<td>Type of Construction</td>
<td>To be used for</td>
</tr>
<tr>
<td>General Contractor</td>
<td>License #</td>
</tr>
<tr>
<td>Plumbing Contractor</td>
<td>License #</td>
</tr>
<tr>
<td>Electrician</td>
<td>License #</td>
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</table>

<table>
<thead>
<tr>
<th>Footing Inspection Date</th>
<th>Inspector Initials</th>
<th>Comments:</th>
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<table>
<thead>
<tr>
<th>Foundation Inspection Date</th>
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<th>Comments:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Structural Inspection Date</th>
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</table>

<table>
<thead>
<tr>
<th>Electrical Rough-In Inspection Date</th>
<th>Inspector Initials</th>
<th>Comments:</th>
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<table>
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<tr>
<th>Plumbing Rough-In Inspection Date</th>
<th>Inspector Initials</th>
<th>Comments:</th>
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</table>

<table>
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<tr>
<th>Electrical Final Inspection Date</th>
<th>Inspector Initials</th>
<th>Comments:</th>
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</table>

<table>
<thead>
<tr>
<th>Plumbing Final Inspection Date</th>
<th>Inspector Initials</th>
<th>Comments:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Inspector Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

The above inspection is required by the Code adopted by the City of Sullivan in Chapter 6, Article I, Section 6-1-3(A) (for Residential Real Estate) or Section 6-1-4(A) (for Commercial and Industrial Real Estate).
# APPENDIX “C”

## PERMIT

**FOOTING INSPECTION**

<table>
<thead>
<tr>
<th>No.</th>
<th>Project</th>
<th>Location</th>
<th>Owner</th>
<th>Address of Owner</th>
<th>Phone Number</th>
<th>Date Issued</th>
<th>Date Final Inspection</th>
<th>Fee $30.00 Paid</th>
<th>Date</th>
<th>Inspector</th>
</tr>
</thead>
</table>

The above inspection is required by the adoption of the Code for the City of Sullivan in Chapter 6, Article I, Section 6-1-3(A) (for Residential Real Estate) or Section 6-1-4(A) (for Commercial and Industrial Real Estate).

Attach a copy of Section 6-1-3(C) or 6-1-4(C) from City Code on permit procedure.
APPENDIX “D”

PERMIT

PLUMBING INSPECTION

No. ________________

Project ____________________________

Location ____________________________

Owner _______________________________

Address of Owner _________________________

Phone Number ___________________________

Date Issued _______________ Date Final Inspection _______________

Fee $30.00 Paid __________ Date ___________________________

Inspector _______________________________

Approved _______________________________
    Water and Sewer Superintendent

Inspection follows the design and installation of plumbing systems as required by the Illinois Plumbing Code. Code adopted by the City of Sullivan in Chapter 6, Article II, Section 6-2-3.

Attach a copy of Section 6-2-3 from City Code on permit procedure.
APPENDIX “E”

PERMIT

ELECTRICAL INSPECTION

No. ____________

Project ____________________________________________________________

Location __________________________________________________________

Owner ____________________________________________________________

Address of Owner _________________________________________________

Phone Number _____________________________________________________

Date Issued _______________ Date Final Inspection _________________

Fee $30.00 Paid _________ Date ______________________________________

Inspector _______________________________________________________ 

Superintendent Electrical __________________________________________

Inspection follows rules and regulations of the National Electric Code that specifies permits and penalties. Code adopted by the City of Sullivan in Chapter 6, Article III, Section 6-3-1.

Attached: Copy of Section 6-3-3 from City Code on permit procedure.

APPLICANT MUST COMPLY WITH SECTION 11-2-5 – EASEMENT REQUIRED.

NOTE: INSPECTOR WILL NOTIFY ELECTRIC SUPERINTENDENT WHEN INSPECTION COMPLETED AND PERMIT ISSUED.
APPENDIX “F”

PEDDLER’S AND SOLICITOR’S LICENSE APPLICATION

Pursuant to Sections 7-2-2 and 7-3-3 of this Chapter:

Name of Applicant ________________________________________________________________

ADDRESS: (legal & local) ______________________________________________________________________________

Phone No. __________________  Description of Applicant ________________________________

Illinois Retail Occupation Tax Registration Number _________________________________

Description of nature of business & goods to be sold: ______________________________________________

Employer of Applicant: _____________________________________________________________________________

Address: __________________________________________________________________________________________

Relationship to Employer: __________________________________________________________________________

Length of time license is desired: ___________________________________________________________________

If vehicle is used, description & license no.: __________________________________________________________

Applicant to furnish a photograph (2” x 2” head & shoulder shot taken within 60 days prior to this application). Such photograph shall be attached to this form. Also a record of the applicant’s fingerprints shall be attached to this form.

Applicant to name two reliable property owners of the State of Illinois who will certify as to the applicant’s character & responsibility.

___________________________________________________________________________________________

Address

___________________________________________________________________________________________

Address
Has the applicant been convicted of any crime, misdemeanor or violation of any municipal ordinance? Yes _____ No ________ If yes, please explain the nature of the offense and the punishment or penalty therefor: ____________________________

If applicable, the applicant must furnish a statement from a reputable physician of the City of Sullivan, dated not more than 10 days prior to this application showing that applicant is free from any infection, communicable or contagious disease. Such certification shall be attached to this form.

The undersigned applicant does hereby swear and affirm that the above information is true and correct.

Date of Application ________________________________

Signature of Applicant ______________________________

Date referred to Police Chief for investigation of the information contained herein __________

Application: Approved ________________ Disapproved __________________

Date __________________________ Chief of Police __________________________

Investigation fee paid __________________ Date __________________________

Date approved application referred to City Clerk __________________________

License No. ______________________ Issued __________________

Fee _________________________ Paid __________________

Date __________________________

City Clerk __________________________
RAFFLE LICENSE APPLICATION

LICENSE NO. ___________________ DATE ___________________

Organization to be licensed

__________________________________________
This organization is a (non-profit, Charitable, educational, religious
Charitable, educational, religious
Fraternal, veterans, labor) organization

Fraternal, veterans, labor) organization

Raffle chances will be sold in the following areas in the City of Sullivan: ___________________

Raffle chances will be sold during the following time period: (Max. = 180 days) ____________

No person involved in the management of this raffle or sale of chances is a convicted felon,
No person involved in the management of this raffle or sale of chances is a convicted felon,
professional gambler or gambling promoter, or not of good moral character.

The entire net proceeds will be exclusively devoted to the lawful purposes of this
The entire net proceeds will be exclusively devoted to the lawful purposes of this
organization. Only persons who are bona fide members of this organization will participate in
organization. Only persons who are bona fide members of this organization will participate in
the management or operation of this raffle.

the management or operation of this raffle.

No person will receive any remuneration or profit from this raffle.
No person will receive any remuneration or profit from this raffle.

No person under the age of 18 will be allowed to participate in conducting this raffle.

No person under the age of 18 will be allowed to participate in conducting this raffle.

