

**Revised Code
-of-
Ordinances
of
*Chester,
Illinois***

[As of July 1, 2024]

**PREPARED BY:
Illinois Codification Services**

"Serving Illinois Since 1970"

Post Office Box 69

Freeburg, Illinois 62243-0069

Phone: (618) 539-5771

Email: xavier.stclair04@gmail.com

CITY OF CHESTER

ORDINANCE NO. _____

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

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF CHESTER, ILLINOIS**

THIS _____ DAY OF _____, 2011

**Published in book form by authority of the City Council of the City of
Chester, Randolph County, Illinois this ___ day of _____, 2011.**

**UNDER THE SUPERVISION
OF
JEFF KERKHOVER, CITY ATTORNEY**

ORDINANCE NO. _____

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTER, RANDOLPH COUNTY, ILLINOIS, THAT:

SECTION 1: Amendment. The following exhibit shall be the "**The Revised Code of Ordinances**" of the City of Chester, Randolph County, Illinois" and 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 ___ day of _____, 2011 by the City Council of the City of Chester, Randolph County, Illinois, and deposited and filed in the office of the City Clerk in said City on that date.

NANCY EGGEMEYER
CITY CLERK
CHESTER, ILLINOIS

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Donald Clark					
Carole Abernathy					
D. Michael Blechle					
Kenneth Dillman					
Richard Brueggemann					
Ray Allison					
Russ Rader					
Nancy Crossland					

Approved by the Mayor of the City of Chester, Randolph County, Illinois, this _____ day of _____, 2011.

JOE EGGEMEYER, MAYOR
CHESTER, ILLINOIS

ATTEST:

NANCY EGGEMEYER, CITY CLERK
CHESTER, ILLINOIS

(SEAL)

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF RANDOLPH) **ss. CITY CLERK'S OFFICE**
CITY OF CHESTER)

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

In witness whereof, I have set and affixed the Corporate Seal of the City of Chester, Illinois, this _____ day of _____, 2011.

NANCY EGGEMEYER
CITY CLERK
CHESTER, ILLINOIS

(SEAL)

CHAPTER TITLES

1.	Administration	1-1
3.	Animals	3-1
4.	Boards and Commissions	4-1
7.	Business Code	7-1
8.	Cable Television	8-1
9.	Cemetery Board	9-1
11.	Employees	11-1
14.	Flood Plain Code	14-1
15.	Franchises	15-1
17.	Gas System	17-1
20.	Library	20-1
21.	Liquor	21-1
22.	Mandated Policies	22-1
23.	Manufactured Housing Code	23-1
24.	Motor Vehicle Code	24-1
25.	Nuisances	25-1
27.	Offenses	27-1
28.	Parks	28-1
29.	Property Maintenance Code	29-1
30.	Public Safety	30-1
32.	Solid Waste	32-1
34.	Street Regulations	34-1
35.	Subdivision Code	35-1
36.	Taxation	36-1
38.	Water Department and Sewer Department	38-1
39.	Wards	39-1
40.	Zoning Code	40-1

CHESTER, ILLINOIS

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION	
	Article I – General Code Provisions	
	Division I – Title	
	Section 1-1-1 - Title	1-1
	Section 1-1-2 - Acceptance	1-1
	Section 1-1-3 - Amendments	1-1
	Section 1-1-4 - Code Alteration	1-1
	Section 1-1-5 - Jurisdiction	1-2
	Section 1-1-6 - 1-1-7 Reserved	
	Division II - Saving Clause	
	Section 1-1-8 - Repeal of General Ordinances	1-2
	Section 1-1-9 - Public Utility Ordinances	1-3
	Section 1-1-10 - Court Proceedings	1-3
	Section 1-1-11 - Severability of Provisions	1-3
	Section 1-1-12 - City Clerk’s Certificate	1-4
	Section 1-1-13 - 1-1-14 Reserved	
	Division III - Definitions	
	Section 1-1-15 - Construction of Words	1-5
	Section 1-1-16 - Definitions	1-5
	Section 1-1-17 - Catchlines	1-8
	Section 1-1-18 - 1-1-19 Reserved	
	Division IV - General Penalty	
	Section 1-1-20 - Penalty	1-9
	Section 1-1-21 - Application	1-9
	Section 1-1-22 - Liability of Officers	1-10
	Section 1-1-23 - License	1-10
	Article II - City Officials	
	Division I – City Council	
	Section 1-2-1 - City Council	1-11
	Section 1-2-2 - Regular Meetings	1-11
	Section 1-2-3 - Special Meetings	1-11
	Section 1-2-4 - Reserved	
	Section 1-2-5 - Committees	1-12
	Section 1-2-6 - Special Committees	1-13
	Section 1-2-7 - Quorum	1-13
	Section 1-2-8 - Compelling Attendance	1-13
	Section 1-2-9 - Members Refusing to Attend	1-13
	Section 1-2-10 - Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION (CONTINUED)	
	Article II – City Officials (Continued)	
	Division II – Rules of the City Council	
	Section 1-2-11 - Rules of the Council	1-14
	Section 1-2-12 - Agenda	1-18
	Section 1-2-13 - Address by Non-Members	1-18
	 Division III – Ordinances	
	Section 1-2-14 - Ordinances	1-19
	Section 1-2-15 - Reconsideration—Passing Over Veto	1-20
	Section 1-2-16 - No Vote to be Reconsidered at Special Meeting	1-20
	Section 1-2-17 - 1-2-18 Reserved	
	 Division IV – General Provisions	
	Section 1-2-19 - Corporate Seal	1-21
	Section 1-2-20 - Corporate Flag	1-21
	Section 1-2-21 - Elections	1-21
	Section 1-2-22 - Appointment of Elected Officials	1-21
	Section 1-2-23 - Municipal Officers – Regulations	1-22
	Section 1-2-24 - Resignation of Appointed Officials	1-24
	Section 1-2-25 - Qualifications; Elective Office	1-24
	Section 1-2-26 - Bonds of City Officers	1-24
	Section 1-2-27 - Liability Insurance	1-25
	Section 1-2-28 - Bidding and Contract Procedures	1-25
	Section 1-2-29 - Salaries Regulation	1-28
	Section 1-2-30 - Claims Presentation	1-28
	Section 1-2-31 - Municipal Year	1-28
	Section 1-2-32 - Expenses – Reimbursement	1-28
	Section 1-2-33 - Official Records	1-29
	Section 1-2-34 - Federal Old Age and Survivor’s Insurance System	1-29
	Section 1-2-35 - Illinois Municipal Retirement Fund	1-29
	Section 1-2-36 - Certificates of Insurance	1-29
	Section 1-2-37 - 1-2-39 Reserved	
	 Division V - Vacancies	
	Section 1-2-40 - Vacancy by Resignation	1-30
	Section 1-2-41 - Vacancy by Death or Disability	1-30
	Section 1-2-42 - Vacancy by Other Causes	1-30
	Section 1-2-43 - Election of an Acting Mayor	1-31
	Section 1-2-44 - Appointment to Fill Alderman Vacancy	1-31
	Section 1-2-45 - Election to Fill Vacancies in Municipal Offices With Four (4) Year Terms	1-32
	Section 1-2-46 - Vacancies Due to Election Being Declared Void	1-32
	Section 1-2-47 - 1-2-49 Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION (CONTINUED)	
	Article II – City Officials (Continued)	
	Division VI – Mayor	
	Section 1-2-50 - Election	1-33
	Section 1-2-51 - Mayor Pro-Tem; Temporary Chairman	1-33
	Section 1-2-52 - Chief Executive Officer	1-33
	Section 1-2-53 - Mayor’s Signature	1-33
	Section 1-2-54 - Appointment of Officers	1-34
	Section 1-2-55 - Supervise Conduct of Officers; Removal of Officers	1-34
	Section 1-2-56 - Designation of Officers’ Duties	1-34
	Section 1-2-57 - Formal Occasions	1-34
	Section 1-2-58 - General Duties	1-34
	Section 1-2-59 - Local Liquor Commissioner	1-35
	Section 1-2-60 - Deciding Vote – Mayor	1-35
	Section 1-2-61 - 1-2-64 Reserved	
	 Division VII - City Clerk	
	Section 1-2-65 - Elected	1-36
	Section 1-2-66 - Vacancy	1-36
	Section 1-2-67 - Publication of Ordinances; Council Minutes; Records	1-36
	Section 1-2-68 - Delivery of Papers to Officers	1-37
	Section 1-2-69 - Preparation of Documents, Commissions and Licenses	1-37
	Section 1-2-70 - Submit Appropriation to City Council	1-37
	Section 1-2-71 - Administration of Oaths	1-37
	Section 1-2-72 - Outstanding Bonds	1-37
	Section 1-2-73 - Reports	1-38
	Section 1-2-74 - Successor	1-38
	Section 1-2-75 - Payroll	1-38
	Section 1-2-76 - Audit Accounts	1-38
	Section 1-2-77 - Warrants	1-38
	Section 1-2-78 - Finance Committee	1-38
	Section 1-2-79 - Notification to Persons Appointed to Office	1-38
	Section 1-2-80 - Other Duties	1-38
	Section 1-2-81 - Deputy Clerk	1-39
	Section 1-2-82 - Appointment of Subordinates	1-39
	Section 1-2-83 - Local Election Official	1-39
	Section 1-2-84 - Reserved	
	 Division VIII – City Treasurer	
	Section 1-2-85 - Department Established	1-40
	Section 1-2-86 - Finance Committee	1-40
	Section 1-2-87 - Election and Vacancy	1-40
	Section 1-2-88 - Money; Warrants; Accounts; Payments	1-40
	Section 1-2-89 - Warrant Register	1-40
	Section 1-2-90 - Personal Use of Funds	1-40
	Section 1-2-91 - Bond	1-41
	Section 1-2-92 - Special Assessments	1-41
	Section 1-2-93 - Bookkeeping	1-41

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION (CONTINUED)	
	Article II – City Officials (Continued)	
	Division VIII – City Treasurer (Continued)	
	Section 1-2-94 - Statements	1-41
	Section 1-2-95 - Report Delinquent Officers	1-41
	Section 1-2-96 - Year-End Report	1-41
	Section 1-2-97 - Deposit of Funds	1-42
	Section 1-2-98 - Investments	1-42
	Section 1-2-99 - 1-2-100 Reserved	
	Division IX – City Attorney	
	Section 1-2-101 - Appointment	1-44
	Section 1-2-102 - Eligibility	1-44
	Section 1-2-103 - Prosecute Suits; Advise Officials; Other Duties	1-44
	Section 1-2-104 - Ordinances; Leases	1-44
	Section 1-2-105 - Dismissal of Suits	1-44
	Section 1-2-106 - Deliver Papers to Successor	1-44
	Section 1-2-107 - Compensation	1-44
	Section 1-2-108 - 1-2-109 Reserved	
	Division X – Zoning and Building Administrator	
	Section 1-2-110 - Creation of Office	1-46
	Section 1-2-111 - Duties and Salary	1-46
	Division XI – Project Manager	
	Section 1-2-112 - Position Created	1-47
	Section 1-2-113 - Duties	1-47
	Section 1-2-114 - Compensation	1-47
	Division XII - City Engineer	
	Section 1-2-115 - Appointment	1-48
	Section 1-2-116 - Duties	1-48
	Section 1-2-117 - 1-2-119 Reserved	
	Division XIII – Sewer Superintendent	
	Section 1-2-120 - Position Created	1-49
	Section 1-2-121 - Duties	1-49
	Section 1-2-122 - Compensation	1-49
	Division XIV – Sewer Distribution Superintendent	
	Section 1-2-123 - Position Created	1-50
	Section 1-2-124 - Duties	1-50
	Division XV – Water Plant Superintendent	
	Section 1-2-125 - Position Created	1-51
	Section 1-2-126 - Duties	1-51
	Section 1-2-127 - Compensation	1-52
	Section 1-2-128 - 1-2-129 Reserved	
	Division XVI – Park Superintendent – Cole Park and Park Superintendent – Cohen Recreational Complex	
	Section 1-2-130 - Position Created	1-53
	Section 1-2-131 - Duties	1-53
	Section 1-2-132 - Position Created	1-54
	Section 1-2-133 - Duties	1-54
	Section 1-2-134 - Compensation	1-55

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION (CONTINUED)	
	Article II – City Officials (Continued)	
	Division XVII – Maintenance Superintendent	
	Section 1-2-135 - Position Created	1-55
	Section 1-2-136 - Duties	1-55
	Section 1-2-137 - Compensation	1-56
	Section 1-2-138 - 1-2-139 Reserved	
	 Division XVIII - Water Distribution Superintendent	
	Section 1-2-140 - Position Created	1-57
	Section 1-2-141 - Duties	1-57
	Section 1-2-142 - Compensation	1-58
	Section 1-2-143 - Reserved	
	 Division XIX – Recreational Director	
	Section 1-2-144 - Position Created	1-58
	Section 1-2-145 - Duties	1-58
	Section 1-2-146 - Compensation	1-59
	Section 1-2-147 - 1-2-149 Reserved	
	 Division XX - Code Enforcement Officer	
	Section 1-2-150 - Position Created	1-59
	Section 1-2-151 - Term of Appointment	1-59
	Section 1-2-152 - Duties	1-60
	Section 1-2-153 - Compensation	1-60
	Section 1-2-154 - Reserved	
	 Division XXI - Gas Superintendent	
	Section 1-2-155 - Position Created	1-60
	Section 1-2-156 - Duties	1-60
	Section 1-2-157 - Compensation	1-61
	Section 1-2-158 - Reserved	
	 Division XXII - Animal Control Officer	
	Section 1-2-159 - Position Created	1-62
	Section 1-2-160 - Term of Appointment	1-62
	Section 1-2-161 - Duties	1-62
	Section 1-2-162 - Compensation	1-62
	Section 1-2-163 - Reserved	
	 Division XXIII - Cemetery Sexton and Cemetery Clerk	
	Section 1-2-164 - Department Established	1-63
	Section 1-2-165 - Cemetery Sexton and Cemetery Clerk	1-63
	Section 1-2-166 - Duties	1-63
	Section 1-2-167 - Compensation	1-64
	Section 1-2-168 - Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION (CONTINUED)	
	Article III – Salaries	
	Section 1-3-1 - Salaries Established	1-65
	Article IV – Reserved	
	Article V - Meeting Procedures	
	Division I - Recording Closed Meetings	
	Section 1-5-1 - Recording Closed Sessions	1-67
	Section 1-5-2 - Responsibility for Recording Closed Sessions and Maintaining Recordings	1-67
	Section 1-5-3 - Closed Session Minutes	1-67
	Section 1-5-4 - Procedure for Recording	1-67
	Section 1-5-5 - Back-Up Equipment/Procedure for Equipment Malfunction	1-67
	Section 1-5-6 - Procedure for Review of Closed Session Minutes and Recordings	1-68
	Section 1-5-7 - Maintenance and Public Release of Recordings and Access to Tapes	1-68
	Section 1-5-8 - Procedure for Destruction of Recordings	1-68
	Section 1-5-9 - 1-5-10 Reserved	
3	ANIMALS	
	Article I – General Regulations	
	Section 3-1-1 - Definitions	3-1
	Section 3-1-2 - Injury to Property	3-2
	Section 3-1-3 - Manner of Keeping	3-3
	Section 3-1-4 - Dogs and Cats in Public Places	3-3
	Section 3-1-5 - Keeping Barking Dogs and Crying Cats	3-3
	Section 3-1-6 - Cruelty to Animals Prohibited	3-3
	Section 3-1-7 - Keeping Wild or Vicious Animals	3-4
	Section 3-1-8 - Animals in City	3-4
	Section 3-1-9 - Limitation on Number of Dogs and Cats Kept	3-5
	Article II – Dogs	
	Section 3-2-1 - Definitions	3-6
	Section 3-2-2 - Dogs to be Inoculated and to Have Name Tags Affixed to Collars	3-6
	Section 3-2-3 - Inoculation to be Performed by Licensed Veterinarian; Issuance of Certificate	3-6
	Section 3-2-4 - Duration of Inoculation	3-6
	Section 3-2-5 - Specifications for Tag	3-6
	Section 3-2-6 - Exhibition of Certificate Upon Request	3-6
	Section 3-2-7 - Restraint of Dogs	3-7