The organization will keep records of its gross receipts and net proceeds. Records of each
The organization will keep records of its gross receipts and net proceeds. Records of each
item purchased with raffle proceeds shall be kept and records of the distribution of net
item purchased with raffle proceeds shall be kept and records of the distribution of net
proceeds as to payee, purpose, amount and date of payment shall be kept. All required records
proceeds as to payee, purpose, amount and date of payment shall be kept. All required records
will be available for inspection for 3 years following the conclusion of the raffle and will be kept
will be available for inspection for 3 years following the conclusion of the raffle and will be kept
at: ____________________________

at: ____________________________

Separate records will be kept for each separate raffle and raffle records will be kept separate
Separate records will be kept for each separate raffle and raffle records will be kept separate
from bingo records, if bingo games are to be operated by this organization.

from bingo records, if bingo games are to be operated by this organization.

The organization will report to its members and to the City of Sullivan its gross receipts,
The organization will report to its members and to the City of Sullivan its gross receipts,
expenses, net proceeds and distribution of net proceeds within 30 days following the
determination of winning chances.

determination of winning chances.

The aggregate retail value of all prizes will not exceed $30,000 and the maximum price for
The aggregate retail value of all prizes will not exceed $30,000 and the maximum price for
each chance will not exceed $150.00.

each chance will not exceed $150.00.

This organization has been in continuous existence for a period of time of not less than five
This organization has been in continuous existence for a period of time of not less than five
(5) years.

(5) years.

☑ Submitted with this application is a fidelity bond in favor of this organization in the sum of
☑ Submitted with this application is a fidelity bond in favor of this organization in the sum of
$5,000.00.

$5,000.00.

☐ We are requesting a waiver of the fidelity bond requirement because our members have
☐ We are requesting a waiver of the fidelity bond requirement because our members have
taken a unanimous vote requesting the waiver.

taken a unanimous vote requesting the waiver.

I DO SWEAR AND AFFIRM THAT ALL OF THE INFORMATION CONTAINED IN THIS
I DO SWEAR AND AFFIRM THAT ALL OF THE INFORMATION CONTAINED IN THIS
APPLICATION IS TRUE AND CORRECT.

APPLICATION IS TRUE AND CORRECT.

Subscribed and sworn to before me this ______ day of __________________, 20__.

Subscribed and sworn to before me this ______ day of __________________, 20__.

Notary Public ____________________________ (Name)

Notary Public ____________________________ (Name)

(Address)

(Address)

(President or Secretary)

(President or Secretary)

DISPOSITION:

License Approved ___________________ Disapproved ___________________ Dated ____________

License Approved ___________________ Disapproved ___________________ Dated ____________

Raffle Managers Bond: Waived ____________ Not Waived ____________ Paid ____________

Raffle Managers Bond: Waived ____________ Not Waived ____________ Paid ____________

Filing Fee: Waived ____________ Not Waived ____________ Paid ____________

Filing Fee: Waived ____________ Not Waived ____________ Paid ____________

CITY CLERK, SULLIVAN, ILLINOIS

CITY CLERK, SULLIVAN, ILLINOIS

BY: ____________________________
APPENDIX “H”

CITY OF SULLIVAN, ILLINOIS

APPLICATION FOR WIRING PERMIT

Property Owner _____________________________________________________________

Address ___________________________ Phone Number ___________________________

Electrician ___________________________ License # _____________________________

☐ New Installation
☐ Upgrade
☐ 100 amp
☐ 200 amp

Applicant Signature ___________________________ Date ___________________________

Material and installation costs will be reviewed periodically. The Electric Department reserves the right to adjust its charges at any time.

- Flat fee for Meter Socket and Disconnect $150.00
- Inspection Fee 30.00
- Total Fee Due $180.00

Utility Clerk Signature ___________________________ Date ________________ ☐ Fee Collected
The City of Sullivan Electric Department will, at customer request, provide materials and installation for underground residential service to existing or new homes. The installation includes, but is not limited to, the mounting of the meter socket and the installation of secondary cable to the transformer or secondary pedestal. The location of the meter socket will be decided on by the parties involved. Installation of an outdoor disconnect is required. The Electric Department will not be responsible for the connections on the customer side of the meter socket.

The Electric Department will maintain and repair, at no charge, any problems which may occur with the service cable for a period of fifteen (15) years from date of installation. After this time the property owner will assume full financial responsibility for the repair.

The customer must give the Electric Department thirty (30) days’ notice prior to when final electrical service is needed.

Material and installation costs will be reviewed periodically. The Electric Department reserves the right to adjust its charges at any time. The current cost of wire is $3.00 per foot.

A fee for the meter socket and disconnect, and an inspection fee are due now. An invoice will be mailed at the completion of underground electric service installation for the footage of wiring. I understand that failure to pay the invoice for electric wire installation within 30 days of receipt of will result in the disconnection of utilities, and a lien may be filed against said real estate.

| Flat fee for Meter Socket and Disconnect | $150.00 |
| Inspection Fee | $30.00 |
| Total Due at time of Wiring Permit | $180.00 |

Easements Required: I, the property owner, shall give easements and right-of-ways where service lines are laid on my private property. An easement shall be granted providing for the installation and maintenance of the proposed service lines, to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same line, or to allow access for the purpose of construction, repair, maintenance, relocation or expansion of the electric, gas, water and sewer systems.

Property Owner Signature ____________________________ Date ________________

Service Address ____________________________________________

Utility Clerk Signature ____________________________ Date ________________ □ Fee Collected

□ Invoice Mailed: ___________ Feet of wire @ $3.00 per foot = $___________

Utility Clerk Signature ____________________________ Date ________________
APPENDIX “I”

APPLICATION FOR LICENSE
GARBAGE DISPOSAL SERVICE

As set forth in Chapter 6, Article I, Section 6 of the City of Sullivan Municipal Code, as adopted by the City Council of the City of Sullivan at regular meeting on September 12, 1977;

1. Name of Applicant/Owner
   Address of Applicant/Owner
   Telephone No.

2. Applicant doing business under the name of
   Business Address of Applicant
   Telephone No.

3. Name of Manager of Business
   Address of Manager
   Telephone No.

4. Location of Landfill which Applicant will use

5. Does the Landfill have E.P.A. approval?

6. Business Name of Landfill

7. Owner of Landfill
   Telephone No. of Owner

8. Manager of Landfill
   Telephone No. of Manager
   Telephone No. of Landfill
9. State the type of Garbage Truck and Equipment to be used in the hauling and disposing of garbage by the owner/applicant: ________________________________________________________________

10. Please state three references who are qualified to attest to your qualifications to operate a garbage disposal service in the manner required herein and to meet all E.P.A. standards ________________________________________________________________

   ________________________________________________________________

11. The owner/applicant further acknowledges that by signing this application he will abide by all regulations stated in Section 6 of the Municipal Code of the City of Sullivan. He further acknowledges that if such application is approved by the Commissioner of Public Health and Safety, said owner/applicant will furnish to the City Council of the City of Sullivan a surety bond in the amount of $500.00 to guarantee his faithful performance. If said application and surety bond is accepted and approved by the Council, a license to operate a Garbage Disposal Service will be granted.

   Dated this _________ day of ________________________, 20___.

   ________________________________________________________________

   Owner/Applicant

   Approved by:

   ________________________________________________________________

   Commissioner of Public Health and Safety

   Date: _____________________, 20___
APPENDIX “K”

CITY OF SULLIVAN

GAS SERVICE AGREEMENT

THIS AGREEMENT made by and between the City of Sullivan, a municipal corporation, hereinafter referred to as “City”, and ____________________________, hereinafter referred to as “Customer”, WITNESSETH:

1. City shall supply, and Customer shall accept and pay for, all gas required for the operation of the customer’s equipment installed or to be installed within a year of this signed agreement, in the customer’s ____________________________ located at the address of ____________________________ at the price and charges therefore, pursuant to City’s gas price schedule, and upon the terms and conditions set forth under Code 17-3-1, adopted by the City or as amended and modified from time to time.

2. The point of delivery at which gas shall be supplied, measured and accepted hereunder shall be outlet of City’s meter located at the stake.

3. City shall endeavor to supply to Customer at said “point of delivery” gas at not less than thirty (30) pounds gauge pressure at the regulator side of meter.

4. The City shall use reasonable diligence in furnishing a regular and uninterrupted service; but in case such service should be interrupted and fail by any act of God or public enemy, fire, explosion, flood, strike, other cessation of work by personnel, picketing, insurrection, mob violence, governmental interference, breakdown or injury to machinery or distributing lines, extraordinary repairs or other accident or causes not reasonably within its control. City shall not be liable in damages to or, loss of property, or injuries (including death) to persons, caused directly or indirectly by any such interruption of service and such interruption shall not constitute a breach of this agreement on the part of the City.

5. City shall render bills monthly for service furnished pursuant to the terms of this contract, and Customer shall pay such bills in accordance with the terms of City’s gas price schedule herein referred to. In the event that any such bill is not so paid, City may temporarily suspend the supply of gas or cancel this contract. Suspending the supply of gas or the canceling of this contract shall not release Customer from the obligations to pay for any services furnished and the minimum charges under said price schedule for the period herein established, nor from liability for damages because of any breach hereof. It is further understood and agreed that all bills shall be paid within twenty (20) days after the rendition thereof, after which a penalty of five percent (5%) shall be added and collected as a part of the bill. In the event bills are not paid within twenty-five (25) days after the rendition of same, the City may discontinue without notice the furnishing of gas.

6. City shall not be liable for any loss or damage to property or injury to or death of persons whether suffered by Customer, its agents or employees, or by any third person, persons or corporation, resulting from the location, use or operation of gas or other equipment located on Customer’s side of the point of delivery or gas service hereunder or from gas present therein or escaping therefrom and Customer shall indemnify and save City harmless from all such loss, damages, injury or death. City shall not be liable under any circumstances for loss by fire on Customer’s premises.

7. The acceptance hereof by City shall constitute a valid and binding agreement between City and Customer for a period of one (1) year from and after the signed date below, and thereafter from year to year until terminated by the giving of thirty (30) days’ notice prior to the termination of the primary term, or any yearly period subsequent thereto, by either party to the other.

Customer Signature ____________________________ Date __________

Utility Clerk Signature ____________________________ Date __________
APPENDIX “L”

APPLICATION
FOR PERMISSION TO USE
FIRM NATURAL GAS SPACE HEATING SERVICE

No. _______________

____________________________________
(Customer’s Name Typewritten or Printed in Ink)

The undersigned requests of the City of Sullivan Gas Department permission to use firm natural
gas or residential single occupancy space heating at

Location ____________________________ Town ____________________________

No agent has power to bind the Gas Department by making any promise or representation not
contained in this application and acceptance by the Gas Department can be made only by the
Gas Department’s superintendent affixing his written signature thereto.

Acceptance of this application by the Gas Department is made on the condition that Permit to
use gas will be issued only when Gas Department has a supply of firm gas available for
residential space heating after prior applicants have been served.

____________________________________
Application Accepted _______, _____

Applicant

City of Sullivan Gas Department

Address ____________________________

By ____________________________
Superintendent

Permit Issued _________________, _____

Service Connected _______________, _____
APPENDIX “M”

CITY OF SULLIVAN, ILLINOIS

APPLICATION FOR GAS LINE INSTALLATION OR RELOCATION

I, the undersigned, hereby make application for the City of Sullivan Gas Department, Moultrie County, Illinois, to install or relocate gas lines on my property, listed below. I understand that if future improvements are made which impede the gas line currently being installed, that I will also be responsible for the cost of relocating the gas line.

Material and installation costs will be reviewed periodically. The Gas Department reserves the right to adjust its charges at any time. The current cost of ¾” pipe is $6.26 per foot. The current cost of 1” pipe is $6.75 per foot. If a 2” pipe is requested or needed, there will be an additional charge for gas meter and hardware.

A flat fee for material costs and an inspection fee are due now. An additional $200.00 fee will be assessed for customers living outside of the Sullivan City limits. An Invoice will be mailed at the time of completion of gas line installation or relocation for the footage of piping. I understand that failure to pay the invoice for gas line installation or relocation within 30 days of receipt will result in the disconnection of utilities, and a lien may be filed against said real estate.

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat fee for material costs (3/4” or 1”)</td>
<td>$200.00</td>
</tr>
<tr>
<td>Inspection Fee</td>
<td>30.00</td>
</tr>
<tr>
<td><strong>Total due at time of Application (City resident)</strong></td>
<td><strong>$230.00</strong></td>
</tr>
<tr>
<td>Non-Resident Fee</td>
<td>$200.00</td>
</tr>
<tr>
<td><strong>Total due at time of Application (Non-City resident)</strong></td>
<td><strong>$430.00</strong></td>
</tr>
</tbody>
</table>

Easements Required: I, the property owner, shall give easements and right-of-ways where service lines are laid on my private property. An easement shall be granted providing for the installation and maintenance of the proposed service lines, to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same line, or to allow access for the purpose of construction, repair, maintenance, relocation or expansion of the electric, gas, water and sewer systems.

Property Owner Signature ___________________________ Date __________

Service Address ____________________________________________ □ Fee Collected

Utility Clerk Signature ___________________________ Date __________

□ Invoice Mailed: _______ Feet of _______ pipe @ $__________ per foot = $__________

Utility Clerk Signature ___________________________ Date __________
IMPORTANT -- READ CAREFULLY -- PERSONAL CHECKS NOT ACCEPTED UNLESS CERTIFIED

This application properly completed and signed must be filed with the City Clerk and must be accompanied by a remittance in the proper amount, made payable to the City Treasurer. This remittance must be in the form of a Certified or Cashier’s Check, United States Postal Money Order, Express Money Order, or Licensed Currency Exchange Money Order, Bank Draft, Bank Money Order, or Personal Money Order. Cash accepted.