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
3	ANIMALS (CONTINUED)	
	Article II - Dogs (Continued)	
	Section 3-2-8 - Impoundment of Dogs Running at Large or Unlicensed Dogs; Citation of Owner or Keeper	3-7
	Section 3-2-9 - Notice and Citation to Owner or Keeper of Impoundment	3-7
	Section 3-2-10 - Obstructing Poundmaster	3-7
	Section 3-2-11 - Impoundment of Dogs Which Have Bitten Persons	3-8
	Section 3-2-12 - Impoundment	3-8
	Section 3-2-13 - City Pound Designated	3-8
	Section 3-2-14 - Disposition of Dogs Deemed Nuisances	3-8
	Section 3-2-15 - Dangerous Dog – Female Dog at Large	3-8
	Section 3-2-16 - Female Dog with Other Dogs	3-9
	Article III – Vicious and Dangerous Dogs	
	Section 3-3-1 - Definitions	3-10
	Section 3-3-2 - Unlawful to Maintain	3-11
	Section 3-3-3 - Owner’s Responsibility	3-11
	Section 3-3-4 - Dog Permitted to Leave Premises	3-11
	Section 3-3-5 - Injunction	3-12
	Section 3-3-6 - Liability of Owner or Dog Attacking or Injuring Person	3-12
	Section 3-3-7 - Right of Entry – Inspections	3-12
	Section 3-3-8 - Sign Required	3-12
	Section 3-3-9 - Confinement of a Vicious Dog	3-13
	Article IV - Penalties	
	Section 3-4-1 - Legislative Intent	3-14
	Section 3-4-2 - Penalties	3-14
4	BOARDS AND COMMISSIONS	
	Article I – Planning Commission	
	Section 4-1-1 - Established	4-1
	Section 4-1-2 - Membership	4-1
	Section 4-1-3 - Term of Office	4-1
	Section 4-1-4 - Procedure	4-1
	Section 4-1-5 - Powers and Duties	4-1
	Section 4-1-6 - Land Subdivision or Re-Subdivision and the Official Map	4-2
	Section 4-1-7 - Improvements	4-3
	Section 4-1-8 - Further Purposes	4-3
	Section 4-1-9 - Expenditures	4-3
	Article II – Board of Police Commissioners	
	Section 4-2-1 - Appointment and Term of Office	4-4
	Section 4-2-2 - Vacancies; Quorum	4-4
	Section 4-2-3 - Oath; Bond; Removal	4-4
	Section 4-2-4 - Appointments	4-5

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
4	BOARDS AND COMMISSIONS (CONTINUED)	
	Article II – Board of Police Commissioners (Continued)	
	Section 4-2-5 - Annual Reports	4-5
	Section 4-2-6 - Adoption	4-5
	 Article III – Police Pension Fund	
	Section 4-3-1 - Board Established	4-6
	Section 4-3-2 - Definitions	4-6
	Section 4-3-3 - Board Membership	4-6
	Section 4-3-4 - Term	4-6
	Section 4-3-5 - Election of Board Members	4-6
	Section 4-3-6 - Vacancy	4-7
	Section 4-3-7 - Meetings	4-7
	Section 4-3-8 - Powers and Duties of Board	4-7
	Section 4-3-9 - Annual Report by Treasurer	4-9
	Section 4-3-10 - Payment of Benefits – Funds Insufficient	4-9
	Section 4-3-11 - Report by Board	4-9
	Section 4-3-12 - Deductions	4-9
	Section 4-3-13 - Financing	4-10
	 Article IV - Beautification and Tourism Commission	
	Section 4-4-1 - Established	4-11
	Section 4-4-2 - Purpose	4-11
	Section 4-4-3 - Membership	4-11
	Section 4-4-4 - Term of Office	4-11
	Section 4-4-5 - Procedure	4-11
	Section 4-4-6 - Finances	4-12
	Section 4-4-7 - Projects	4-12
	 Article V - Foreign Fire Insurance Board	
	Section 4-5-1 - Board Established	4-13
	Section 4-5-2 - Election	4-13
	Section 4-5-3 - Office; Terms	4-13
	Section 4-5-4 - Treasurer’s Bond	4-13
	Section 4-5-5 - Appropriation by City Council	4-13
	Section 4-5-6 - Audit	4-13
	Section 4-5-7 - Duties of the Board	4-13
7	BUSINESS CODE	
	Article I – Administration	
	Section 7-1-1 - Applications	7-1
	Section 7-1-2 - Persons Subject to License	7-1

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
7	BUSINESS CODE (CONTINUED)	
	Article I – Administration (Continued)	
	Section 7-1-3 - Term and Form of License	7-1
	Section 7-1-4 - Investigations	7-2
	Section 7-1-5 - Fees	7-2
	Section 7-1-6 - Termination of Licenses	7-3
	Section 7-1-7 - Building and Premises	7-3
	Section 7-1-8 - Change of Location	7-3
	Section 7-1-9 - Location	7-3
	Section 7-1-10 - Nuisances Prohibited	7-4
	Section 7-1-10.1 - Generally	7-4
	Section 7-1-11 - Reserved	
	Section 7-1-12 - Inspections	7-4
	Section 7-1-13 - Suspension, Revocation of License or Permit	7-4
	Section 7-1-13.1 - Nuisance	7-4
	Section 7-1-13.2 - Hearing	7-5
	Section 7-1-13.3 - Revocation	7-5
	Section 7-1-13.4 - Hearing Notice	7-5
	Section 7-1-13.5 - Counsel	7-5
	Section 7-1-14 - Appeal	7-6
	Section 7-1-15 - License to be Posted	7-6
	Section 7-1-16 - Business Vehicle Sticker	7-6
	 Article II - Solicitors	
	Section 7-2-1 - Definitions	7-7
	Section 7-2-2 - Certificate of Registration	7-7
	Section 7-2-3 - Application for Certificate of Registration	7-7
	Section 7-2-4 - Issuance and Revocation of Certificate	7-9
	Section 7-2-5 - Policy on Soliciting	7-9
	Section 7-2-6 - Notice Regulating Soliciting	7-9
	Section 7-2-7 - Compliance by Solicitors	7-10
	Section 7-2-8 - Uninvited Soliciting Prohibited	7-10
	Section 7-2-9 - Time Limit on Soliciting	7-10
	Section 7-2-10 - Solicitations on Public Highways	7-11
	Section 7-2-11 - Fees	7-11
	 Article III – Peddlers	
	Section 7-3-1 - License Required	7-12
	Section 7-3-2 - Definition	7-12
	Section 7-3-3 - Applications	7-12
	Section 7-3-4 - Investigation of Applicants	7-12
	Section 7-3-5 - Hours	7-13
	Section 7-3-6 - Fraud	7-13
	Section 7-3-7 - Photographs	7-13
	Section 7-3-8 - Unwanted Peddling	7-13
	Section 7-3-9 - Peddlers as Nuisance	7-13
	Section 7-3-10 - Duty of Police to Abate	7-13
	Section 7-3-11 - Exclusionary Provision	7-14
	Section 7-3-12 - Fees	7-14

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
7	BUSINESS CODE (CONTINUED)	
	Article IV – Coin-Operated Machines	
	Section 7-4-1 - Definitions	7-15
	Section 7-4-2 - License Required	7-15
	Section 7-4-3 - Application	7-15
	Section 7-4-4 - Prohibited Licensees	7-16
	Section 7-4-5 - License Fees	7-16
	Section 7-4-6 - Non-Assignability of License	7-17
	Section 7-4-7 - Placement; Gambling Prohibited	7-17
	Section 7-4-8 - Display of License	7-17
	Section 7-4-9 - Right of Entry	7-17
	Section 7-4-10 - Prohibitions and Restrictions	7-17
	 Article V – Junk Dealers	
	Section 7-5-1 - Definitions	7-18
	Section 7-5-2 - Physical Requirements	7-18
	Section 7-5-3 - License Required	7-19
	Section 7-5-4 - Application	7-19
	Section 7-5-5 - Disqualification	7-19
	Section 7-5-6 - License	7-19
	Section 7-5-7 - License Fee	7-20
	Section 7-5-8 - Minors	7-20
	 Article VI - Raffle Code	
	Division I - Generally	
	Section 7-6-1 - Short Title	7-21
	Section 7-6-2 - Purpose	7-21
	Section 7-6-3 - Definitions	7-21
	Section 7-6-4 - Reserved	
	 Division II - License Requirements	
	Section 7-6-5 - License Required	7-23
	Section 7-6-6 - Application for License	7-23
	Section 7-6-7 - License Qualifications	7-24
	Section 7-6-8 - License Issuance	7-24
	Section 7-6-9 - License Fee	7-24
	 Division III - Conduct of Raffles	
	Section 7-6-10 - Operation and Conduct of Raffles	7-25
	Section 7-6-11 - Raffles Manager; Bonds	7-26
	Section 7-6-12 - Records	7-26
	Section 7-6-13 - 7-6-14 Reserved	
	 Division IV - Enforcement	
	Section 7-6-15 - Relationship to Other Laws	7-27
	Section 7-6-16 - Abatement	7-27
	Section 7-6-17 - Penalty	7-27

CHAPTER**TITLE****PAGE****7****BUSINESS CODE (CONTINUED)**

Article VII – Bed and Breakfast Code			
Section 7-7-1	-	Code Established	7-28
Section 7-7-2	-	Adoption of Statutes by Reference	7-28
Section 7-7-3	-	Definitions Applicable	7-28
Section 7-7-4	-	Minimum Standards	7-28
Section 7-7-5	-	Linen	7-30
Section 7-7-6	-	Fire Prevention	7-30
Section 7-7-7	-	Liability Insurance	7-31
Article VIII – Adult Use Licensing and Regulation			
Section 7-8-1	-	Purpose	7-32
Section 7-8-2	-	Definitions	7-32
Section 7-8-3	-	License Required	7-35
Section 7-8-4	-	Issuance of License	7-36
Section 7-8-5	-	Liquor	7-37
Section 7-8-6	-	Fees	7-37
Section 7-8-7	-	Inspection	7-37
Section 7-8-8	-	Expiration of License	7-38
Section 7-8-9	-	Suspension	7-38
Section 7-8-10	-	Revocation	7-38
Section 7-8-11	-	Transfer of License	7-39
Section 7-8-12	-	Business Records	7-39
Section 7-8-13	-	Liquor License	7-39
Section 7-8-14	-	Adult Entertainment Cabarets – Restrictions	7-39
Section 7-8-15	-	Video Viewing Booths – Restrictions	7-40
Section 7-8-16	-	Hours of Operation	7-40
Section 7-8-17	-	Investigation	7-40
Article IX – Taxicabs			
Section 7-9-1	-	Definitions	7-41
Section 7-9-2	-	Certificate of Public Convenience and Necessity Required	7-41
Section 7-9-3	-	Application for Certificate	7-41
Section 7-9-4	-	Issuance of Certificate	7-42
Section 7-9-5	-	Certificate Fee	7-42
Section 7-9-6	-	Insurance Required	7-42
Section 7-9-7	-	Transfer of Certificate	7-43
Section 7-9-8	-	Suspension and Revocation of Certificate	7-43
Section 7-9-9	-	Driver’s License Required	7-43
Section 7-9-10	-	Compliance With City, State and Federal Laws	7-43
Section 7-9-11	-	Vehicles – Maintenance	7-43
Section 7-9-12	-	Manifest	7-44
Section 7-9-13	-	Rates of Fare – Rate Card Required	7-44
Section 7-9-14	-	Hours of Operation	7-44
Section 7-9-15	-	Passengers	7-44
Section 7-9-16	-	Complaint Procedure	7-44
Article X - Transient Merchants and/or Vendors			
Section 7-10-1	-	License Required	7-45
Section 7-10-2	-	Certificate of Registration	7-45
Section 7-10-3	-	Definition; Transient Merchant/Vendor	7-45
Section 7-10-4	-	Application	7-45
Section 7-10-5	-	Investigation	7-45
Section 7-10-6	-	Sales Tax	7-45
Section 7-10-7	-	Exemptions	7-45
Section 7-10-8	-	Fees	7-46
Article XI – Gambling			
Section 7-11-1	-	Gambling Acts Prohibited	7-47
Section 7-11-2	-	Licensing and Fees	7-47
Section 7-11-3	-	Penalties for Violation	7-47
Article XII – Licensing and Regulation of Other Businesses			
Section 7-12-1	-	Business License Requirement	7-48
Section 7-12-2	-	Fee	7-48
Section 7-12-3	-	Suspension; Revocation and Appeal	7-48
Section 7-12-4	-	Posting of License	7-48
Section 7-12-5	-	Exemptions	7-49
Section 7-12-6	-	Penalty	7-49

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
8	CABLE TELEVISION	
	Article I - Franchise Agreement	
	Section 8-1-1 - Definitions	8-1
	Section 8-1-2 - Grant of Authority; Limits and Reservations	8-1
	Section 8-1-3 - Regulation and Oversight	8-4
	Section 8-1-4 - Provisions of Cable Service	8-5
	Section 8-1-5 - System Facilities, Equipment and Services	8-5
	Section 8-1-6 - Channels and Facilities for Public, Educational and Governmental Use	8-6
	Section 8-1-7 - Franchise Fee	8-7
	Section 8-1-8 - Insurance, Indemnification	8-7
	Section 8-1-9 - Miscellaneous Provisions	8-9
	Article II - Cable/Video Service Provider Fee and PEG Access Fee	
	Section 8-2-1 - Definitions	8-11
	Section 8-2-2 - Cable/Video Service Provider Fee Imposed	8-12
	Section 8-2-3 - PEG Access Support Fee Imposed	8-13
	Section 8-2-4 - Applicable Principles	8-13
	Section 8-2-5 - No Impact on Other Taxes Due From Holder	8-13
	Section 8-2-6 - Audits of Cable/Video Service Provider	8-14
	Section 8-2-7 - Late Fees/Payments	8-14
	Article III - Cable and Video Customer Protection Law	
	Section 8-3-1 - Customer Service and Privacy Protection Law	8-15
	Section 8-3-2 - Enforcement	8-15
	Section 8-3-3 - Customer Credits	8-15
	Section 8-3-4 - Penalties	8-15
9	CEMETERY BOARD	
	Article I - Generally	
	Section 9-1-1 - Department Established	9-1
	Section 9-1-2 - Board Established	9-1
	Section 9-1-3 - Appointment	9-1
	Section 9-1-4 - Organization; Bond	9-1
	Section 9-1-5 - Treasurer Custodian of Funds	9-1
	Section 9-1-6 - Investments	9-2
	Section 9-1-7 - Gifts & Bequests	9-2
	Section 9-1-8 - Vesting	9-2
	Section 9-1-9 - Permanent Records; Removal of Officers	9-2
	Section 9-1-10 - Additional Duties	9-3
	Section 9-1-11 - Recommendations	9-3
	Section 9-1-12 - Council Delegate	9-3
	Section 9-1-13 - Cemetery Sexton and Cemetery Clerk	9-3
	Article II - Regulations	
	Section 9-2-1 - Named	9-4
	Section 9-2-2 - Cemetery Clerk - Plat and Records	9-4
	Section 9-2-3 - Cemetery Sexton – Control of Cemetery	9-4
	Section 9-2-4 - Dig Graves	9-4
	Section 9-2-5 - Damage to Property	9-4
	Section 9-2-6 - Riding on Grass	9-4
	Section 9-2-7 - Fences	9-4
	Section 9-2-8 - Garbage and Refuse	9-5
	Section 9-2-9 - Burning in Cemetery	9-5
	Section 9-2-10 - Fees	9-5