The undersigned individual or partnership hereby makes application for a LIQUOR LICENSE and submits the following information:

1. Applicant: ___________________________ (GIVE NAME OF INDIVIDUAL OR NAMES OF PARTNERS—TYPE OR PRINT PLAINLY)
2. Trade, Partnership or Assumed Name: ___________________________ TYPE OR PRINT NAME PLAINLY TELEPHONE
3. Location of above place of business (NUMBER AND STREET OR LOT AND BLOCK OR SECTION, TOWNSHIP AND RANGE MUST BE GIVEN)
   CITY/TOWN/OR VILLAGE ___________ ZIP CODE ___________ RURAL ROUTE AND POST OFFICE ___________
4. Has your Assumed Name been filed with the County Clerk?
5. Are alcoholic liquors stored but not sold at any location other than the one given above?
   If “yes”, give location:
   NUMBER AND STREET OR LOT OR BLOCK OR SECTION, TOWNSHIP AND RANGE, CITY
6. Check principal kind of business:  [ ] Restaurant [ ] Grocery [ ] Hotel [ ] Other
   [ ] Tavern [ ] Amusement Place [ ] Country Club
   [ ] Package Store [ ] Department Store [ ] Social Club
7. Give number of your Current Liquor License for this location
   A. In whose name or names is your license issued?
   B. Date license issued Month Day Year Date license expires Month Day Year
8. Give name and address of owner of premises:
   When does your lease expire? Month Day Year
9. Give the date you first made application for a Liquor License for any location in Illinois: (Month/Date/Year).
   A. Disposition of application: ___________________________
   B. Give address:
   NUMBER AND STREET OR LOT OR BLOCK OR SECTION, TOWNSHIP AND RANGE, CITY
10. Give date you began liquor business at this location Month Day Year
11. Give date partnership was formed under name given on Line 1: Month Day Year
12. Has a Liquor License been revoked at this location within the past year?
13. Is this business located within 500 feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children or any naval or military station?
   A. If answer to the above is “yes”, is your place of business a hotel offering restaurant service, a regularly organized club, a food shop, or other place where the sale of liquor is not the principal business carried on?
   B. If answer to (A) is “yes”, on what date was business started? (Month/Day/Year)
14. Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money, or anything else of value, except as specifically permitted in the Act, or any credit, (Other than merchandising credit in the ordinary course of business as specifically permitted in the Act), or is such a person directly or indirectly interested in the ownership, conduct or operation of the place of business? _________ If answer is “yes”, give particulars _________
15. Name ___________________________ A. Residence Address ___________________________
   B. Place of Birth: ___________________________
   C. Are you a citizen of the United States? _________ If a naturalized citizen, time and place of naturalization? ___________________________
16. Name ___________________________ A. Residence Address ___________________________
   B. Place of Birth: ___________________________
   C. Are you a citizen of the United States? _________ If a naturalized citizen, time and place of naturalization? ___________________________
D. Have you ever been convicted of a felony or otherwise disqualified to receive the license applied for by reason of any matter or thing contained in the Illinois Liquor Control Act or the Municipal Liquor Code? [ ] YES [ ] NO

If "yes", name court of conviction __________________________

E. Have you ever made application for a liquor license for any other premises? ________

DATE: __________________________

State disposition of application: __________________________

Give address: __________________________

F. Are you or is any other person, directly or indirectly interested in your place of business, a public official as defined in Sec. 2 (14) Art. VI of the Illinois Liquor Control Act?

If so, office held: __________________________

G. Has any license previously issued to you by any State or local authorities been SUSPENDED? ________

DATE: __________________________

If so, state reasons therefor: __________________________

WHERE: __________________________

(CITY, COUNTY, STATE)

H. Has any license previously issued to you by any State or local authorities been REVOKED? ________

DATE: __________________________

If so, state reasons therefor: __________________________

WHERE: __________________________

(CITY, COUNTY, STATE)

I. Will you comply with the Local Liquor Code and the Regulations in connection therewith? ________

17. Do you possess a current Federal Wagering or Gaming Device Stamp? [ ] YES [ ] NO

Stamp No. __________________________ Amount __________________________

18. Will this business be conducted by a manager or agent? [ ] YES [ ] NO

If answer is "YES", Manager or Agent must give the following information:

A. Name __________________________ Date of Birth __________________________

B. Residence Address __________________________

(STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY, COUNTY, STATE)

C. Place of Birth __________________________ Are you a citizen of the United States? [ ] YES [ ] NO

D. If a naturalized citizen, time and place of naturalization? __________________________

E. Have you ever been convicted of any crime as stated in Question 15-D or 16-D above? [ ] YES [ ] NO

State Offense: __________________________

F. Are you or have you ever been interested in any liquor business at another address? [ ] YES [ ] NO

DATE: __________________________ If so, state reasons therefor __________________________

WHERE: __________________________

(CITY, COUNTY, AND STATE)

G. Has any license previously issued to you by any State or local authorities been SUSPENDED? [ ] YES [ ] NO

DATE: __________________________ If so, state reasons therefor __________________________

WHERE: __________________________

(CITY, COUNTY, AND STATE)

H. Has any license previously issued to you by any State or local authorities been REVOKED? [ ] YES [ ] NO

DATE: __________________________ If so, state reasons therefor __________________________

WHERE: __________________________

(CITY, COUNTY, AND STATE)

NO LICENSE SHALL BE ISSUED UNLESS ALL THE ABOVE QUESTIONS ARE COMPLETELY ANSWERED

AFFIDAVIT

(PLEASE READ CAREFULLY BEFORE SIGNING)

I (We) do solemnly swear (or affirm) that the statements given above are true and correct to the best of my (our) knowledge and belief; that I (We) will comply with all regulations of Federal, State and Local Liquor Control Laws; that a copy of an ordinance governing the sale at retail of alcoholic liquors and beverages in this municipality has been furnished to me (us); that I (we) understand the same, and agree to comply with all the provisions set forth therein.

I (We) swear (or affirm) that I (We) will not violate any of the laws of the State of Illinois or of the United States of America in the conduct of the place of business described herein and that the statements contained in this application are true and correct and are made for the purpose of inducing the City of __________________________, Illinois to issue the license herein applied for.

SUBSCRIBED AND SWORN TO BEFORE ME THIS ________ DAY OF ___________________, A.D., ______.

APPLICANT(S):

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

CLERK

(SEAL)
APPENDIX “O”

CITY OF SULLIVAN

APPLICATION FOR STREET & ALLEY REGULATIONS PERMIT

Property Owner __________________________ Date of Application ________________
Address __________________________ Phone Number ___________________
Contractor __________________________ License Number ___________________

All Contractors must submit a minimum of $50,000.00 bond, to be attached.
All Applicants must submit a Description of Work, to be attached.

Contractors are responsible for the repair of any sidewalk, curb, gutter, or storm sewer that is damaged by the contractors work. All repairs must be made to match the existing structures without any alterations.

☐ Excavation (Code 33-4-1) – Tunnel under or make any excavation in any street, alley or other public place. Contractor shall give notice to the Street Superintendent at least ten hours before refilling any tunnel or excavation. Trench must be backfilled with sand, a minimum of 8” CA-6 material, and 4” of bituminous patch, all to be compacted. Materials cannot be substituted. Contractor is responsible for the excavated area for one year.

☐ Using Space Under Streets (Code 33-6-9) – No deviations from said details may be made without the approval of the Street Superintendent or Commissioner.

Intended use __________________________ Type of Construction __________________________
Dimensions: Length ___________ Width ___________ Depth ___________

☐ Sidewalks (Code 33-5-1) – All repairs must be in accordance with ADA guidelines. Repaired sidewalk width must match existing sidewalk width. The cross slope must be 2%.

Sidewalk Dimensions: Length ___________ Width ___________ Cross Slope ___________

☐ Curb and Gutters (Code 33-5-2) – Repair of Curbs and Gutters shall be according to the direction of the Street Superintendent.

☐ Storm Sewers, Field Tile (Code 33-5-3) – Repair of Storm Sewers shall be according to the direction of the Street Superintendent.

Applicant Signature __________________________ Date __________________

Material costs will be reviewed periodically. The Street Department reserves the right to adjust its charges at any time.

Permit pertaining to unpaved roadway $ 250.00
Permit pertaining to paved roadway $ 1,000.00

Permit # __________________________ □ Fee Collected

Utility Clerk Signature __________________________ Date __________________

Street Superintendent Signature __________________________ Date __________________
### Work Order

**Company:** City of Sullivan  
**Appendix:** "S"  

**No.** ____________  

- **[ ]** Electric  
- **[ ]** Gas  
- **[ ]** Water  

**Date** ________________  
**Time** ____________________  

**Account No.** ____________________  
**Name** ____________________  
**Address** ____________________  

**Meter Serial No.**  
- **E** __________  
- **G** __________  
- **W** __________  

**Previous Reading Date**  
- **E** __________  
- **G** __________  
- **W** __________  

**Present Reading**  
- **E** __________  
- **G** __________  
- **W** __________  

**Type of Work**  
______________________________  
______________________________  
______________________________  

**Work Completed By**  
**Date** ____________  
**Time** ____________  

**Comments**  
______________________________  
______________________________  
______________________________  
______________________________  
______________________________  
______________________________  
______________________________  
______________________________  
______________________________  
______________________________
APPENDIX “T”

NOTICE:

ZONING VIOLATION

STOP ALL WORK

IN OR ON THESE PREMISES. THIS STRUCTURE AND/OR USE IS IN VIOLATION OF THE ZONING CODE. ANY AND ALL PERSONS CONTRIBUTING TO THE CONTINUATION, MAINTENANCE, OR OPERATION OF THIS VIOLATION SHALL BE LIABLE FOR PROSECUTION AND, UPON CONVICTION, SHALL BE SUBJECT TO FINE OR IMPRISONMENT.

(REMOVAL, OR MUTILATION OF THIS NOTICE WITHOUT AUTHORIZATION OF THE ZONING ADMINISTRATOR SHALL CONSTITUTE VIOLATION OF THE ZONING CODE.)

DATE OF ISSUANCE ______________________ BY: ______________________

ZONING ADMINISTRATOR
SULLIVAN, ILLINOIS

ORDER NUMBER ______________________
APPENDIX "U"

CITY OF SULLIVAN

BILLING AND DISCONNECTION POLICY

All customers in the City of Sullivan are required to make a service deposit for each utility service they will be using. The current service deposit is Seventy-Five Dollars ($75.00) per utility. The party taking residence must fill out an “Utility Service Application” and must furnish proof that they have legal access to the property for which they are making service deposits, by means of a rent agreement, rent receipt, or real estate title transfer.

All utility services are billed monthly, either on the fifteenth (15th) or last day of the month. These bills represent utility usage for approximately the thirty (30) days prior to the reading date indicated on the utility bill.

All utility bills are due twenty (20) days after the billing date. All bills must be paid by that date or they will be considered delinquent and be subject to a late fee and disconnection.

If payment is not received within twenty days of the billing date, you will be sent a notice requesting payment and advising you of a date of disconnection. If you do not sign a Payment Arrangement Form for the past due amount or do not pay your bill by the date of disconnection, your utility service will be terminated on the next working day after the designated date of disconnection, weather and availability of personnel permitting. Utility service will not be restored until full payment of the past due balance is made, plus a $50.00 reconnection fee.

State Law 65 ILCS Sec. 5/11-117-12.1, prohibits termination of gas or electric service to residential users for non-payment of bills on (i) any day when the National Weather Service forecast for the following twenty-four (24) hours includes a forecast that the temperature will be twenty degrees Fahrenheit (20ºF) or below; or (ii) any day preceding a holiday or weekend when such forecast indicates that the temperature will be twenty degrees Fahrenheit (20ºF) or below during the holiday or weekend. No such prohibition exists for commercial service.

Payment for same day reconnection of utilities will be accepted Monday through Friday, 8:00 a.m. to 3:30 p.m. Payments for disconnected accounts between 3:30 p.m. and 5:00 p.m. will result in reconnection of utilities on the next working day.

If a personal check provided for payment of disconnected utilities is returned for any reason, your account will be considered unpaid. Your utility service will again be disconnected until a cash payment of past due amounts is paid plus a $25.00 returned check fee and additional $50.00 reconnect fee.

If you cannot pay your bill by the due date or need extra time to pay, please call our office at 217-728-4383 from 8:00 a.m. to 5:00 p.m. Monday through Friday. We have information as to whom you may contact for assistance in paying your bill.
CONTESTED UTILITY SHUTOFF HEARING NOTICE

This notice is being sent to you pursuant to the provisions of CHAPTER 38 SECTION 38-2-1 OF THE REVISED CODE OF ORDINANCES as adopted by the corporate authorities.

CUSTOMER’S NAME: ____________________________________________________________

ADDRESS: ____________________________________________________________________

TOTAL AMOUNT OF BILL: $_____________ WATER
$_____________ SEWER
$_____________ GAS
$_____________ OTHER

SUB-TOTAL: $_____________

PENALTY: $_____________

TOTAL DUE: $_____________

DATE OF HEARING ______________________________

TIME OF HEARING_________________________________

LOCATION OF HEARING _________________________________________________________

_____________________________________________________________________________

PHONE: ___________________________________________

If the consumer/customer fails to appear at the hearing, the applicable utility services shall be terminated [shut off] without further proceedings.

If payment for the charges and fees is received prior to the date of the hearing, you may disregard this hearing notice.

The Mayor and City Clerk, or their designated representative(s), shall preside at the hearing.

CITY CLERK

DATED THIS __________ DAY OF __________________________, 20__. 

NOTE: After services have been shut off there will be a reconnection fee of
$______________.
APPENDIX “W”

CITY OF SULLIVAN

APPLICATION TO TAP WATER MAIN

Property Owner __________________________ Date of Application ________________

Address __________________________ Addition __________________________

Res. No. __________ Block No. __________ Lot No. __________ Size Tap __________

Location of tap from center of intersection __________________________

Direction __________________________ Side of Street __________________________ Number of Feet ____

Plumbing Contractor __________________________

The following number of indicated fixtures will be connected to the proposed tap of the sewer main:

- Kitchen Sinks ______ Garbage Grinders _______ Lavatories _________ Urinals ______
- Bathtubs ________ Showers _______________ Water Closets _______ Laundry ______
- Other __________ Maximum number of people using above fixtures __________

I agree to install service pipe and other appliances to comply with the specifications of Revised Ordinances of the said City. I also agree to maintain the ditch where pipe is laid for a period of one (1) year.

Applicant Signature __________________________ Date ________________

Material costs will be reviewed periodically. The Water & Sewer Department reserves the right to adjust its charges at any time.

Current Water Tapping Fee $ 1,500.00
Inspection Fee $ 30.00
Total due at time of application $ 1,530.00

Easements Required: I, the property owner, shall give easements and right-of-ways where service lines are laid on my private property. An easement shall be granted providing for the installation and maintenance of the proposed service lines, to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same line, or to allow access for the purpose of construction, repair, maintenance, relocation or expansion of the electric, gas, water and sewer systems.