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
9	CEMETERY BOARD (CONTINUED)	
	Article II - Regulations (Continued)	
	Section 9-2-11 - Burials	9-5
	Section 9-2-12 - Records	9-5
	Section 9-2-13 - Grave Decorations	9-5
	Section 9-2-14 - Hours Cemetery Open to Public	9-5
11	EMPLOYEES	
	Article I – Personnel Code	
	Section 11-1-1 - Definitions	11-1
	Section 11-1-2 - Applicability	11-1
	Section 11-1-3 - Appointment of Officials and Supervisory Personnel	11-1
	Section 11-1-4 - Employment of Personnel	11-1
	Section 11-1-5 - Physical Examination	11-2
	Section 11-1-6 - Prohibition Against Discrimination	11-2
	Section 11-1-7 - Residence Requirement	11-2
	Section 11-1-8 - Retirement Fund	11-2
	Section 11-1-9 - Health Insurance	11-3
	Section 11-1-10 - Accident Reports	11-3
	Section 11-1-11 - Dismissal/Discipline	11-3
	Section 11-1-12 - Appointed Officials	11-4
	Section 11-1-13 - Outside Employment	11-4
	Section 11-1-14 - Dues and Checkoff	11-4
	Section 11-1-15 - Grievance	11-4
	Section 11-1-16 - Employee Organizations	11-5
	Section 11-1-17 - Political Activity	11-5
	Section 11-1-18 - Military Leave	11-5
	Section 11-1-19 - Attendance in Court	11-5
	Section 11-1-20 - Leave of Absence	11-6
	Section 11-1-21 - Absence Without Leave	11-6
	Section 11-1-22 - Special Leave	11-6
	Section 11-1-23 - Traveling Expense	11-6
	Section 11-1-24 - Resignation	11-6
	Section 11-1-25 - Work Days and Work Week	11-7
	Section 11-1-26 - Overtime	11-7
	Section 11-1-27 - Layoff and Recall	11-7
	Section 11-1-28 - Holidays	11-7
	Section 11-1-29 - Vacation	11-8
	Section 11-1-30 - Sick Leave	11-9
	Section 11-1-31 - Maternity	11-10
	Article II - Drug Free Workplace	
	Section 11-2-1 - Definitions	11-11
	Section 11-2-2 - Requirements for City	11-11
	Article III - Drug/Alcohol Testing Policy and Procedure	
	Section 11-3-1 - Drug and Alcohol Free Workplace Policy	11-13
	Section 11-3-2 - Definitions	11-13

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
11	EMPLOYEES (CONTINUED)	
	Article III - Drug/Alcohol Testing Policy and Procedure (Continued)	
	Section 11-3-3 - Prohibited Actions	11-13
	Section 11-3-4 - Applicability	11-14
	Section 11-3-5 - Testing Procedure	11-14
	Section 11-3-6 - Screening and Testing	11-15
	Section 11-3-7 - Confidentiality of Test Results	11-17
	Section 11-3-8 - Consequences of Positive Test Result or Refusal to Cooperate	11-17
	 Article IV - Reserved	
	 Article V - Sexual Misconduct Policy	
	Section 11-5-1 - Purpose of Policy	11-22
	Section 11-5-2 - Reporting Procedures and Designated Sexual Misconduct Coordinator	11-22
	Section 11-5-3 - Employees	11-22
	Section 11-5-4 - Investigation and Confidentiality	11-22
	Section 11-5-5 - Discipline	11-22
	Section 11-5-6 - False Accusations	11-22
	Section 11-5-7 - Retaliation Against Accuser	11-23
	Section 11-5-8 - Child Abuse Incident Reporting and Follow-Up	11-23
	Section 11-5-9 - Maintenance of Records and Documents	11-24
	Section 11-5-10 - Employee Acknowledgement of Policy	11-24
 14	 FLOOD PLAIN CODE	
	Section 14-1-1 - Purpose	14-1
	Section 14-1-2 - Definitions	14-1
	Section 14-1-3 - Base Flood Elevation	14-5
	Section 14-1-4 - Duties of the Zoning Administrator	14-6
	Section 14-1-5 - Development Permit	14-7
	Section 14-1-6 - Preventing Increased Flood Heights and Resulting Damages	14-7
	Section 14-1-7 - Protecting Buildings	14-16
	Section 14-1-8 - Subdivision Requirements	14-21
	Section 14-1-9 - Public Health and Other Standards	14-21
	Section 14-1-10 - Carrying Capacity and Notification	14-22

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
14	FLOOD PLAIN CODE (CONTINUED)	
	Section 14-1-11 - Variances	14-22
	Section 14-1-12 - Disclaimer of Liability	14-23
	Section 14-1-13 - Penalty	14-23
	Section 14-1-14 - Abrogation and Greater Restrictions	14-24
	Section 14-1-15 - Severability	14-25
15	FRANCHISES	
	Article I – Electric Franchise	
	Section 15-1-1 - Electric Utility Franchise	15-1
17	GAS SYSTEM	
	Article I – Department	
	Section 17-1-1 - Department Established	17-1
	Section 17-1-2 - Gas Department and Public Property Committee	17-1
	Section 17-1-3 - Gas Superintendent	17-1
	Section 17-1-4 - References	17-1
	Article II – Gas Rates and Fees	
	Section 17-2-1 - Application for Service Connections	17-2
	Section 17-2-2 - Meter Deposit	17-2
	Section 17-2-3 - Cost of Gas Service Connections	17-2
	Section 17-2-4 - Gas Rate	17-2
	Section 17-2-5 - Special Rates; No Free Service	17-4
	Section 17-2-6 - Gas Contract	17-4
	Section 17-2-7 - Receipt of Funds	17-4
	Section 17-2-8 - Reserved	
	Article III – Regulations	
	Section 17-3-1 - Specifications for Regular Gas Service Connections	17-5
	Section 17-3-2 - All Service Shall Be Metered	17-5
	Section 17-3-3 - Meters Open to Inspection	17-5
	Section 17-3-4 - Meter Reading Conclusive	17-5
	Section 17-3-5 - Test of Meters	17-5
	Section 17-3-6 - Separate Meters for Each Distinct Premises	17-6
	Section 17-3-7 - City Not Liable for Interruption of Service or Supply	17-6
	Section 17-3-8 - Connection with Private Lines – General Rules And Regulations	17-6
	Section 17-3-9 - Regulations Relative to Customers Piping	17-7
	Section 17-3-10 - Rules to Become Part of Contract	17-7
	Section 17-3-11 - Extensions of Gas Mains and Service	17-7
	Section 17-3-12 - Tampering with Meter	17-8

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
20	LIBRARY	
	Article I – Library Board	
	Section 20-1-1 - Established	20-1
	Section 20-1-2 - Appointment – Compensation	20-1
	Section 20-1-3 - Term	20-1
	Section 20-1-4 - Vacancies	20-1
	Section 20-1-5 - Oath of Office; Organization; Meetings	20-1
	Section 20-1-6 - Custodian of Funds	20-2
	Section 20-1-7 - Powers and Duties	20-2
	Section 20-1-8 - Additional Powers and Duties	20-4
	Section 20-1-9 - Selection and Use of Library Materials	20-4
	Section 20-1-10 - Use	20-5
	Section 20-1-11 - Annual Report	20-5
	Section 20-1-12 - Donations	20-5
	Section 20-1-13 - Disturbance Prohibited – Penalty	20-6
	Section 20-1-14 - Injury to or Failure to Return Material – Penalty	20-6
	Section 20-1-15 - Reference	20-6
21	LIQUOR	
	Article I – Generally	
	Section 21-1-1 - Definitions	21-1
	Article II – Licenses	
	Section 21-2-1 - License Required	21-5
	Section 21-2-2 - Applications	21-5
	Section 21-2-3 - Examination of Applicant	21-6
	Section 21-2-4 - Prohibited Licensees	21-6
	Section 21-2-5 - Term; Fee Submitted in Advance	21-8
	Section 21-2-6 - License Classification	21-9
	Section 21-2-7 - Number of Licenses	21-9
	Section 21-2-8 - Nature of License	21-10
	Section 21-2-9 - Limitation of Licenses	21-10
	Section 21-2-10 - Dramshop Insurance	21-10
	Section 21-2-11 - Display of License	21-11
	Section 21-2-12 - Record of Licenses	21-11
	Article III – Regulations	
	Section 21-3-1 - Closing Hours	21-12
	Section 21-3-2 - Special Permit for the Sale of Alcoholic Liquor In the City on Sundays by Club Licensees	21-12
	Section 21-3-3 - Happy Hour Restrictions	21-12
	Section 21-3-4 - Prohibited Locations	21-14
	Section 21-3-5 - Change of Location	21-14
	Section 21-3-6 - Stores Selling School Supplies, Lunches, Etc.	21-14
	Section 21-3-7 - Drinking on Public Ways	21-15
	Section 21-3-8 - Transporting, Etc., in Motor Vehicles	21-15
	Section 21-3-9 - Open Liquor – Cup-to-Go Prohibited	21-15

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
21	LIQUOR (CONTINUED)	
	Article III – Regulations (Continued)	
	Section 21-3-10 - Liquor in Vehicles; Underage	21-15
	Section 21-3-11 - Restricted Residential Areas	21-15
	Section 21-3-12 - Election Days	21-15
	Section 21-3-13 - Unlawful Acts	21-16
	Section 21-3-14 - Unlawful Entertainment	21-16
	Section 21-3-15 - Sanitary Conditions	21-16
	Section 21-3-16 - Diseased Employees	21-17
	Section 21-3-17 - Health Permit	21-17
	Section 21-3-18 - Peddling	21-17
	Section 21-3-19 - Gambling Acts Prohibited	21-17
	Section 21-3-20 - Disorderly House	21-18
	Section 21-3-21 - Prohibited Sales – Generally	21-18
	Section 21-3-22 - Persons Selling Liquor	21-18
	Section 21-3-23 - Underaged; Entry on Licensed Premises	21-18
	Section 21-3-24 - Unlawful Purchase of Liquor	21-18
	Section 21-3-25 - Identification Required	21-18
	Section 21-3-26 - Transfer of Identification Card	21-18
	Section 21-3-27 - Posting Warning	21-18
	Section 21-3-28 - Exclusionary Provision	21-19
	Section 21-3-29 - Inspections	21-19
	Section 21-3-30 - Books and Records---Available Upon Reasonable Notice and Maintained in State Records	21-19
	Section 21-3-31 - Restrictions on Licensee	21-19
	Section 21-3-32 - Selling False Identification	21-20
	Section 21-3-33 - False Identification	21-20
	Section 21-3-34 - Underaged Drinking on Streets	21-20
	Section 21-3-35 - Residential Drinking	21-20
	Section 21-3-36 - Renting Hotel Rooms for Drinking	21-21
	Article IV – Violations and Penalties	
	Section 21-4-1 - Owner of Premises Permitting Violation	21-22
	Section 21-4-2 - Acts of Agent or Employee – Liability; Knowledge	21-22
	Section 21-4-3 - Revocation of License After Conviction	21-22
	Section 21-4-4 - Revocation of License When Employee Convicted	21-22
	Section 21-4-5 - Misbranding	21-22
	Section 21-4-6 - Abatement of Place Used in Violation	21-23
	Section 21-4-7 - Use of Premises for One Year After Revocation	21-23
	Section 21-4-8 - Suspension/Revocation of Licenses	21-23
	Section 21-4-9 - Complaint by Residents	21-24
	Section 21-4-10 - Revocation or Suspension of Local License; - Notice and Hearing	21-24
	Section 21-4-11 - Appeals From Order of Liquor Commissioner	21-25
	Section 21-4-12 - Subsequent Violations in a Year	21-25
	Section 21-4-13 - Appeal Limitations for Subsequent Violation	21-26
	Section 21-4-14 - Fines	21-26

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
22	MANDATED POLICIES	
	Article I - Identity Theft Prevention Policy	
	Section 22-1-1 - Compliance with Federal Law	22-1
	Section 22-1-2 - Risk Assessment/Identifying Relevant Red Flags	22-1
	Section 22-1-3 - Detected Red Flags	22-2
	Section 22-1-4 - Preventing and Mitigating Identity Theft	22-2
	Section 22-1-5 - Duties Regarding Change of Address	22-5
	Section 22-1-6 - Updating the Program	22-5
	Section 22-1-7 - Program Administration	22-6
	Section 22-1-8 - Service Provider Arrangements	22-6
	Section 22-1-9 - Training	22-6
	Section 22-1-10 - Education of Customers	22-7
	Section 22-1-11 - Other Applicable Legal Requirements	22-7
	Section 22-1-12 - Assistance for Victims	22-7
	Article II - Freedom of Information Policy	
	Section 22-2-1 - Public Records Available	22-8
	Section 22-2-2 - Designation, Duties and Training of Freedom of Information Act Officers	22-8
	Section 22-2-3 - Procedures	22-8
	Section 22-2-4 - Requests to Inspect or Copy	22-9
	Section 22-2-5 - Request for Commercial Purposes	22-10
	Section 22-2-6 - Fees	22-10
	Section 22-2-7 - Public File	22-10
	Section 22-2-8 - Granting or Denial of Requests	22-10
	Section 22-2-9 - Certain Information Exempt from Inspection and Copying	22-10
	Section 22-2-10 - Notice of Denial of Request; Appeals	22-11
	Article III - Fair Housing Code	
	Section 22-3-1 - Declaration of Policy	22-12
	Section 22-3-2 - Definitions	22-12
	Section 22-3-3 - Prohibited Acts	22-13
	Section 22-3-4 - Penalty	22-14
	Article IV - Equal Employment Policy	
	Section 22-4-1 - Adoption of Codes	22-15
	Section 22-4-2 - Non-Discriminatory Practices	22-15
	Section 22-4-3 - Contracting with Non-Complaints	22-15
	Section 22-4-4 - Outreach to All	22-16
	Section 22-4-5 - Minority Hiring	22-16
	Section 22-4-6 - Accommodations for Disabled	22-16
	Section 22-4-7 - Compliance by Employees	22-17
	Section 22-4-8 - Designated Enforcers	22-17

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
22	MANDATED POLICIES (CONTINUED)	
	Article V - Ethics Code	
	Section 22-5-1 - Definitions	22-18
	Section 22-5-2 - Prohibited Political Activities	22-20
	Section 22-5-3 - Gift Ban	22-20
	Section 22-5-4 - Exceptions	22-20
	Section 22-5-5 - Disposition of Gifts	22-21
	Section 22-5-6 - Ethics Advisor	22-22
	Section 22-5-7 - Ethics Commission	22-22
	Section 22-5-8 - Penalties	22-25
	Article VI - Investment Policy	
	Section 22-6-1 - Policy	22-26
	Section 22-6-2 - Scope	22-26
	Section 22-6-3 - Prudence	22-26
	Section 22-6-4 - Objective	22-26
	Section 22-6-5 - Delegation of Authority	22-27
	Section 22-6-6 - Ethics and Conflicts of Interest	22-27
	Section 22-6-7 - Authorized Financial Dealers and Institutions	22-27
	Section 22-6-8 - Authorized and Suitable Investments	22-28
	Section 22-6-9 - Collateralization	22-28
	Section 22-6-10 - Safekeeping and Custody	22-28
	Section 22-6-11 - Diversification	22-29
	Section 22-6-12 - Maximum Maturities	22-29
	Section 22-6-13 - Internal Control	22-29
	Section 22-6-14 - Performance Standards	22-30
	Section 22-6-15 - Reporting	22-30
	Section 22-6-16 - Investment Policy Adoption	22-30
	Article VII - Use of Social Security Numbers	
	Section 22-7-1 - Definitions	22-31
	Section 22-7-2 - Prohibited Activities	22-31
	Section 22-7-3 - Public Inspection and Copying of Documents	22-32
	Section 22-7-4 - Applicability	22-33
	Section 22-7-5 - Compliance with Federal Law	22-33
	Section 22-7-6 - Embedded Social Security Numbers	22-33
	Section 22-7-7 - Identity--Protection Requirements	22-33
	Section 22-7-8 - Penalty	22-34
	Section 22-7-9 - Amendment of Privacy Policy	22-34
	Section 22-7-10 - Conflict with Stricter Laws	22-34
	Article VIII – Policy Against Discrimination, Harassment and Sexual Misconduct	
	Section 22-8-1 - Statement of Policy	22-35
	Section 22-8-2 - Responsibilities	22-36
	Section 22-8-3 - Applicable Procedures	22-37
23	MANUFACTURED HOUSING CODE	
	Article I - General Provisions	
	Section 23-1-1 - Definitions	23-1
	Section 23-1-2 - State Requirements Adopted by Reference	23-4
	Section 23-1-3 - Manufactured Housing Act Adopted	23-4
	Section 23-1-4 - Illinois Department of Public Health Adopted and Regulations	23-4
	Section 23-1-5 - National Safety Standards	23-4

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
23	MANUFACTURED HOUSING CODE (CONTINUED)	
	Article I - General Provisions (Continued)	
	Section 23-1-6 - Fire Extinguishers	23-4
	Section 23-1-7 - Inspection	23-5
	Section 23-1-8 - Off-Street Parking	23-5
	Section 23-1-9 - Prohibited Residential Uses	23-5
	Section 23-1-10 - Carbon Monoxide Alarm Detectors	23-5
	Section 23-1-11 - Smoke and Fire Detectors	23-5
	Article II - Immobilized Manufactured Homes	
	Section 23-2-1 - Immobilized Manufactured Homes	23-6
	Section 23-2-2 - Permit - Fee	23-6
	Section 23-2-3 - Lot Size	23-6
	Section 23-2-4 - Limit of Units	23-6
	Article III - Manufactured Home Parks	
	Division I - Administration Requirements	
	Section 23-3-1 - Compliance with Statutes, Applicability of Article	23-7
	Section 23-3-2 - Permitting and Planning a Park	23-7
	Section 23-3-3 - Local Government Requirements	23-7
	Section 23-3-4 - Permits	23-7
	Section 23-3-5 - Inspection of Manufactured Home Park	23-8
	Section 23-3-6 - Violation Proceedings	23-8
	Section 23-3-7 - Initial Permit Required	23-8
	Section 23-3-8 - 23-3-9 Reserved	
	Division II - Design and Construction Requirements	
	Section 23-3-10 - Plan Document	23-9
	Section 23-3-11 - Application	23-9
	Section 23-3-12 - Location	23-10
	Section 23-3-13 - Roadways and Parking	23-10
	Section 23-3-14 - 23-3-16 Reserved	
	Division III - Generally	
	Section 23-3-17 - Lot Size	23-11
	Section 23-3-18 - Miscellaneous Restrictions	23-11
	Section 23-3-19 - 23-3-20 Reserved	
	Division IV - Fees	
	Section 23-3-21 - License Fee	23-11
24	MOTOR VEHICLE CODE	
	Article I - Definitions	
	Section 24-1-1 - Illinois Vehicle Code; Definitions Adopted	24-1
	Article II - General Regulations	
	Section 24-2-1 - Obedience to Police	24-1
	Section 24-2-2 - Scene of Fire	24-1
	Section 24-2-3 - Signs and Signals	24-1
	Section 24-2-4 - Unauthorized Signs	24-2
	Section 24-2-5 - Interference with Signs or Signals	24-2
	Section 24-2-6 - Advertising Signs	24-2

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
24	MOTOR VEHICLE CODE (CONTINUED)	
	Article II - General Regulations (Continued)	
	Section 24-2-7 - Animals or Bicycles	24-2
	Section 24-2-8 - Lamps and Other Equipment on Bicycles	24-2
	Article III - Stop and Through Streets	
	Section 24-3-1 - Through Streets	24-4
	Section 24-3-2 - One-Way Streets or Alleys	24-4
	Section 24-3-3 - Stop Streets	24-4
	Section 24-3-4 - Yield Right-of-Way Streets	24-4
	Section 24-3-5 - Posting Signs	24-4
	Article IV - Driving Rules	
	Section 24-4-1 - Illinois Vehicle Code; Rules of the Road Adopted	24-5
	Section 24-4-2 - Driving Rules	24-5
	Section 24-4-3 - Duty to Report Accident	24-7
	Section 24-4-4 - Transporting Liquor in Vehicles	24-7
	Section 24-4-5 - Excessive Noise - Stopped Vehicle	24-7
	Section 24-4-6 - Excessive Noise - Wheels	24-7
	Section 24-4-7 - Excessive Noise - Squealing Tires	24-7
	Section 24-4-8 - Reckless, Negligent or Careless Driving	24-7
	Section 24-4-9 - Excessive Noise While Driving	24-7
	Article V - Equipment of Vehicles	
	Section 24-5-1 - Illinois Vehicle Code; Equipment of Vehicles Adopted	24-8
	Section 24-5-2 - Muffler	24-8
	Section 24-5-3 - Sound Amplification Systems	24-8
	Section 24-5-4 - Excessive Engine Braking Noise Prohibited	24-8
	Article VI - Parking Rules	
	Section 24-6-1 - Time Limit Parking	24-9
	Section 24-6-2 - Parking for Sale, Repair or Peddling Prohibited	24-9
	Section 24-6-3 - Stopping, Standing or Parking Prohibited in Specified Places	24-9
	Section 24-6-4 - Parking for the Handicapped	24-10
	Section 24-6-5 - Load Limits	24-11
	Section 24-6-6 - Limited Parking Zones; Two-Hour	24-11
	Section 24-6-7 - Limiting Parking Zones	24-11
	Section 24-6-8 - Towing Cars Away	24-12
	Section 24-6-9 - Parking Violations	24-12
	Section 24-6-10 - Prima Facie Proof	24-12
	Section 24-6-11 - Parking Tickets - State Statute	24-12
	Section 24-6-12 - Designated Loading Zones	24-12
	Section 24-6-13 - Thirty-Minute Parking	24-12
	Article VII - Abandoned, Lost, Stolen or Unclaimed Vehicles	
	Section 24-7-1 - Abandonment of Vehicles Prohibited	24-13
	Section 24-7-2 - Abandoned, Lost, Stolen or Unclaimed Vehicle Notification to Law Enforcement Agencies	24-13
	Section 24-7-3 - Removal of Motor Vehicles or Other Vehicles; Towing or Hauling Away	24-13
	Section 24-7-4 - Police Tows; Reports, Release of Vehicles, Payment	24-14
	Section 24-7-5 - Record Searches for Unknown Owner	24-14
	Section 24-7-6 - Identifying and Tracing of Vehicle	24-15

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
24	MOTOR VEHICLE CODE (CONTINUED)	
	Article VII – Abandoned, Lost, Stolen or Unclaimed Vehicles (Continued)	
	Section 24-7-7 - Reclaimed Vehicles; Expenses	24-16
	Section 24-7-8 - Disposal of Unclaimed Vehicle	24-16
	Section 24-7-9 - Disposal of Unclaimed Vehicles Without Notice	24-17
	Section 24-7-10 - Disposal of Hazardous Dilapidated Motor Vehicles	24-17
	Section 24-7-11 - Collection of Unpaid Charges	24-17
	Section 24-7-12 - Police Record for Disposed Vehicle	24-18
	Section 24-7-13 - Public Sale Proceeds; Disposition of	24-18
	Section 24-7-14 - Liability of Law Enforcement Officers	24-18
	Section 24-7-15 - Violations of Article	24-18
	Section 24-7-16 - Definitions	24-19
	Article VIII – Miscellaneous Regulations	
	Section 24-8-1 - Snow Routes Designated	24-20
	Section 24-8-2 - Street Sweeping Zones	24-20
	Article IX – Non-Highway Vehicles	
	Section 24-9-1 - General	24-21
	Section 24-9-2 - Definitions	24-21
	Section 24-9-3 - Requirements	24-21
	Section 24-9-4 - Rules Concerning Alternate Transportation	24-21
	Section 24-9-5 - Permits	24-22
	Section 24-9-6 - Vehicle Requirements	24-23
	Section 24-9-7 - Violations	24-23
	Schedule "A" - Stop Intersections	1
	Schedule "B" - One-Way Streets and Alleys	5
	Schedule "C" - Yield Intersections	5
	Schedule "D" - School Crossings	6
	Schedule "F" - No Parking Zones	7
	Schedule "G" - Limited Parking Zones	11
	Schedule "H" - Limited Parking	12
	Schedule "I" - One-Hour Parking Zone	14
	Schedule "J" - Reduced Speed Limit Areas	14
	Schedule "M" - Load Limits and Loading Zones	15
	Schedule "N" - Special Parking	16
	Schedule "O" - Street Sweeping Zones	16
	Schedule "P" - Handicapped Parking	17
	Schedule "Q" - Loading Zones	18
25	NUISANCES	
	Article I - Generally	
	Section 25-1-1 - Definition of Nuisance	25-1
	Section 25-1-2 - General Prohibition	25-1
	Section 25-1-3 - Specific Nuisances Enumerated	25-1
	Section 25-1-4 - Nuisances Affecting Health, Peace and Safety, or Property	25-4
	Section 25-1-5 - Nuisances Detrimental to Health Generally	25-4
	Section 25-1-6 - Dumping Garbage on Property of Others	25-4
	Section 25-1-7 - Notice to Abate	25-4
	Section 25-1-8 - Hearing	25-5
	Section 25-1-9 - Appeal	25-5
	Section 25-1-10 - Abatement by City	25-5
	Section 25-1-11 - Failure to Comply with Notice	25-6
	Section 25-1-12 - Citizen Complaint	25-6

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
25	NUISANCES (CONTINUED)	
	Article I - Generally (Continued)	
	Section 25-1-13 - Lien	25-6
	Section 25-1-14 - Penalty	25-6
	Article II – Weeds and Grasses	
	Section 25-2-1 - Weed and Grasses	25-7
	Article III – Debris, Trash and Garbage	
	Section 25-3-1 - Garbage and Debris Accumulation Prohibited	25-9
	Article IV – Inoperable Motor Vehicles	
	Section 25-4-1 - Inoperable Motor Vehicles	25-11
	Section 25-4-2 - Leaving of Vehicles	25-12
	Section 25-4-3 - Removal of Vehicles	25-12
	Section 25-4-4 - Violation	25-12
	Section 25-4-5 - Removal of Vehicle by City	25-12
	Section 25-4-6 - Notice	25-12
	Section 25-4-7 - Emergency Disposal; Notice Required; Contents	25-13
	Section 25-4-8 - Identifying and Tracing of Vehicle	25-14
	Section 25-4-9 - Reclaimed Vehicles; Expenses	25-14
	Section 25-4-10 - Notification of Impounded Vehicle	25-14
	Section 25-4-11 - Disposal of Unclaimed Vehicle	25-14
	Section 25-4-12 - Collection of Unpaid Charges	25-15
	Section 25-4-13 - Police Record for Disposed Vehicle	25-15
	Section 25-4-14 - Public Sale Proceeds; Disposition Of	25-15
	Article V – Signs	
	Section 25-5-1 - Political Signs	25-16
27	OFFENSES	
	Article I - Definitions	
	Section 27-1-1 - Meanings of Words and Phrases	27-1
	Section 27-1-2 - Criminal Code Adopted	27-1
	Article II - Generally	
	Section 27-2-1 - Disturbing Police Officer	27-1
	Section 27-2-2 - Impersonation of Officer	27-1
	Section 27-2-3 - Disturbing Lawful Assemblies	27-2
	Section 27-2-4 - Unlawful Assembly	27-2
	Section 27-2-5 - Disturbing the Peace	27-2
	Section 27-2-6 - Barbed Wire and Electric Fences	27-2
	Section 27-2-7 - Admission Fees; Fraudulently Avoiding Payment of	27-2
	Section 27-2-8 - Sale of Cigarettes or Tobacco to Minors	27-2

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
27	OFFENSES (CONTINUED)	
	Article II - Generally (Continued)	
	Section 27-2-9 - Smokeless Tobacco	27-3
	Section 27-2-10 - Unlawful Conduct on a Public Way	27-3
	Section 27-2-11 - Aid in Escape	27-4
	Section 27-2-12 - Escapes	27-4
	Section 27-2-13 - False Pretenses	27-4
	Section 27-2-14 - Renting Premises for Unlawful Purposes	27-4
	Section 27-2-15 - Aid to an Offense	27-4
	Section 27-2-16 - Criminal Housing Management	27-4
	Section 27-2-17 - Posting Bills	27-5
	Section 27-2-18 - Intoxication in Public	27-5
	Section 27-2-19 - Begging	27-5
	Section 27-2-20 - Concealed Weapons	27-5
	Section 27-2-21 - Discharge of Firearms or Bow and Arrow	27-5
	Section 27-2-22 - Games in Streets	27-6
	Section 27-2-23 - Storage of Explosives	27-6
	Section 27-2-24 - Throwing Rocks	27-6
	Section 27-2-25 - Destruction of Public Property	27-6
	Section 27-2-26 - Fortune Telling	27-6
	Section 27-2-27 - Abandoned Refrigerators or Iceboxes	27-6
	Section 27-2-28 - Halloween Curfew	27-7
	Section 27-2-29 - Theft of Recyclables Unlawful	27-7
	Section 27-2-30 - Throwing Objects from Motor Vehicles	27-7
	Section 27-2-31 - Depositing of Snow and Ice Restricted	27-7
	Section 27-2-32 - Protective Covering or Fencing	27-7
	Section 27-2-33 - Curfew Hours for Minors	27-8
	Section 27-2-34 - Abetting or Encouraging Violation	27-10
	Section 27-2-35 - Maintenance of Handicapped Parking Space	27-10
	Section 27-2-36 - Outside Storage	27-10
	Section 27-2-37 - Political Signs	27-10
	Section 27-2-38 - Open Burning	27-10
	Article III - Offenses Against Property	
	Section 27-3-1 - Petty Theft	27-11
	Section 27-3-2 - Criminal Damage to Property	27-11
	Section 27-3-3 - Criminal Damage to Fire-Fighting Apparatus, Hydrants or Equipment	27-11
	Section 27-3-4 - Injury to Utility Wires and Poles	27-12
	Section 27-3-5 - Damage or Destruction of Street Signs Prohibited	27-12
	Section 27-3-6 - Tampering with Public Notice	27-12
	Section 27-3-7 - Electronic Devices to Kill Insects	27-12
	Section 27-3-8 - Climbing Utility Poles	27-12
	Section 27-3-9 - Vandalism	27-12
	Article IV - Public Health, Safety and Decency	
	Section 27-4-1 - Disorderly Conduct; Elements of the Offense	27-13
	Section 27-4-2 - Resisting or Obstructing a Peace Officer	27-13
	Section 27-4-3 - Refusing to Aid an Officer	27-13
	Section 27-4-4 - Assembling at Public Places and Businesses	27-14
	Section 27-4-5 - Refusal to Disperse	27-15

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
27	OFFENSES (CONTINUED)	
	Article IV - Public Health, Safety and Decency (Continued)	
	Section 27-4-6 - Fighting	27-15
	Section 27-4-7 - Loud and Unnecessary Noise	27-15
	Section 27-4-8 - Profanity	27-15
	Section 27-4-9 - Peeping Tom	27-15
	Section 27-4-10 - Scavengers Prohibited	27-15
	Section 27-4-11 - False Report of Offense	27-15
	Section 27-4-12 - Interfering With Firemen	27-16
	Section 27-4-13 - Throwing Junk on Private Property	27-16
	Section 27-4-14 - Assault, Battery, Affray and Reckless Conduct	27-16
	Section 27-4-15 - Sale of Firearms or Weapons to Minors	27-16
	Section 27-4-16 - Intimidation	27-17
	Article V - Anti-Litter	
	Section 27-5-1 - Definitions	27-18
	Section 27-5-2 - Littering Prohibited	27-19
	Section 27-5-3 - Prevention of Scattering	27-19
	Section 27-5-4 - Receptacles - Upsetting or Tampering	27-19
	Section 27-5-5 - Sidewalks and Alleys Free From Litter	27-19
	Section 27-5-6 - Owner to Maintain Private Premises	27-19
	Section 27-5-7 - Littering from Vehicles	27-20
	Section 27-5-8 - Littering from Aircraft	27-20
	Section 27-5-9 - Litter in Parks	27-20
	Section 27-5-10 - Handbills	27-20
	Section 27-5-11 - Posting Notices Prohibited	27-21
	Section 27-5-12 - Construction Sites	27-21
	Section 27-5-13 - Loading and Unloading Docks	27-21
	Section 27-5-14 - Parking Lots	27-21
	Article VI - Trespass	
	Section 27-6-1 - Trespasses Prohibited	27-23
	Section 27-6-2 - Specifically Enumerated Trespasses - Suppression	27-23
	Article VII - Parental Responsibility Regulations	
	Section 27-7-1 - Definitions	27-24
	Section 27-7-2 - Parents and Guardians Responsible for Acts	27-25
	Article VIII - Truancy and Curfew Code	
	Section 27-8-1 - Definitions	27-26
	Section 27-8-2 - Curfew Restrictions	27-27
	Section 27-8-3 - Truancy Restrictions	27-28
	Section 27-8-4 - Establishment Restrictions	27-28
	Section 27-8-5 - Enforcement Restrictions	27-29
	Section 27-8-6 - Penalty	27-30
	Section 27-8-7 - Civil Liability	27-30