Property Owner Signature __________________________ Date ________________

 Permit # __________________________ □ $ Fee Collected

Utility Clerk Signature __________________________ Date ________________

Water & Sewer Distribution Foreman __________________________ Date ________________
APPENDIX “X”

CITY OF SULLIVAN

APPLICATION TO TAP SEWER MAIN

Property Owner _____________________________ Date of Application _____________

Address _____________________________ Addition _____________________________

Res. No. ____________ Block No. ________ Lot No. ____________ Size Tap ____________

Location of tap from center of intersection ______________________________________

Direction _____________________________ Side of Street _____________________________ Number of Feet __

Plumbing Contractor ____________________________________________ License # __________

The following number of indicated fixtures will be connected to the proposed tap of the sewer main:

- Kitchen Sinks ______
- Garbage Grinders ______
- Lavatories ______
- Urinals ______
- Bathtubs ______
- Showers ______
- Water Closets ______
- Laundry ______
- Other ______

Maximum number of people using above fixtures _____________________________

I agree to install service pipe and other appliances to comply with the specifications of Revised Ordinances of the said City. I also agree to maintain the ditch where pipe is laid for a period of one (1) year.

Applicant Signature _____________________________ Date _____________

Material costs will be reviewed periodically. The Water & Sewer Department reserves the right to adjust its charges at any time.

- Current Sewer Tapping Fee $ 500.00
- Inspection Fee $ 30.00
- Total due at time of application $ 530.00

Easements Required: I, the property owner, shall give easements and right-of-ways where service lines are laid on my private property. An easement shall be granted providing for the installation and maintenance of the proposed service lines, to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same line, or to allow access for the purpose of construction, repair, maintenance, relocation or expansion of the electric, gas, water and sewer systems.

Property Owner Signature _____________________________ Date _____________

Permit # _____________________________ □ $ Fee Collected

Utility Clerk Signature _____________________________ Date _____________

Water & Sewer Distribution Foreman _____________________________ Date _____________
OFFICE OF THE MUNICIPAL CLERK

BUILDING PERMIT

NO. ____________

HAS BEEN SECURED

APPLICATION NUMBER __________________________________________

PROJECT ______________________________________________________

LOCATION ____________________________________________________

OWNER _________________________________________________________

DATE ISSUED _______________ DATE OF EXPIRATION ______

Phone: __________________ by: ____________________________

Clerk
APPENDIX “BB”

PRIVATE OUTDOOR LIGHTING CONTRACT

CUSTOMER’S NAME

ADDRESS WHERE LIGHTS ARE INSTALLED

APPLICATION FOR PRIVATE OUTDOOR LIGHTING

I hereby make application to the City of Sullivan Electric Department, hereinafter called the City, for the installation and operation of PRIVATE OUTDOOR LIGHTING as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Units</th>
<th>Type Units</th>
<th>Unit Cost Per Mo.</th>
<th>Total Cost Per Mo.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>WATT MERCURY VAPOR</td>
<td>$___</td>
<td>$_______</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ADDITIONAL POLES</td>
<td>$___</td>
<td>$_______</td>
</tr>
</tbody>
</table>

TOTAL COST PER MONTH $_______

1. The City agrees to install and maintain the above numbered and described units at the above listed address and will furnish electricity for such units at the current charge shown as the total cost per month above.

2. Contract to be automatically extended each year unless terminated in advance by thirty (30) days written notice in advance of expiration date of contract. Contract will cover a period of three hundred sixty-five (365) days, effective on date of application.

3. The City agrees that it will replace faulty equipment within a reasonable length of time after notification, work to be performed during regular work hours only.

   The equipment installed shall remain at all times the property of the City and the City shall have the right of access and easement on customers property to install, maintain or remove the above equipment.

4. The Customer agrees to take all reasonable precautions to prevent damage or vandalism to the City’s equipment.

   This contract shall be cancelable in case of excessive maintenance or replacement due to vandalism or other cause.

5. The monthly cost for the units above may be modified or changed by reason of fuel adjustment or cost of power charges, and customer agrees to pay any increase in charges when reflected on the monthly bill.

SIGNED THIS _______ DAY OF ______________________, ______

CUSTOMER’S SIGNATURE

CITY OF SULLIVAN ELECTRIC DEPT. REPRESENTATIVE

APPROVED BY ______________________ DATE ______________________

(Ord. No. 03-02; 05-28-02)
We hereby make application for a permit to conduct a public display of fireworks on the ______ day of __________________________, 20__. Said display to be held at _______________________________.

Firm providing fireworks ____________________________________________

__________________________________________________________________

**Bond: Amount $__________________________ ($1,000.00 or more)

Cash ______ Personal _______ Bonding Company _______ (Check one)

Has liability insurance been obtained? Yes ______ No ______

All accidents must be reported to the City of Sullivan and the Office of the State Fire Marshal within thirty-six (36) hours of occurrence.

Signatures of Applicants

__________________________________________ Age: ________

__________________________________________ Age: ________

__________________________________________ Age: ________


APPENDIX “DD”

SITE INSPECTION REPORT

Date of inspection _______________ Distance to nearest structure ____________ feet.

Is distance to any fire hydrant or water supply greater than 600 feet?  Yes___ No___

Is display area clear of all overhead obstructions?  Yes___ No___

Have provisions been made to keep public out of display area?  Yes___ No___

Is there any hospital, nursing home or other institution within 600 feet?  Yes___ No___

Has provision been made for on site fire protection during display?  Yes___ No___

If guidelines by the State Fire Marshall’s office concerning the handling of fireworks are strictly followed, should the hazard to surrounding property and any person or persons be diminished?  Yes___ No___

Site Inspection Officer

PERMIT

Date of Issue _____________________________

Licensees _________________________________

______________________________

______________________________

are hereby granted permission to conduct a public fireworks display on the ________________
day of ________________, 20____, at _______ M. at ___________________________
______________________________, Sullivan, Illinois.

______________________________ is hereby designated as the supervisor and
is authorized to handle and supervise said public display of fireworks. This permit is non-
transferable and must be in the possession of the display supervisor.

Issuing Officer

______________________________
APPENDIX “EE”

CITY OF SULLIVAN
UTILITY RELEASE FORM

______________________________  ______________________________
Landlord                        Rental Address

Permission is given to ______________________________ to transfer utilities
into his/her name at the above address. The utilities may be switched only into the name
stated above. Should any bill become delinquent, the tenant releases the right for the City of
Sullivan to inform the landlord of the delinquency/shut off notice. Should utilities get
disconnected due to delinquency, this release is void and a new release must be signed before
reconnection may occur.

______________________________  ______________________________
Landlord                        Tenant

______________________________
City Representative
CITY OF SULLIVAN
RENTAL PROPERTY REGISTRATION

Landlord name/address


Phone number


Emergency contact number


All rental addresses


Must tenant have release form signed in order to obtain utilities ________________

When property is vacant, does landlord wish to have utilities (electric, gas, water) all or selected utility put in their name or shut off.

Summer ________________

Winter ________________
I hereby make application to demolish ____________________________

Type of construction (frame, etc.) ____________________________

at ____________________________. The estimated Cost of Demolition is $__________.

Property Owner ____________________________________________

Contractor ________________________________________________

☐ Utility services will not need disconnection. ☐ Utility services require disconnection.