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
27	OFFENSES (CONTINUED)	
	Article IX - Fireworks - Private Use and Public Displays	
	Section 27-9-1 - Findings	27-31
	Section 27-9-2 - Purpose	27-31
	Section 27-9-3 - Scope of Authority	27-31
	Section 27-9-4 - Definitions	27-31
	Section 27-9-5 - Prohibitions and Unlawful Acts	27-32
	Section 27-9-6 - Exceptions	27-32
	Section 27-9-7 - Public Exhibitions - Permit Applications - Content	27-34
	Section 27-9-8 - Public Exhibitions - Permit Applications - Filing	27-34
	Section 27-9-9 - Standards for Public Fireworks Displays	27-35
	Section 27-9-10 - Special Effects for Entertainment Media	27-36
	Section 27-9-11 - Nonprohibited Acts	27-36
	Section 27-9-12 - Status of State Law	27-36
	Section 27-9-13 - Enforcement	27-36
	Section 27-9-14 - Reckless Discharge or Use Prohibited	27-36
	Article X - Skateboards	
	Section 27-10-1 - Definitions	27-37
	Section 27-10-2 - Skateboarding, Skating, Rollerblading or Operating a Toy Vehicle in Prohibited Areas	27-37
	Section 27-10-3 - Skateboarding, Skating, Rollerblading or Operating a Toy Vehicle in Areas Not Prohibited By This Article	27-37
	Section 27-10-4 - Clinging to a Vehicle	27-38
	Section 27-10-5 - Yield Right-of-Way	27-38
	Section 27-10-6 - Skateboarding, Skating, Rollerblading or Operating a Toy Vehicle on Private Property	27-38
	Section 27-10-7 - Damaging City Property	27-38
	Section 27-10-8 - Ramps	27-38
	Section 27-10-9 - Agreement for Impoundment	27-38
	Section 27-10-10 - Bicycles Not Included	27-38
	Article XI - Adult Uses Regulated	
	Section 27-11-1 - Purpose and Additional Findings	27-39
	Section 27-11-2 - Definitions	27-40
	Section 27-11-3 - Prohibition	27-41
	Section 27-11-4 - Limitation	27-41
	Article XII - Obscenity	
	Section 27-12-1 - Obscenity	27-42
	Section 27-12-2 - Harmful Material	27-43
	Section 27-12-3 - Tie-In Sales of Obscene Publications to Distributors	27-45
	Article XIII - Drug Paraphernalia	
	Section 27-13-1 - Definitions	27-46
	Section 27-13-2 - Determination of Drug Paraphernalia	27-47
	Section 27-13-3 - Offenses and Penalties	27-48
	Section 27-13-4 - Forfeiture of Property	27-49
	Section 27-13-5 - Prohibition of Possession of Weapons, Liquor and Drugs in the City Hall	27-49
	Section 27-13-6 - Possession of Cannabis	27-50
28	PARKS	
	Section 28-1-1 - Department Established	28-1
	Section 28-1-2 - Park Committee	28-1

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
28	PARKS (CONTINUED)	
	Section 28-1-3 - Chester Parks and Recreation Board	28-1
	Section 28-1-4 - Officers	28-2
	Section 28-1-5 - Closing Time for Parks	28-2
	Section 28-1-6 - Supervision Over Parks	28-2
	Section 28-1-7 - Liquor in Park	28-2
	Section 28-1-8 - Disorderly Conduct	28-3
	Section 28-1-9 - Sanctuary for Animals	28-3
	Section 28-1-10 - Speed Limits	28-3
	Section 28-1-11 - Receipts and Expenses	28-3
	Section 28-1-12 - Reservation of Power	28-3
	Section 28-1-13 - List of Parks	28-3
29	PROPERTY MAINTENANCE CODE	
	Article I - Administration	
	Division I - General	
	Section 29-1-1 - Title	29-1
	Section 29-1-2 - Scope	29-1
	Section 29-1-3 - Intent	29-1
	Section 29-1-4 - Severability	29-1
	Division II - Applicability	
	Section 29-1-5 - General	29-1
	Section 29-1-6 - Maintenance	29-2
	Section 29-1-7 - Application of Other Codes	29-2
	Section 29-1-8 - Existing Remedies	29-2
	Section 29-1-9 - Workmanship	29-2
	Section 29-1-10 - Historic Buildings	29-2
	Section 29-1-11 - Referenced Codes and Standards	29-2
	Section 29-1-12 - Requirements Not Covered by Code	29-3
	Section 29-1-13 - Reserved	
	Division III - Property Maintenance	
	Section 29-1-14 - General	29-3
	Section 29-1-15 - Liability	29-3
	Section 29-1-16 - Fees	29-3
	Section 29-1-17 - Notification of Renters	29-3
	Section 29-1-18 - 29-1-20 Reserved	
	Division IV - Duties and Powers of the Code Enforcement Officer	
	Section 29-1-21 - General	29-4
	Section 29-1-22 - Rule-Making Authority	29-4
	Section 29-1-23 - Inspections	29-4
	Section 29-1-24 - Right of Entry	29-4
	Section 29-1-25 - Identification	29-4

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
29	PROPERTY MAINTENANCE CODE (CONTINUED)	
	Article I - Administration (Continued)	
	Division IV - Duties and Powers of the Code Official (Continued)	
	Section 29-1-26 - Notices and Orders	29-4
	Section 29-1-27 - Records	29-5
	Section 29-1-28 - Frequency of Inspection	29-5
	Section 29-1-29 - Exceptions to Required Occupancy Inspections	29-5
	 Division V - Approval	
	Section 29-1-30 - Modifications	29-5
	Section 29-1-31 - Alternative Materials, Methods and Equipment	29-5
	Section 29-1-32 - Required Testing	29-5
	Section 29-1-33 - Material and Equipment Reuse	29-6
	Section 29-1-34 - Reserved	
	 Division VI - Violations	
	Section 29-1-35 - Unlawful Acts	29-6
	Section 29-1-36 - Notice of Violation	29-6
	Section 29-1-37 - Prosecution of Violation	29-6
	Section 29-1-38 - Violation Penalties	29-6
	Section 29-1-39 - Abatement of Violation	29-7
	Section 29-1-40 - Reserved	
	 Division VII - Notices and Orders	
	Section 29-1-41 - Notice to Person Responsible	29-7
	Section 29-1-42 - Form	29-7
	Section 29-1-43 - Method of Service	29-8
	Section 29-1-44 - Penalties	29-8
	Section 29-1-45 - Transfer of Ownership	29-8
	Section 29-1-46 - Utilities Connection	29-8
	 Division VIII - Unsafe Structures and Equipment	
	Section 29-1-47 - General	29-8
	Section 29-1-48 - Closing of Vacant Structures	29-9
	Section 29-1-49 - Notice	29-9
	Section 29-1-50 - Placarding	29-9
	Section 29-1-51 - Prohibited Occupancy	29-10
	Section 29-1-52 - 29-1-59 Reserved	
	 Division IX - Emergency Measures	
	Section 29-1-60 - Imminent Danger	29-10
	Section 29-1-61 - Temporary Safeguards	29-10
	Section 29-1-62 - Closing Streets	29-11
	Section 29-1-63 - Emergency Repairs	29-11
	Section 29-1-64 - Costs of Emergency Repairs	29-11
	Section 29-1-65 - Hearing	29-11
	Section 29-1-66 - Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
29	PROPERTY MAINTENANCE CODE (CONTINUED)	
	Article I - Administration (Continued)	
	Division X - Demolition	
	Section 29-1-67 - General	29-11
	Section 29-1-68 - Notices and Orders	29-12
	Section 29-1-69 - Failure to Comply	29-12
	Section 29-1-70 - Salvage Materials	29-12
	Section 29-1-71 - Reserved	
	 Division XI - Means of Appeal	
	Section 29-1-72 - Application for Appeal	29-12
	Section 29-1-73 - Membership of the Board	29-13
	Section 29-1-74 - Notice of Meeting	29-13
	Section 29-1-75 - Open Hearing	29-13
	Section 29-1-76 - Postponed Hearing	29-13
	Section 29-1-77 - Board Decision	29-14
	Section 29-1-78 - Court Review	29-14
	Section 29-1-79 - Stays of Enforcement	29-14
	 Article II - Definitions	
	Division I - General	
	Section 29-2-1 - Scope	29-15
	Section 29-2-2 - Interchangeability	29-15
	Section 29-2-3 - Terms Defined in Other Codes	29-15
	Section 29-2-4 - Terms Not Defined	29-15
	Section 29-2-5 - Parts	29-15
	 Division II - General Definitions	
	Section 29-2-6 - Definitions	29-15
	 Article III - General Requirements	
	Division I - General	
	Section 29-3-1 - Scope	29-19
	Section 29-3-2 - Responsibility	29-19
	Section 29-3-3 - Vacant Structures and Land	29-19
	Section 29-3-4 - Reserved	
	 Division II - Exterior Property Areas	
	Section 29-3-5 - Sanitation	29-19
	Section 29-3-6 - Grading and Drainage	29-20
	Section 29-3-7 - Sidewalks and Driveways	29-20
	Section 29-3-8 - Weeds	29-20
	Section 29-3-9 - Rodent Harborage	29-20
	Section 29-3-10 - Exhaust Vents	29-20
	Section 29-3-11 - Accessory Structures	29-20
	Section 29-3-12 - Motor Vehicles	29-21

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
29	PROPERTY MAINTENANCE CODE (CONTINUED)	
	Article III - General Requirements (Continued)	
	Division II - Exterior Property Areas (Continued)	
	Section 29-3-13 - Defacement of Property	29-21
	Section 29-3-14 - Reserved	
	Division III - Swimming Pools, Spas and Hot Tubs	
	Section 29-3-15 - Swimming Pools	29-21
	Section 29-3-16 - Enclosures	29-21
	Section 29-3-17 - Reserved	
	Division IV - Exterior Structure	
	Section 29-3-18 - General	29-22
	Section 29-3-19 - Protective Treatment	29-22
	Section 29-3-20 - Premises Identification	29-22
	Section 29-3-21 - Structural Members	29-22
	Section 29-3-22 - Foundation Walls	29-22
	Section 29-3-23 - Exterior Walls	29-23
	Section 29-3-24 - Roofs and Drainage	29-23
	Section 29-3-25 - Decorative Features	29-23
	Section 29-3-26 - Overhang Extensions	29-23
	Section 29-3-27 - Stairways, Decks, Porches and Balconies	29-23
	Section 29-3-28 - Chimneys and Towers	29-23
	Section 29-3-29 - Handrails and Guards	29-23
	Section 29-3-30 - Window, Skylight and Door Frames	29-24
	Section 29-3-31 - Insect Screens	29-24
	Section 29-3-32 - Doors	29-24
	Section 29-3-33 - Basement Hatchways	29-24
	Section 29-3-34 - Guards for Basement Windows	29-24
	Section 29-3-35 - Building Security	29-24
	Section 29-3-36 - Reserved	
	Division V - Interior Structure	
	Section 29-3-37 - General	29-25
	Section 29-3-38 - Structural Members	29-25
	Section 29-3-39 - Interior Surfaces	29-25
	Section 29-3-40 - Stairs and Walking Surfaces	29-26
	Section 29-3-41 - Handrails and Guards	29-26
	Section 29-3-42 - Interior Doors	29-26
	Section 29-3-43 - Reserved	
	Division VI - Handrails and Guardrails	
	Section 29-3-44 - General	29-26
	Section 29-3-45 - Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
29	PROPERTY MAINTENANCE CODE (CONTINUED)	
	Article III - General Requirements (Continued)	
	Division VII - Rubbish and Garbage	
	Section 29-3-46 - Accumulation of Rubbish or Garbage	29-27
	Section 29-3-47 - Disposal of Rubbish	29-27
	Section 29-3-48 - Disposal of Garbage	29-27
	Section 29-3-49 - Reserved	
	Division VIII - Extermination	
	Section 29-3-50 - Infestation	29-27
	Section 29-3-51 - Owner	29-28
	Section 29-3-52 - Single Occupant	29-28
	Section 29-3-53 - Multiple Occupancy	29-28
	Section 29-3-54 - Occupant	29-28
	Article IV - Light, Ventilation and Occupancy Limitations	
	Division I - General	
	Section 29-4-1 - Scope	29-29
	Section 29-4-2 - Responsibility	29-29
	Section 29-4-3 - Alternative Devices	29-29
	Section 29-4-4 - Reserved	
	Division II - Light	
	Section 29-4-5 - Habitable Spaces	29-29
	Section 29-4-6 - Common Halls and Stairways	29-30
	Section 29-4-7 - Other Spaces	29-30
	Section 29-4-8 - Reserved	
	Division III - Ventilation	
	Section 29-4-9 - Habitable Spaces	29-30
	Section 29-4-10 - Bathrooms and Toilet Rooms	29-30
	Section 29-4-11 - Cooking Facilities	29-31
	Section 29-4-12 - Process Ventilation	29-31
	Section 29-4-13 - Clothes Dryer Exhaust	29-31
	Section 29-4-14 - Reserved	
	Division IV - Occupancy Limitations	
	Section 29-4-15 - Privacy	29-31
	Section 29-4-16 - Minimum Room Widths	29-31
	Section 29-4-17 - Minimum Ceiling Heights	29-31
	Section 29-4-18 - Bedroom and Living Room Requirements	29-32
	Section 29-4-19 - Overcrowding	29-33
	Section 29-4-20 - Efficiency Unit	29-33
	Section 29-4-21 - Food Preparation	29-33

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
29	PROPERTY MAINTENANCE CODE (CONTINUED)	
	Article V - Plumbing Facilities and Fixture Requirements	
	Division I - General	
	Section 29-5-1 - Scope	29-34
	Section 29-5-2 - Responsibility	29-34
	Section 29-5-3 - Reserved	
	Division II - Required Facilities	
	Section 29-5-4 - Dwelling Units	29-34
	Section 29-5-5 - Rooming Houses	29-34
	Section 29-5-6 - Hotels	29-34
	Section 29-5-7 - Employees' Facilities	29-35
	Section 29-5-8 - Reserved	
	Division III - Toilet Rooms	
	Section 29-5-9 - Privacy	29-35
	Section 29-5-10 - Location	29-35
	Section 29-5-11 - Location of Employee Toilet Facilities	29-35
	Section 29-5-12 - Floor Surface	29-35
	Section 29-5-13 - Reserved	
	Division IV - Plumbing Systems and Fixtures	
	Section 29-5-14 - General	29-36
	Section 29-5-15 - Fixture Clearances	29-36
	Section 29-5-16 - Plumbing System Hazards	29-36
	Section 29-5-17 - Reserved	
	Division V - Water System	
	Section 29-5-18 - General	29-36
	Section 29-5-19 - Contamination	29-36
	Section 29-5-20 - Supply	29-37
	Section 29-5-21 - Water Heating Facilities	29-37
	Section 29-5-22 - Reserved	
	Division VI - Sanitary Drainage System	
	Section 29-5-23 - General	29-37
	Section 29-5-24 - Maintenance	29-37
	Section 29-5-25 - Reserved	
	Division VII - Storm Drainage	
	Section 29-5-26 - General	29-37

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
29	PROPERTY MAINTENANCE CODE (CONTINUED)	
	Article VI - Mechanical and Electrical Requirements	
	Division I - General	
	Section 29-6-1 - Scope	29-38
	Section 29-6-2 - Responsibility	29-38
	Section 29-6-3 - Reserved	
	Division II - Heating Facilities	
	Section 29-6-4 - Facilities Required	29-38
	Section 29-6-5 - Residential Occupancies	29-38
	Section 29-6-6 - Heat Supply	29-38
	Section 29-6-7 - Occupiable Work Spaces	29-39
	Section 29-6-8 - Room Temperature Measurement	29-39
	Section 29-6-9 - Reserved	
	Division III - Mechanical Equipment	
	Section 29-6-10 - Mechanical Appliances	29-39
	Section 29-6-11 - Removal of Combustion Products	29-40
	Section 29-6-12 - Clearances	29-40
	Section 29-6-13 - Safety Controls	29-40
	Section 29-6-14 - Combustion Air	29-40
	Section 29-6-15 - Energy Conservation Devices	29-40
	Section 29-6-16 - Reserved	
	Division IV - Electrical Facilities	
	Section 29-6-17 - Facilities Required	29-40
	Section 29-6-18 - Service	29-40
	Section 29-6-19 - Electrical System Hazards	29-41
	Section 29-6-20 - Reserved	
	Division V - Electrical Equipment	
	Section 29-6-21 - Installation	29-41
	Section 29-6-22 - Receptacles	29-41
	Section 29-6-23 - Luminaries	29-41
	Section 29-6-24 - Reserved	
	Division VI - Elevators, Escalators and Dumbwaiters	
	Section 29-6-25 - General	29-41
	Section 29-6-26 - Elevators	29-42
	Section 29-6-27 - Reserved	
	Division VII - Duct Systems	
	Section 29-6-28 - General	29-42

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
29	PROPERTY MAINTENANCE CODE (CONTINUED)	
	Article VII - Fire Safety Requirements	
	Division I - General	
	Section 29-7-1 - Scope	29-43
	Section 29-7-2 - Responsibility	29-43
	Section 29-7-3 - Reserved	
	Division II - Means of Egress	
	Section 29-7-4 - General	29-43
	Section 29-7-5 - Aisles	29-43
	Section 29-7-6 - Locked Doors	29-43
	Section 29-7-7 - Emergency Escape Openings	29-43
	Section 29-7-8 - Reserved	
	Division III - Fire-Resistance Ratings	
	Section 29-7-9 - Fire-Resistance-Rates Assemblies	29-44
	Section 29-7-10 - Opening Protectives	29-44
	Section 29-7-11 - Reserved	
	Division IV - Fire Protection Systems	
	Section 29-7-12 - General	29-44
	Section 29-7-13 - Smoke Alarms	29-44
	Section 29-7-14 - Power Source	29-45
	Section 29-7-15 - Interconnection	29-45
	Section 29-7-16 - Carbon Monoxide Detectors	29-45
30	PUBLIC SAFETY	
	Article I - Civil Emergency	
	Section 30-1-1 - Definitions	30-1
	Section 30-1-2 - Declaration of Emergency	30-1
	Section 30-1-3 - Curfew	30-1
	Section 30-1-4 - Authority of Mayor to Issue Orders	30-1
	Section 30-1-5 - Effectiveness	30-2
	Section 30-1-6 - Notification	30-2
	Section 30-1-7 - Penalty	30-2
	Article II - Police Department	
	Section 30-2-1 - Establishment and Purpose	30-3
	Section 30-2-2 - Organization	30-3
	Section 30-2-3 - Appointments	30-3
	Section 30-2-4 - Oath and Bond	30-3
	Section 30-2-5 - Exemption from Jury Duty	30-3
	Section 30-2-6 - Qualifications	30-4

CHAPTER**TITLE****PAGE****30****PUBLIC SAFETY (CONTINUED)**

Article II - Police Department (Continued)

Section 30-2-7	-	Duties of Police Officers	30-4
Section 30-2-8	-	Duties of Chief of Police and Duties of Deputy Chief of Police	30-5
Section 30-2-9	-	Uniform	30-9
Section 30-2-10	-	Detective Position	30-9
Section 30-2-11	-	Probationary Officers: Expense	30-9
Section 30-2-12	-	Part-Time Police	30-9
Section 30-2-13	-	Reserved	

Article III - Police Regulations

Section 30-3-1	-	Police Department Organization	30-11
Section 30-3-2	-	Violation of Law	30-11
Section 30-3-3	-	Disobedience of Orders	30-11
Section 30-3-4	-	Possession/Use of Alcohol	30-12
Section 30-3-5	-	Possession/Use of Controlled Substances	30-12
Section 30-3-6	-	Payment of Debts/Legal Liabilities	30-12
Section 30-3-7	-	Withholding Information on Criminal Activity	30-12
Section 30-3-8	-	Undertaking Self-Assigned Police Action	30-12
Section 30-3-9	-	Prohibited Association/Frequenting	30-13
Section 30-3-10	-	Cooperation with Police Investigations: Failure	30-13
Section 30-3-11	-	Use/Display of Firearms	30-13
Section 30-3-12	-	Public Criticism of the Department	30-13
Section 30-3-13	-	Divulgence of Departmental Business	30-13
Section 30-3-14	-	Department Correspondence	30-14
Section 30-3-15	-	Political Utilization of Official Position	30-14
Section 30-3-16	-	Notices - Posting; Circulation; Destruction; Defacing	30-14
Section 30-3-17	-	Personal Appearance	30-14
Section 30-3-18	-	Professional Image	30-14
Section 30-3-19	-	Vacations Sick Days; Etc.	30-15
Section 30-3-20	-	Use of Force	30-15
Section 30-3-21	-	Unsatisfactory Performance	30-15
Section 30-3-22	-	Carrying of Gun and Departmental Identification	30-15
Section 30-3-23	-	Departmental Property – Reporting Damage/ Return	30-15
Section 30-3-24	-	Unauthorized Persons in Police Vehicles	30-16
Section 30-3-25	-	Duty to Read/Understand/Comply with Orders	30-16
Section 30-3-26	-	Receipt of Mail/Calls/Visitors at Police Station	30-16
Section 30-3-27	-	Courtroom Demeanor	30-16
Section 30-3-28	-	Truthfulness/Cooperation	30-16
Section 30-3-29	-	Departmental Records/Reports/Citations	30-17
Section 30-3-30	-	Illness/Condition (Physical/Mental)/Sick Leave	30-17
Section 30-3-31	-	Absence from Work	30-17
Section 30-3-32	-	Residence – Telephone/Address	30-17
Section 30-3-33	-	Commercial Utilization of Enforcement Authority	30-17
Section 30-3-34	-	Employment Outside of Department	30-18
Section 30-3-35	-	Gifts – Solicitations/Acceptance	30-18

CHAPTER**TITLE****PAGE****30****PUBLIC SAFETY (CONTINUED)**

Article III - Police Regulations (Continued)

Section 30-3-36	- On/Off Duty Conduct – Morale/Efficiency/Image/ Public Confidence	30-19
Section 30-3-37	- Neglect of Duty	30-19
Section 30-3-38	- Prompt Performance of Duty	30-19
Section 30-3-39	- Insubordination	30-19
Section 30-3-40	- Valuable Items – Buying/Receiving/Selling	30-19
Section 30-3-41	- Solicitation of Favorable Acts	30-19
Section 30-3-42	- Misconduct Known to Departmental Personnel	30-20
Section 30-3-43	- Physical/Mental Condition	30-20
Section 30-3-44	- Termination of Duty/Assignment	30-20
Section 30-3-45	- Possession of Keys	30-20
Section 30-3-46	- Cooperation with Internal Investigations	30-20
Section 30-3-47	- Participation in Civil Matters	30-20
Section 30-3-48	- Leaving City	30-20
Section 30-3-49	- Rendering Aid/Furnishing Identification	30-21
Section 30-3-50	- Loss of City Property or Equipment – Reporting	30-21
Section 30-3-51	- Recovered Property/Evidentiary Material	30-21
Section 30-3-52	- Fees/Rewards	30-21
Section 30-3-53	- Fighting/Quarreling	30-21
Section 30-3-54	- Department Property: Loss/Damage Negligence or Inattention	30-21
Section 30-3-55	- Escapes	30-21
Section 30-3-56	- General Responsibilities at Crime Scene/Arrests	30-22
Section 30-3-57	- Serving as Character Witness	30-22
Section 30-3-58	- Knowledge of Laws/Rules; Regulations/Policies and Procedures/General and Special Orders	30-22
Section 30-3-59	- Registration of Personal Police Equipment	30-22
Section 30-3-60	- Settlement of Duty Incurred Expenses/Damages	30-22
Section 30-3-61	- Duplication of Police Identification	30-22
Section 30-3-62	- Private Benefit from Departmental Association	30-22
Section 30-3-63	- Use of Private Vehicles/Equipment	30-22
Section 30-3-64	- Labor Disputes	30-23
Section 30-3-65	- Reports	30-23
Section 30-3-66	- Residency	30-23
Section 30-3-67	- Departmental Discipline	30-23

Article IV - Emergency Management Agency (EMA)

Section 30-4-1	- Policy and Procedures	30-26
Section 30-4-2	- Limitations	30-27
Section 30-4-3	- Definitions	30-27
Section 30-4-4	- Emergency Management Agency	30-28
Section 30-4-5	- Emergency Management Powers of the Mayor	30-29
Section 30-4-6	- Financing	30-30
Section 30-4-7	- Local Disaster Emergencies	30-31
Section 30-4-8	- Testing of Disaster Warning Devices	30-31
Section 30-4-9	- Mutual Aid Arrangements Between Political Subdivisions	30-32

CHAPTER**TITLE****PAGE****30****PUBLIC SAFETY (CONTINUED)**

Article IV - Emergency Management Agency (EMA) (Continued)

Section 30-4-10	- Communications	30-32
Section 30-4-11	- Immunity	30-32
Section 30-4-12	- Professions, Trades and Occupations	30-32
Section 30-4-13	- Appropriations and Levy of Tax	30-33
Section 30-4-14	- Authority to Accept Services, Gifts, Grants or Loans	30-33
Section 30-4-15	- Orders, Rules and Regulations	30-33
Section 30-4-16	- Utilization of Existing Agency, Facilities and Personnel	30-34
Section 30-4-17	- No Private Liability	30-34
Section 30-4-18	- Succession	30-34
Section 30-4-19	- Compensation	30-35
Section 30-4-20	- Assistant Coordinator	30-35
Section 30-4-21	- Personnel Oath	30-35
Section 30-4-22	- Emergency Termination or Reduction of Electrical Service	30-36
Section 30-4-23	- Mobile Support Team	30-36
Section 30-4-24	- Penalty	30-36

Article V – Fire Department

Division I – Generally

Section 30-5-1	- Department Established	30-37
Section 30-5-2	- Fire Committee	30-37
Section 30-5-3	- Purpose	30-37
Section 30-5-4	- Name	30-37
Section 30-5-5	- Membership	30-37
Section 30-5-6	- Resignation	30-38
Section 30-5-7	- Suspension	30-38
Section 30-5-8	- Meetings and Drills	30-38
Section 30-5-9	- Regular Drill	30-38
Section 30-5-10	- Special Meetings	30-38
Section 30-5-11	- Chain of Command	30-38
Section 30-5-12	- Fire Chief shall Preside at Meetings	30-39
Section 30-5-13	- Secretary Responsible for Funds	30-39
Section 30-5-14	- EMAC Payment	30-39
Section 30-5-15	- Reserved	

Division II - Fire Regulations

Section 30-5-16	- Enforcement of Code	30-39
Section 30-5-17	- Use of Apparatus - Injury	30-39
Section 30-5-18	- Entering Fire Houses	30-39
Section 30-5-19	- Equipment	30-40
Section 30-5-20	- Inspections	30-40
Section 30-5-21	- Mutual Aid Agreements	30-40
Section 30-5-22	- False Alarms	30-40
Section 30-5-23	- Firefighting Service and/or Non-Medical Emergency Service: Membership Contracts	30-40
Section 30-5-24	- Costs for Certification	30-41
Section 30-5-25	- MABAS Agreement	30-41
Section 30-5-26	- MABAS By-Laws	30-41

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
32	SOLID WASTE	
	Article I – Garbage	
	Division I – General Regulations	
	Section 32-1-1 - Definitions	32-1
	Section 32-1-2 - License	32-1
	Section 32-1-3 - Contracts for Residential Collection Required	32-2
	Section 32-1-4 - Residential Collection Service Mandatory	32-2
	Section 32-1-5 - Collection and Disposal	32-2
	Section 32-1-6 - Application for License	32-3
	Section 32-1-7 - Truck Requirements; Cleanliness, Etc.	32-3
	Section 32-1-8 - Truck Wastewaters	32-4
	Section 32-1-9 - Windblown Garbage Unlawful	32-4
	Section 32-1-10 - Materials Falling or Leaking From Truck	32-4
	Section 32-1-11 - Parking of Truck Limited	32-4
	Section 32-1-12 - Garbage on Premises Unlawful	32-4
	Section 32-1-13 - Industry, Construction, Etc.	32-4
	Section 32-1-14 - Revocation of License	32-5
	Section 32-1-15 - Insurance	32-5
	Section 32-1-16 - Parked Garbage Truck	32-5
	Section 32-1-17 - Location of Containers	32-6
34	STREET REGULATIONS	
	Article I - Department Established	
	Section 34-1-1 - Department Established	34-1
	Section 34-1-2 - Committee on Streets	34-1
	Section 34-1-3 - References	34-1
	Article II - General Regulations	
	Section 34-2-1 - Undermining	34-1
	Section 34-2-2 - Open Doors	34-1
	Section 34-2-3 - Repairing Sidewalks, Etc.	34-1
	Section 34-2-4 - Stairway – Railing	34-2
	Section 34-2-5 - Closing Street	34-2
	Section 34-2-6 - Signs Across Street	34-2
	Section 34-2-7 - Vehicles on Sidewalks	34-2
	Section 34-2-8 - Deposits on Sidewalks	34-2
	Section 34-2-9 - Obstructing Street	34-2
	Section 34-2-10 - Rainwater Drains	34-3
	Section 34-2-11 - Building Materials in Street	34-3
	Section 34-2-12 - Merchandise on Public Street	34-3
	Section 34-2-13 - Encroachments	34-3
	Section 34-2-14 - Posting Bills	34-4
	Section 34-2-15 - Signs on Poles	34-4
	Section 34-2-16 - Injury to New Pavements	34-4
	Section 34-2-17 - Barbed-Wire Fences	34-4
	Section 34-2-18 - Burning on Public Streets	34-4
	Section 34-2-19 - Grass Mowing	34-4
	Section 34-2-20 - Signs on Public Property	34-4

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
34	STREET REGULATIONS (CONTINUED)	
	Article III - Trees and Shrubs	
	Section 34-3-1 - Planting	34-5
	Section 34-3-2 - Planting Trees in Right-of-Way	34-5
	Section 34-3-3 - Removal	34-5
	Section 34-3-4 - Injury	34-5
	Section 34-3-5 - Advertisements or Notices	34-5
	Section 34-3-6 - Dangerous Trees	34-5
	Section 34-3-7 - Wires	34-6
	Section 34-3-8 - Gas Pipes	34-6
	Article IV - Excavations	
	Section 34-4-1 - Permit Required	34-7
	Section 34-4-2 - Applications	34-7
	Section 34-4-3 - Fees	34-7
	Section 34-4-4 - Bond	34-7
	Section 34-4-5 - Deposit	34-7
	Section 34-4-6 - Manner of Excavating	34-8
	Section 34-4-7 - Sidewalks	34-8
	Section 34-4-8 - Restoring Surface	34-8
	Section 34-4-9 - Supervision	34-8
	Section 34-4-10 - Tunneling	34-8
	Section 34-4-11 - Protective Measures and Routing of Traffic	34-9
	Section 34-4-12 - Clearance for Vital Structures	34-9
	Section 34-4-13 - Protection of Traffic	34-9
	Section 34-4-14 - Relocation and Protection of Utilities	34-9
	Section 34-4-15 - Abandonment of Substructures	34-10
	Section 34-4-16 - Protection of Adjoining Property	34-10
	Section 34-4-17 - Placement of Excavated Material	34-11
	Section 34-4-18 - Clean-Up	34-11
	Section 34-4-19 - Protection of Watercourses	34-12
	Section 34-4-20 - Breaking Through Pavement	34-12
	Section 34-4-21 - Depth of Structures	34-12
	Section 34-4-22 - Backfilling	34-13
	Section 34-4-23 - Trenches in Pipe Laying	34-13
	Section 34-4-24 - Prompt Completion of Work	34-13
	Section 34-4-25 - Urgent Work	34-14
	Section 34-4-26 - Emergency Action	34-14
	Section 34-4-27 - Noise, Dust and Debris	34-14
	Section 34-4-28 - Preservation of Monuments	34-14
	Section 34-4-29 - Inspections	34-14
	Section 34-4-30 - Location Records	34-14
	Section 34-4-31 - Liability of Persons to City for Damage	34-15
	Article V - Street Improvements	
	Section 34-5-1 - Sidewalks	34-16
	Section 34-5-2 - Curbs and Gutters	34-16
	Section 34-5-3 - Storm Sewers	34-16