Signature of Applicant ____________________________ Date ____________

Demolition fees will be reviewed periodically. The City of Sullivan reserves the right to adjust its charges at any time.

Fee for demolition permit without utility disconnection $10.00
Fee for demolition permit requiring utility disconnection $50.00

Zoning Department Signature ____________________________ Date ____________

Permit # ____________________________ ☐ $ Fee Collected

Utility Clerk Signature ____________________________ Date ____________

Permit approved by Electric Distribution Foreman ____________ Date ____________

Permit approved by Gas Department Superintendent ____________ Date ____________

Permit approved by Sewer Distribution Foreman ____________ Date ____________

Permit approved by Street Department Superintendent ____________ Date ____________
ANNEXATION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that __________________________ and __________________________, hereafter called “Landowner”, for and in consideration of the right to connect, tap or attach to or the right to receive service through one of the utility systems of the City of Sullivan, Moultrie County, Illinois, hereinafter called “City” and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby agree and covenant that when and if the real estate hereinafter described becomes contiguous to City, and upon the request of City, Landowner will petition for annexation to City the real estate described as:

See Attachment for Legal Description

The parties further agree as follows:

1. Landowner covenants and warrants that Landowner is presently vested with good fee simple title to the above-described real estate.

2. The covenants herein contained are to run with the land and shall be binding upon the parties, their heirs, executors, administrators, assigns, grantees and all persons claiming thereunder.

3. Said petition for annexation shall be in proper form and shall comply with the appropriate statutes of the State of Illinois.

4. All expenses of annexation shall be borne by Landowner.

5. Upon the occurrence of Landowner leasing or renting the above-described property, Landowner shall make these covenants a condition of said lease and they shall be binding on said lessees, tenants or renters.

6. Landowner hereby releases and waives all rights of homestead in and to the property covered by this agreement.

7. The City may enforce this agreement by any legal remedy available to it, including, but not limited to, suit for specific performance.

8. That, if Landowner fails to perform any agreement contained herein, then Landowner shall reimburse City for all expenses incurred by City, including, but not limited to, court costs and attorney’s fees, for enforcement of this agreement.
9. That if City consents to Landowner receiving service through one or more of its utility systems prior to Landowner submitting a petition for annexation then Landowner agrees to submit a petition for annexation to City within 30 days of the beginning of receipt of said service. If Landowner fails to timely submit the petition for annexation, City may shut off or terminate all utility services furnished to Landowner at the above described real estate.

10. Landowner shall convey or dedicate all necessary easements to the City for the extension of utilities or for other public improvements which may serve not only the subject landowner’s property, but other properties contiguous to landowner’s property. Said easements or right-of-way shall be located as to cause a minimum of inconvenience in the development of landowner’s property.

IN WITNESS WHEREOF, the Landowner has/have affixed his/her/their hand(s) and seal(s) this _______ day of ______________________, 2003.

_________________________________   ____________________________

STATE OF ILLINOIS     )
) COUNTY OF MOULTREE

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that ______________________, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered said instrument as his/her/their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this _______ day of ______________________, 2003.

(SEAL)

______________________________
Notary Public

ATTACHMENT

LEGAL DESCRIPTION

Insert the description off of the Landowner’s deed or use a photocopy of the Landowner’s Deed. Do not use a property identification number (PIN) only or the short description from the real estate tax bill.
APPENDIX “II”

License No. ____________________

APPLICATION Date Issued ____________________
FOR Expires ____________________
TEMPORARY Checked By ____________________
WINE/BEER TASTING LICENSE Approved By ____________________
Date ____________________
Order to Receive No. ____________________

TO BE FILED WITH Amount ____________________
THE [ ] Cash [ ] Bank Draft ____________________
CITY CLERK [ ] Cashier’s Check [ ] Money Order ____________________
[ ] Certified Check [ ] ____________________

IMPORTANT -- READ CAREFULLY -- PERSONAL CHECKS NOT ACCEPTED UNLESS CERTIFIED

This application properly completed and signed must be filed with the City Clerk and must be accompanied by a remittance in the proper amount, made payable to the City Treasurer. This remittance must be in the form of a Certified or Cashier’s Check, United States Postal Money Order, Express Money Order, or Licensed Currency Exchange Money Order, Bank Draft, Bank Money Order, or Personal Money Order. Cash accepted. A copy of the not-for-profit corporation charter must be attached to the application.

The undersigned not-for-profit organization hereby makes application for a TEMPORARY WINE/BEER TASTING LICENSE and submits the following information:

1. Applicant: ____________________
   (GIVE NAME OF NOT-FOR-PROFIT ORGANIZATION -- TYPE OR PRINT PLAINLY)
2. Location of office of organization (NUMBER AND STREET) ____________________
3. CITY/TOWN/OR VILLAGE ZIP CODE RURAL ROUTE AND POST OFFICE ____________________
4. Has a temporary wine/beer tasting license been issued to your organization within the past year? (Yes) (No)
5. Name and date of event ____________________
6. Location of temporary wine/beer tasting facility ____________________
7. Trash receptacles furnished? (Yes) (No) Type ____________________
8. Sanitation facilities furnished? (Yes) (No) Type ____________________
9. Garbage and litter pickup arranged for? (Yes) (No) Type ____________________
10. Adequate parking available? (Yes) (No) Type ____________________
11. Liability insurance (dram shop insurance) purchased? (Yes) (No) Type ____________________
   Amount ____________________
12. City named as additional insured? (Yes) (No) CERTIFICATE OF INSURANCE MUST BE ATTACHED TO THE APPLICATION BEFORE A LICENSE IS ISSUED.
13. Have you or your organization ever made application for a liquor license for any other premises? (Yes) (No)
14. Are you or is any other person, directly or indirectly interested in said temporary wine/beer tasting facility, a public official as defined in Section 2 (14) Article VI of the Illinois Liquor Control Act? ____________________ If so, office held?
15. Has any license previously issued to you or your organization by any State or local authorities been SUSPENDED? (Yes) (No)
   Date: ____________________ If so, state reasons therefor ____________________
   Where? ____________________ ____________________ ____________________

(City) (County) (State)
16. Has any license previously issued to you or your organization by any State or local authorities been REVOKED?  (Yes)  (No)
   Date: ___________________________ If so, state reasons therefor ___________________________
   Where? ___________________________
   (City) ___________________________ (County) ___________________________ (State) 

17. Will you and your organization comply with the Local Liquor Code and the regulations in connection therewith? (Yes) (No)

18. Are you, or has your organization ever been, interested in any liquor business at another address? (Yes) (No)
   Date: ___________________________ If so, state reasons therefor ___________________________
   Where? ___________________________
   (City) ___________________________ (County) ___________________________ (State) 

19. a. Name of individual making application ___________________________
   (Must be an officer of the organization) TYPE OR PRINT NAME PLAINLY
     Date of Birth: ___________________________

   b. Residence Address: _____________________________________________________________
     (STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER)
     __________________________________________________
     (CITY) ___________________________ (COUNTY) ___________________________ (STATE) 

   c. Place of Birth: ___________ Are you a citizen of the United States?  (Yes)  (No)
   d. Have you ever been convicted of a felony or other crime?  (Yes)  (No)
   State offense: ______________________
   e. Are you or have you ever been interested in any liquor business at another address? (Yes) (No)
      Date: ___________________________ If so, state reasons therefor ___________________________
      Where? ___________________________
      (CITY) ___________________________ (COUNTY) ___________________________ (STATE) 

NO LICENSE SHALL BE ISSUED UNLESS ALL THE ABOVE QUESTIONS ARE COMpletely ANSWERED

AFFIDAVIT

(PLEASE READ CAREFULLY BEFORE SIGNING)

I (We) do solemnly swear (or affirm) that the statements given above are true and correct to the best of my (our) knowledge and belief; that I (We) will comply with all regulations of Federal, State and Local Liquor Control Laws; that a copy of an ordinance governing the sale at retail of alcoholic liquors and beverages in this municipality has been furnished to me (us); that I (we) understand the same, and agree to comply with all the provisions set forth therein.