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
34	STREET REGULATIONS (CONTINUED)	
	Article VI - Culverts	
	Section 34-6-1 - Obstruction of Drain or Storm Sewer	34-18
	Section 34-6-2 - Permit for Culvert	34-18
	Section 34-6-3 - Application for Permit	34-18
	Section 34-6-4 - Termination of Permit	34-18
	Section 34-6-5 - Type of Culvert	34-18
	Section 34-6-6 - Cost of Installation	34-18
	Section 34-6-7 - Backfill Cost	34-18
	Section 34-6-8 - Replacement Cost	34-18
	Article VII - Driveways	
	Section 34-7-1 - Permits Required	34-19
	Section 34-7-2 - Fee	34-19
	Section 34-7-3 - Grade Surface	34-19
	Section 34-7-4 - Specifications	34-19
	Section 34-7-5 - Breaking Curb – Bond Required	34-19
	Section 34-7-6 - Repair	34-19
	Article VIII – Snow Removal	
	Section 34-8-1 - Definitions	34-20
	Section 34-8-2 - Snow and Ice to be Removed From Sidewalks by Private Persons	34-20
	Section 34-8-3 - Depositing of Snow and Ice Restricted	34-20
	Section 34-8-4 - Mayor’s Authority	34-20
	Article IX – Moving Buildings	
	Section 34-9-1 - Permit Required	34-21
	Section 34-9-2 - Application for Permit	34-21
	Section 34-9-3 - Investigation	34-21
	Section 34-9-4 - Denial of Permit	34-21
	Section 34-9-5 - Terms and Conditions of Permit	34-22
	Section 34-9-6 - Estimate of Cost and Deposit	34-22
	Section 34-9-7 - Liability Insurance	34-22
	Section 34-9-8 - Owner’s Completion Bond or Savings and Loan Certificate and Share	34-23
	Section 34-9-9 - Clearance of Site and Safety Measures Required	34-23
	Section 34-9-10 - Inspection Fee and Permit Fee	34-24
	Section 34-9-11 - Issuance of Permit	34-24
	Section 34-9-12 - Suspension or Revocation of Permit	34-24
	Section 34-9-13 - Control and Supervision	34-24
	Section 34-9-14 - Notice Required	34-24
	Section 34-9-15 - Default in Performance of Conditions	34-25
	Section 34-9-16 - Approval of Route	34-25
	Section 34-9-17 - Obstructing Streets	34-25
	Section 34-9-18 - Lights and Barricades	34-25
	Section 34-9-19 - Wires and Structural Supports	34-25
	Section 34-9-20 - Trees, Plants and Shrubs	34-26

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
34	STREET REGULATIONS (CONTINUED)	
	Article IX - Moving Buildings (Continued)	
	Section 34-9-21 - Repairs to Public Property	34-26
	Section 34-9-22 - Refunding of Deposits	34-26
	Article X - Construction of Utility Facilities in the Rights-of-Way	
	Section 34-10-1 - Purpose and Scope	34-28
	Section 34-10-2 - Definitions	34-29
	Section 34-10-3 - Annual Registration Required	34-33
	Section 34-10-4 - Permit Required; Applications and Fees	34-34
	Section 34-10-5 - Action on Permit Applications	34-36
	Section 34-10-6 - Effect of Permit	34-37
	Section 34-10-7 - Revised Permit Drawings	34-38
	Section 34-10-8 - Insurance	34-38
	Section 34-10-9 - Indemnification	34-40
	Section 34-10-10 - Security	34-40
	Section 34-10-11 - Permit Suspension and Revocation	34-42
	Section 34-10-12 - Change of Ownership or Owner's Identity or Legal Status	34-43
	Section 34-10-13 - General Construction Standards	34-44
	Section 34-10-14 - Traffic Control	34-44
	Section 34-10-15 - Location of Facilities	34-45
	Section 34-10-16 - Construction Methods and Materials	34-49
	Section 34-10-17 - Vegetation Control	34-55
	Section 34-10-18 - Removal, Relocation, or Modification of Utility Facilities	34-57
	Section 34-10-19 - Cleanup and Restoration	34-57
	Section 34-10-20 - Maintenance and Emergency Maintenance	34-58
	Section 34-10-21 - Variances	34-58
	Section 34-10-22 - Penalties	34-59
	Section 34-10-23 - Enforcement	34-60
	Section 34-10-24 - Severability	34-60
35	SUBDIVISION CODE	
	Article I - Rules and Definitions	
	Section 35-1-1 - Purpose and Jurisdiction	35-1
	Section 35-1-2 - Rules and Definitions	35-1
	Section 35-1-3 - Definitions	35-1
	Article II - Procedure	
	Section 35-2-1 - Procedure	35-3
	Section 35-2-2 - Preliminary Plan	35-3
	Section 35-2-3 - Engineering Plans	35-3
	Section 35-2-4 - Final Plat	35-4

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
35	SUBDIVISION CODE (CONTINUED)	
	Article III - Preliminary Plan	
	Section 35-3-1 - Identification and Description	35-5
	Section 35-3-2 - Existing Conditions	35-5
	Section 35-3-3 - Proposed Subdivision Design Features Shall Be Shown as Follows	35-5
	Article IV - Approval of Preliminary Plan	
	Section 35-4-1 - Checklist Completed	35-10
	Section 35-4-2 - Approval - Tentative	35-10
	Section 35-4-3 - Certificate	35-10
	Article V - Engineering Plan	
	Section 35-5-1 - Easements	35-11
	Section 35-5-2 - Public Utilities	35-11
	Section 35-5-3 - Sewers	35-12
	Section 35-5-4 - Water Supply	35-12
	Section 35-5-5 - Street Improvements	35-12
	Article VI - Approval of Engineering Plan	
	Section 35-6-1 - Checklist	35-14
	Section 35-6-2 - Changes or Revisions	35-14
	Section 35-6-3 - Approval Tentative	35-14
	Section 35-6-4 - Letter of Approval	35-14
	Article VII - Final Plat	
	Section 35-7-1 - General	35-15
	Section 35-7-2 - Additional Delineation	35-15
	Section 35-7-3 - Appropriate Certificates	35-16
	Article VIII - Approval of Final Plat	
	Section 35-8-1 - Requirements of Final Plat	35-18
	Section 35-8-2 - Guarantees to City	35-18
	Article IX - Enforcement and Release of Bond	
	Section 35-9-1 - Construction Time Constraints	35-19
	Section 35-9-2 - Inspection	35-19
	Section 35-9-3 - Release of Bond	35-19
	Article X - Penalty	
	Section 35-10-1 - Penalty	35-20

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
35	SUBDIVISION CODE (CONTINUED)	
	Article XI - Appendixes	
	Section 35-11-1 - Appendix "A" - Checklist for Preliminary Plan	35-21
	Section 35-11-2 - Appendix "B" - Checklist for Engineer Plans	35-27
	Section 35-11-3 - Appendix "C" - Checklist for Final Plat	35-31
	Article XII - Bond	
	Section 35-12-1 - Bond for Improvements	35-33
36	TAXATION	
	Article I – Generally	
	Section 36-1-1 - Corporate Rate	36-1
	Section 36-1-2 - Audit Tax	36-1
	Section 36-1-3 - F.I.C.A. Tax	36-1
	Section 36-1-4 - General Liability	36-1
	Section 36-1-5 - Library Tax	36-1
	Section 36-1-6 - Workmen’s Compensation	36-1
	Section 36-1-7 - Public Parks Tax	36-1
	Section 36-1-8 - Police Pension	36-2
	Section 36-1-9 - I.M.R.F.	36-2
	Section 36-1-10 - Unemployment Insurance	36-2
	Section 36-1-11 - Municipal Bond	36-2
	Section 36-1-12 - Fire Protection Tax	36-2
	Section 36-1-13 - E.S.D.A.	36-2
	Article II – Simplified Telecommunications Tax	
	Section 36-2-1 - Definitions	36-3
	Section 36-2-2 - Simplified Municipal Telecommunications Tax Imposed	36-7
	Section 36-2-3 - Collection of Tax by Retailers	36-7
	Section 36-2-4 - Returns to Department	36-8
	Section 36-2-5 - Resellers	36-8
	Article III – Electric Utility Tax	
	Section 36-3-1 - Tax Imposed	36-9
	Section 36-3-2 - Type of Customer – Rate Effective	36-9
	Section 36-3-3 - Effective Date for Article	36-9
	Section 36-3-4 - Exceptions	36-9
	Section 36-3-5 - Additional Taxes	36-10
	Section 36-3-6 - Collection	36-10
	Section 36-3-7 - Reports to City	36-10
	Section 36-3-8 - Credit for Overpayment	36-11
	Section 36-3-9 - Penalty	36-11

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
36	TAXATION (CONTINUED)	
	Article IV - Foreign Fire Insurance Companies	
	Section 36-4-1 - Conformance	36-12
	Section 36-4-2 - Fees	36-12
	Section 36-4-3 - Required Reports	36-12
	Section 36-4-4 - Recovery of Monies	36-12
	Section 36-4-5 - Unlawful Operation	36-13
	Section 36-4-6 - Penalty	36-13
	Article V – Taxpayers’ Rights Code	
	Section 36-5-1 - Title	36-14
	Section 36-5-2 - Scope	36-14
	Section 36-5-3 - Definitions	36-14
	Section 36-5-4 - Notices	36-15
	Section 36-5-5 - Late Payment	36-15
	Section 36-5-6 - Payment	36-15
	Section 36-5-7 - Certain Credits and Refunds	36-15
	Section 36-5-8 - Audit Procedure	36-16
	Section 36-5-9 - Appeal	36-17
	Section 36-5-10 - Hearing	36-18
	Section 36-5-11 - Interest and Penalties	36-18
	Section 36-5-12 - Abatement	36-19
	Section 36-5-13 - Installment Contracts	36-19
	Section 36-5-14 - Statute of Limitations	36-19
	Section 36-5-15 - Voluntary Disclosure	36-20
	Section 36-5-16 - Publication of Tax Ordinances	36-20
	Section 36-5-17 - Internal Review Procedure	36-20
	Section 36-5-18 - Application	36-20
	Article VI – Municipal Cannabis Retailers’ Occupation Tax	
	Section 36-6-1 - Tax Imposed; Rate	36-21
	Section 36-6-2 - Collection of Tax by Retailers	36-21
	Section 36-6-3 - Severability	36-21
	Section 36-6-4 - Effective Date	36-21
38	UTILITIES	
	Article I – Water and Sewer Department Established	
	Section 38-1-1 - Department Established	38-1
	Section 38-1-2 - Committee on Water and Sewer	38-1
	Section 38-1-3 - Water Plant Superintendent	38-1
	Section 38-1-4 - Water Distribution Superintendent	38-1
	Section 38-1-5 - Sewer Superintendent and Sewer Distribution Superintendent	38-1
	Section 38-1-6 - References	38-2
	Article II - Rates and Regulations	
	Section 38-2-1 - Contract for Water Services – Customer Acceptance	38-5
	Section 38-2-2 - Liability for Charges	38-8
	Section 38-2-3 - Estimated Charge	38-9
	Section 38-2-4 - Consumer Lists	38-9
	Section 38-2-5 - Meters Tested by Request – Deposit	38-9
	Section 38-2-6 - Inaccurate Meter	38-9
	Section 38-2-7 - Utility Deposits	38-9
	Section 38-2-8 - Building Unit Defined	38-10

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
38	UTILITIES (CONTINUED)	
	Article III - Water System	
	Division I – Rates	
	Section 38-3-1 - Water Rates	38-13
	Section 38-3-2 - Additional Monthly Charge for Water Meters	38-13
	Section 38-3-3 - Water Rates Outside the City	38-14
	Section 38-3-4 - Special Rates	38-14
	Section 38-3-5 - Ellis Grove Rates	38-14
	Section 38-3-6 - Reserved	
	Division II - Regulations	
	Section 38-3-7 - Application for Taps and Service Connections to the Waterworks System	38-15
	Section 38-3-8 - Cost of Tap and Service Connections	38-15
	Section 38-3-9 - All Service to be by Meter	38-15
	Section 38-3-10 - Meters to be Open to Inspection	38-16
	Section 38-3-11 - Meter Damaged	38-16
	Section 38-3-12 - City Not Liable for Interruption of Supply	38-16
	Section 38-3-13 - Request for Billing Adjustment	38-17
	Section 38-3-14 - Inspection	38-17
	Section 38-3-15 - Installation	38-17
	Section 38-3-16 - Dangerous Usage	38-17
	Section 38-3-17 - Electric Ground Wires	38-18
	Section 38-3-18 - Shortage and Purity of Supply	38-18
	Section 38-3-19 - Non-Compliance with Rules	38-18
	Section 38-3-20 - Fire Hydrants	38-18
	Section 38-3-21 - Rules to Become Part of Contract	38-19
	Section 38-3-22 - 38-3-29 Reserved	
	Division III – Cross-Connection Control	
	Section 38-3-30 - Requirements	38-20
	Section 38-3-31 - Private Connection Unlawful	38-20
	Section 38-3-32 - Investigation by Superintendent	38-20
	Section 38-3-33 - Cross-Connection Control Inspector	38-20
	Section 38-3-34 - Discontinuance of Service	38-21
	Section 38-3-35 - Contamination Costs	38-21
	Section 38-3-36 - 38-3-39 Reserved	
	Division IV – Cross-Connection Control Code	
	Section 38-3-40 - Purpose	38-22
	Section 38-3-41 - Application	38-22
	Section 38-3-42 - Responsibility of Owner	38-22
	Section 38-3-43 - Definitions	38-22
	Section 38-3-44 - Water System	38-26
	Section 38-3-45 - Cross-Connection Prohibited	38-26
	Section 38-3-46 - Survey and Investigations	38-27
	Section 38-3-47 - Where Protection is Required	38-28
	Section 38-3-48 - Type of Protection Required	38-29
	Section 38-3-49 - Backflow Prevention Devices	38-30

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
38	WATER DEPARTMENT AND SEWER DEPARTMENT (CONTINUED)	
	Article III - Water System (Continued)	
	Division IV – Cross-Connection Control Code (Continued)	
	Section 38-3-50 - Inspection and Maintenance	38-30
	Section 38-3-51 - Booster Pumps	38-31
	Section 38-3-52 - Violations and Penalties	38-32
	Article IV – Sewer Code	
	Division I – General Provisions	
	Section 38-4-1 - Purpose and Policy	38-35
	Section 38-4-2 - Administration	38-35
	Section 38-4-3 - Abbreviations	38-36
	Section 38-4-4 - Definitions	38-36
	Section 38-4-5 - Reserved	
	Division II – Use of Public Sewers Required	
	Section 38-4-6 - Objectionable Wastes Unlawful	38-45
	Section 38-4-7 - Septic Tank Unlawful	38-45
	Section 38-4-8 - Connection to Sewer System Mandatory	38-45
	Section 38-4-9 - Private Sewage Disposal	38-45
	Section 38-4-10 - Reserved	
	Division III – Building Sewers and Connections	
	Section 38-4-11 - Permit Required for Sewer Connection	38-46
	Section 38-4-12 - Installation Costs	38-46
	Section 38-4-13 - Separate Connection Required	38-46
	Section 38-4-14 - Existing Buildings Sewers	38-46
	Section 38-4-15 - Design and Specifications	38-46
	Section 38-4-16 - Sewer Elevation	38-46
	Section 38-4-17 - Illegal Connections of Roof Drains	38-47
	Section 38-4-18 - Storm Water – Natural Outlets	38-47
	Section 38-4-19 - Control Manhole	38-47
	Section 38-4-20 - Requirements for Connection to Sewer	38-47
	Section 38-4-21 - Inspection by the City	38-47
	Section 38-4-22 - Excavations Barricaded	38-47
	Section 38-4-23 - Capacity Downstream	38-48
	Section 38-4-24 - 38-4-25 Reserved	
	Division IV – General Sewer Use Requirements	
	Section 38-4-26 - Prohibited Discharge Standards	38-49
	Section 38-4-27 - National Categorical Pretreatment Standards	38-51
	Section 38-4-28 - State Pretreatment Standards	38-51
	Section 38-4-29 - Local Limits	38-51
	Section 38-4-30 - City's Right of Revision and Special Agreements	38-52
	Section 38-4-31 - Dilution	38-52
	Section 38-4-32 - 38-4-33 Reserved	