I (We) swear (or affirm) that I (We) will not violate any of the laws of the State of Illinois or of the United States of America in the conduct of the place of business described herein and that the statements contained in this application are true and correct and are made for the purpose of inducing the City of Sullivan, Illinois to issue the license herein applied for.

APPLICANT ORGANIZATION: Individual Making Application:

_________________________________________ ________________________________
_________________________________________ ________________________________
_________________________________________ Office ________________________________

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF ________________, ___.

_________________________________________ CLERK

(SEAL)

(Ord. No. 05-05; 03-28-05)
**APPENDIX “JJ”**

**SECURITY LIGHTS**

FORMULA: Wattage of bulb X 12 hours X 365 days divided by 12 months divided by 1000 = kwh usage per month.

<table>
<thead>
<tr>
<th>FIXTURE</th>
<th>LUMENS</th>
<th>BULB</th>
<th>KWH/ MO</th>
<th>COST</th>
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<tr>
<td>70 watt HPS</td>
<td>5220</td>
<td>LU70</td>
<td>25</td>
<td>$10.00/mo</td>
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<td>90 watt HPS</td>
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<td>LU90</td>
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<td>LU250</td>
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<td>LU400</td>
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<td>100 watt Metal Halide</td>
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<td>250 watt Metal Halide</td>
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<td>MVR250/U</td>
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<td>400 watt Metal Halide</td>
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<td>MVR400/U</td>
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<td>250 watt Floodlight</td>
<td>Any Lamp</td>
<td>90</td>
<td>$16.00/mo</td>
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<tr>
<td>400 watt Floodlight</td>
<td>Any Lamp</td>
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**Metered Lights**

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<th>COST</th>
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<td>150 watt</td>
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<tr>
<td>175 watt</td>
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<td>250 watt</td>
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<tr>
<td>400 watt</td>
<td>Any Lamp</td>
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**NO FUEL ADJUSTMENT CHARGE ON SECURITY LIGHTS**

*(Ord. No. 09-09; 05-11-09)*
APPENDIX “KK”
CITY OF SULLIVAN, ILLINOIS
APPLICATION FOR A BUILDING PERMIT OF
COMMERCIAL, INDUSTRIAL, AND MULTI-UNIT STRUCTURES

I, the undersigned, hereby make application on behalf of ____________________________ (Company Name) to □ erect □ enlarge □ repair ____________________________ located at ____________________________ (type of construction – frame, etc) The proposed building will front on ____________________________ to be used for ____________________________
□ Commercial/Industrial - ______ square feet □ Multiple Unit Structure - ______ units The Estimated Cost is $_______ Length _______ feet Width _________ feet Height ______ feet

A SITE PLAN AND FULL SET OF PRINTS MUST ACCOMPANY THIS APPLICATION

Contractor ___________________________________ License # ____________
Plumber ___________________________ License # ____________
Electrician ___________________________ License # ____________
Applicant Signature ______________________ Date ____________

Easements Required: I, the property owner, shall give easements and right-of-ways where service lines are laid on my private property. An easement shall be granted providing for the installation and maintenance of the proposed service lines, to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same line, or to allow access for the purpose of construction, repair, maintenance, relocation or expansion of the electric, gas, water and sewer systems.

Property Owner Signature ______________________ Date ____________

Minimum distance to PROPERTY line: at front: _____ feet on left side: _____ feet at side: ______ feet (if corner lot) at rear: ______ feet on right side: _____ feet

Commercial/ Industrial Fees:
General Permit Fee $ 25.00
Non-Storage Square Footage ______/100 = _____ * $ 10.00 = _____
Storage Only Square Footage ______/100 = _____ * $ 5.00 = _____
Total Amount Due ($250.00 Minimum) $ ____________

Multiple Unit Structure Fees:
General Permit Fee $ 25.00
□ Structure Inspection Fee _____ Units * ½ = _____ * $ 30.00 = ______
□ Foundation Inspection Fee _____ Units * ½ = _____ * $ 30.00 = ______
□ Footing Inspection Fee _____ Units * ½ = _____ * $ 30.00 = ______
□ Plumbing - Rough-In Inspection Fee _____ Units * ½ = _____ * $ 30.00 = ______
□ Plumbing - Final Inspection Fee _____ Units * ½ = _____ * $ 30.00 = ______
□ Electrical - Rough-In Inspection Fee _____ Units * ½ = _____ * $ 30.00 = ______
□ Electrical - Final Inspection Fee _____ Units * ½ = _____ * $ 30.00 = ______
Total Amount Due ____________

Zoning Department Signature ______________________ Date ____________

Permit # ____________________________________ □ Fee Collected

Utility Clerk Signature ______________________ Date ____________

Permit approved by Electric Distribution Foreman ______________________ Date ____________
Permit approved by Gas Department Superintendent ______________________ Date ____________
Permit approved by Sewer Distribution Foreman ______________________ Date ____________
Permit approved by Street Department Superintendent ______________________ Date ____________
1. Name of Applicant: ________________________________________________
   Address: _________________________________________________________
   Telephone Number: ________________________________________________

2. Applicant doing business as: _________________________________________
   Business Address: _________________________________________________
   Business Telephone: _______________________________________________

3. Name of Manager: _________________________________________________
   Address: _________________________________________________________
   Telephone: _________________________________________________________

4. Vehicle Description and license number to be tagged:
   _________________________________________________________________

5. Description and license number of additional vehicles to be tagged:
   _________________________________________________________________
   _________________________________________________________________
   _________________________________________________________________

   Date of Application: ______________________________________________
   Signature of Applicant: _____________________________________________

City of Sullivan

Application: Approved: ________ Disapproved: _______
Date: ________________________________

Fee Paid: ________________________________ Date: ________________________________

License/Tag No.(s): ________________________________ ________________________________
      ________________________________ ________________________________
      ________________________________ ________________________________
CITY LICENSE

LICENSE

BY AUTHORITY OF THE CITY OF SULLIVAN, ILLINOIS, PERMISSION IS HEREBY GIVEN

TO ________________________________

__________________________________

From the date hereof until the __________ day of ________________________, 20________
In said City, subject to the Ordinance of said City, in such case made and provided, and to revocation by the Mayor, at any time, at his discretion.

WITNESS the hand of the Mayor of said City, and the Corporate seal thereof, this __________ day of ________________________, 20________

______________________________ Mayor

Attest: _________________________ City Clerk