CHAPTER**TITLE****PAGE****38****WATER DEPARTMENT AND SEWER DEPARTMENT (CONTINUED)**

Article IV – Sewer Code (Continued)

Division V – Pretreatment of Wastewater

Section 38-4-34	-	Pretreatment Facilities	38-53
Section 38-4-35	-	Additional Pretreatment Measures	38-53
Section 38-4-36	-	Accidental Discharge/Slug Control Plans	38-53
Section 38-4-37	-	Hauled Wastewater	38-54
Section 38-4-38	-	38-4-39 Reserved	

Division VI – Wastewater Discharge Permit Application

Section 38-4-40	-	Wastewater Analysis	38-55
Section 38-4-41	-	Wastewater Discharge Permit Requirement	38-55
Section 38-4-42	-	Wastewater Discharge Permitting; Existing Connections	38-55
Section 38-4-43	-	Wastewater Discharge Permitting; New Connections	38-56
Section 38-4-44	-	Wastewater Discharge Permitting for Extra-jurisdictional Industrial Users	38-56
Section 38-4-45	-	Wastewater Discharge Permit Application Contents	38-57
Section 38-4-46	-	Application Signatories and Certification	38-57
Section 38-4-47	-	Wastewater Discharge Permit Decisions	38-57
Section 38-4-48	-	Reserved	

Division VII – Wastewater Discharge Permit Issuance Process

Section 38-4-49	-	Wastewater Discharge Permit Duration	38-58
Section 38-4-50	-	Wastewater Discharge Permit Contents	38-58
Section 38-4-51	-	Wastewater Discharge Permit Appeals	38-59
Section 38-4-52	-	Wastewater Discharge Permit Modification	38-60
Section 38-4-53	-	Wastewater Discharge Permit Transfer	38-60
Section 38-4-54	-	Wastewater Discharge Permit Revocation	38-61
Section 38-4-55	-	Wastewater Discharge Permit Reissuance	38-62
Section 38-4-56	-	Intermunicipal Agreements	38-62
Section 38-4-57	-	Reserved	

Division VIII – Reporting Requirements

Section 38-4-58	-	Baseline Monitoring Reports	38-64
Section 38-4-59	-	Compliance Schedule Progress Reports	38-65
Section 38-4-60	-	Reports on Compliance with Categorical Pretreatment Standard Deadline	38-66
Section 38-4-61	-	Periodic Compliance Reports	38-66
Section 38-4-62	-	Reports of Changed Conditions	38-67
Section 38-4-63	-	Reports of Potential Problems	38-67
Section 38-4-64	-	Reports From Unpermitted Users	38-68
Section 38-4-65	-	Notice of Violation/Repeat Sampling and Reporting	38-68
Section 38-4-66	-	Notification of the Discharge of Hazardous Waste	38-68
Section 38-4-67	-	Analytical Requirements	38-69
Section 38-4-68	-	Sample Collection	38-69

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
38	WATER DEPARTMENT AND SEWER DEPARTMENT (CONTINUED)	
	Article IV – Sewer Code (Continued)	
	Division VIII – Reporting Requirements (Continued)	
	Section 38-4-69 - Determination of Noncompliance	38-70
	Section 38-4-70 - Timing	38-70
	Section 38-4-71 - Record Keeping	38-70
	Section 38-4-72 - 38-4-74 Reserved	
	Division IX – Compliance Monitoring	
	Section 38-4-75 - Right of Entry; Inspection and Sampling	38-71
	Section 38-4-76 - Entering Premises	38-71
	Section 38-4-77 - Search Warrants	38-71
	Section 38-4-78 - Reserved	
	Division X – Confidential Information	
	Section 38-4-79 - Confidential Information	38-72
	Division XI – Publication of Users in Significant Noncompliance	
	Section 38-4-80 - Publication	38-73
	Section 38-4-81 - Reserved	
	Division XII – Administrative Enforcement Remedies	
	Section 38-4-82 - Notification of Violation	38-74
	Section 38-4-83 - Consent Orders	38-74
	Section 38-4-84 - Show Cause Hearing	38-74
	Section 38-4-85 - Compliance Orders	38-74
	Section 38-4-86 - Cease and Desist Orders	38-75
	Section 38-4-87 - Administrative Fines	38-75
	Section 38-4-88 - Emergency Suspensions	38-76
	Section 38-4-89 - Termination of Discharge	38-76
	Section 38-4-90 - Reserved	
	Division XIII – Judicial Enforcement Remedies	
	Section 38-4-91 - Injunctive Relief	38-78
	Section 38-4-92 - Civil Penalties	38-78
	Section 38-4-93 - Criminal Prosecution	38-78
	Section 38-4-94 - Remedies Nonexclusive	38-79
	Section 38-4-95 - Reserved	
	Division XIV – Supplemental Enforcement Action	
	Section 38-4-96 - Performance Bonds	38-80
	Section 38-4-97 - Liability Insurance	38-80
	Section 38-4-98 - Water Supply Severance	38-80
	Section 38-4-99 - Public Nuisances	38-80
	Section 38-4-100 - Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
38	WATER DEPARTMENT AND SEWER DEPARTMENT (CONTINUED)	
	Article IV – Sewer Code (Continued)	
	Division XV – Affirmative Defenses to Discharge Violations	
	Section 38-4-101 - Upset	38-81
	Section 38-4-102 - Prohibited Discharge Standards	38-82
	Section 38-4-103 - Bypass	38-82
	Section 38-4-104 - Reserved	
	 Division XVI – Rates and Rate Discharge	
	Section 38-4-105 - Pretreatment Charges and Fees	38-84
	Section 38-4-106 - Rate Adjustments for Volume and Strength	38-84
	Section 38-4-107 - Definitions	38-84
	Section 38-4-108 - Basis for Wastewater Service Charges	38-85
	Section 38-4-109 - Measurement of Flow	38-88
	Section 38-4-110 - Reserved	
	Section 38-4-111 - Sewer Rates	38-88
	Section 38-4-112 - Non-Payment of Utility Bills	38-89
	Section 38-4-113 - Computation of Surcharge	38-89
	Section 38-4-114 - Computation of Wastewater Service Charge	38-89
	Section 38-4-115 - Reserved	
	Section 38-4-116 - Delinquent Bills	38-90
	Section 38-4-117 - Lien – Notice of Delinquency	38-90
	Section 38-4-118 - Foreclosure of Lien	38-90
	Section 38-4-119 - Revenues	38-90
	Section 38-4-120 - Accounts	38-91
	Section 38-4-121 - Notice of Rates	38-91
	Section 38-4-122 - Protection from Damage	38-91
	Section 38-4-123 - 38-4-124 Reserved	
	 Division XVII – Records and Evaluations	
	Section 38-4-125 - New Sanitary Sewage System Construction	38-92
	Section 38-4-126 - User Charge Reviewed Annually	38-92
	Section 38-4-127 - Rejection or Reduction of Industrial Discharges	38-92
	Section 38-4-128 - Annual Audit of Cost Accounting System	38-92
	Section 38-4-129 - Maintenance of Records	38-92
	Section 38-4-130 - Depreciation and Replacement	38-92
	Section 38-4-131 - Reserved	
	 Division XVIII – Extensions	
	Section 38-4-132 - Application	38-93
	Section 38-4-133 - Plat of Proposed Extension	38-93
	Section 38-4-134 - Engineer to Prepare Plans	38-94
	Section 38-4-135 - Sealed Bids – Larger Pipe Required	38-94
	Section 38-4-136 - Contract	38-94
	Section 38-4-137 - Reserved	
	 Division XIX – Effective	
	Section 38-4-138 - Compliance Date	38-96

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
39	WARDS	
	Article I - Established	
	Section 39-1-1 - Established	39-1
40	ZONING CODE	
	Article I – General Provisions	
	Section 40-1-1 - Purpose	40-1
	Section 40-1-2 - Jurisdiction	40-1
	Section 40-1-3 - Interpretation; Conflict with Other Codes	40-1
	Section 40-1-4 - Disclaimer of Liability	40-2
	Section 40-1-5 - Separability	40-2
	Article II – Definitions	
	Section 40-2-1 - Construction of Terms	40-3
	Section 40-2-2 - Selected Definitions	40-3
	Article III – General Zoning Regulations	
	Section 40-3-1 - Establishment of Districts	40-11
	Section 40-3-2 - Zoning Map and District Boundaries	40-11
	Section 40-3-3 - Annual Publication	40-11
	Section 40-3-4 - Determining Territory of Districts with Precision	40-11
	Section 40-3-5 - Annexed Territory	40-12
	Section 40-3-6 - General Prohibition	40-12
	Section 40-3-7 - Unlisted Uses Prohibited	40-12
	Section 40-3-8 - Temporary Uses	40-12
	Section 40-3-9 - Meeting Minimum Requirements	40-13
	Section 40-3-10 - Access Required	40-13
	Section 40-3-11 - Front Setbacks – Corner/Through Lots	40-13
	Section 40-3-12 - Front Setbacks in Certain Built-Up Areas	40-13
	Section 40-3-13 - Intrusions into Yards	40-13
	Section 40-3-14 - Exceptions to Height Limits	40-14
	Section 40-3-15 - Sewers and Septic Tanks	40-14
	Section 40-3-16 - Accessory Uses	40-14
	Section 40-3-17 - Accessory Use Restrictions	40-15
	Article IV – Regulations for Specific Districts	
	Division I – “A” Agricultural District	
	Section 40-4-1 - “A” – Agricultural District	40-16
	Section 40-4-2 - Agricultural Exemption	40-16
	Section 40-4-3 - Lot and Building Requirements	40-16
	Section 40-4-4 - Special Restrictions	40-17
	Section 40-4-5 - Permitted Uses	40-17
	Section 40-4-6 - Special Uses	40-17
	Section 40-4-7 - Reserved	

CHAPTER**TITLE****PAGE****40****ZONING CODE (CONTINUED)**

Article IV – Regulations for Specific Districts (Continued)

Division II – “R-1” – Single-Family Residential District

Section 40-4-8	- Purpose	40-18
Section 40-4-9	- Special Restrictions	40-18
Section 40-4-10	- Lot and Building Requirements	40-18
Section 40-4-11	- Permitted Uses	40-18
Section 40-4-12	- Special Uses	40-19
Section 40-4-13	- Reserved	

Division III – “R-2” – General Residential District

Section 40-4-14	- Purpose	40-20
Section 40-4-15	- Special Restrictions	40-20
Section 40-4-16	- Lot and Building Requirements	40-20
Section 40-4-17	- Permitted Uses	40-21
Section 40-4-18	- Special Uses	40-21
Section 40-4-19	- 40-4-20 Reserved	

Division IV – “R-3” – Mobile Home District

Section 40-4-21	- Purpose	40-22
Section 40-4-22	- Lot and Building Requirements	40-22
Section 40-4-23	- Permitted Uses	40-22
Section 40-4-24	- Special Uses	40-22
Section 40-4-25	- Mobile Homes on Individual Lots	40-22
Section 40-4-26	- Mobile Home Parks	40-23
Section 40-4-27	- Reserved	

Division V – “C” – Commercial District

Section 40-4-28	- Purpose	40-24
Section 40-4-29	- No Mobile Homes	40-24
Section 40-4-30	- No Nuisances	40-24
Section 40-4-31	- Lot and Building Requirements	40-24
Section 40-4-32	- Permitted Uses	40-25
Section 40-4-33	- Special Uses	40-25
Section 40-4-34	- Reserved	

Division VI – “I” – Industrial District

Section 40-4-35	- Purpose	40-26
Section 40-4-36	- No Mobile Homes	40-26
Section 40-4-37	- Use Restrictions	40-26
Section 40-4-38	- Lot and Structure Requirements	40-26
Section 40-4-39	- Permitted Uses	40-27
Section 40-4-40	- Special Uses	40-27
Section 40-4-41	- Temporary Use	40-27

CHAPTER**TITLE****PAGE****40****ZONING CODE (CONTINUED)**

Article V – Supplementary Regulations for Specific Uses

Section 40-5-1	-	Applicability of Article	40-28
Section 40-5-2	-	Agricultural Activities	40-28
Section 40-5-3	-	Fences – Walls	40-28
Section 40-5-4	-	Home Occupations	40-29
Section 40-5-5	-	Hospitals – Nursing Homes	40-29
Section 40-5-6	-	Junk Yards	40-30
Section 40-5-7	-	Kennels	40-30
Section 40-5-8	-	Private Swimming Pools	40-30

Article VI – Off-Street Parking and Loading

Section 40-6-1	-	Applicability of Article	40-31
Section 40-6-2	-	Existing Parking/Loading Facilities	40-31
Section 40-6-3	-	Parking Lot Standards	40-31
Section 40-6-3.1	-	Spaces	40-31
Section 40-6-3.2	-	Interior Aisles	40-31
Section 40-6-3.3	-	Access-Ways	40-32
Section 40-6-3.4	-	Surfacing	40-32
Section 40-6-4	-	Location of Off-Street Parking	40-32
Section 40-6-5	-	Computation of Required Parking Spaces	40-32
Section 40-6-6	-	Design and Location of Off-Street Loading Facilities	40-33
Section 40-6-7	-	Number of Parking Spaces Required	40-33

Article VII – Nonconformities

Section 40-7-1	-	Purpose of Article	40-37
Section 40-7-2	-	Nonconforming Lots	40-37
Section 40-7-3	-	Two or More Lots in Common Ownership	40-37
Section 40-7-4	-	Nonconforming Structures	40-37
Section 40-7-5	-	Nonconforming Uses	40-38
Section 40-7-6	-	Nonconformities Under Permit Authority	40-39

Article VIII – Administration and Enforcement

Section 40-8-1	-	Zoning Administrator’s Duties	40-40
Section 40-8-2	-	Initial Certificates of Zoning Compliance	40-40
Section 40-8-3	-	Application	40-40
Section 40-8-4	-	Duration of Certificate	40-41
Section 40-8-5	-	Final Certificates of Zoning Compliance	40-41
Section 40-8-6	-	Corrective Action Orders	40-42
Section 40-8-7	-	Contents of Order	40-42
Section 40-8-8	-	Service of Order	40-42
Section 40-8-9	-	Stop Orders	40-42
Section 40-8-10	-	Emergency Measures	40-42
Section 40-8-11	-	Complaints	40-43
Section 40-8-12	-	Filing Fees	40-43
Section 40-8-13	-	Penalties	40-43

CHAPTER**TITLE****PAGE****40****ZONING CODE (CONTINUED)**

Article IX – Special Procedures and Permits

Section 40-9-1	- Board of Appeals Established	40-44
Section 40-9-1.1	- Membership – Appointment – Compensation	40-44
Section 40-9-1.2	- Term of Office – Vacancies	40-44
Section 40-9-1.3	- Meetings – Quorum	40-44
Section 40-9-1.4	- Records	40-45
Section 40-9-2	- Special-Use Permits	40-45
Section 40-9-2.1	- Application	40-45
Section 40-9-2.2	- Public Hearing – Notice	40-46
Section 40-9-2.3	- Advisory Report – Factors Considered	40-46
Section 40-9-2.4	- Action by Council	40-46
Section 40-9-3	- Temporary-Use Permits	40-47
Section 40-9-4	- Amendments	40-47
Section 40-9-4.1	- Filing	40-47
Section 40-9-4.2	- Public Hearing – Notice	40-47
Section 40-9-4.3	- Advisory Report – Findings of Fact	40-47
Section 40-9-4.4	- Action by Council	40-48
Section 40-9-5	- Appeals	40-48
Section 40-9-5.1	- Filing – Record Transmittal	40-48
Section 40-9-5.2	- Stay of Further Proceedings	40-49
Section 40-9-5.3	- Public Hearing – Notice	40-49
Section 40-9-5.4	- Advisory Report – Decision by Council	40-49
Section 40-9-6	- Variances	40-49
Section 40-9-6.1	- Application	40-49
Section 40-9-6.2	- Public Hearing – Notice	40-50
Section 40-9-6.3	- Standards for Variances	40-50
Section 40-9-6.4	- Advisory Report – Decision by Council	40-51

CHESTER, ILLINOIS

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
1	Animals	09/02/24	37	Spec. Election	02/1925
2	Bonds	09/02/24	38	Regist. Bonds	03/02/25
3	Burial	09/02/04	39	Purch. Water Sys	03/02/25
4	Cemetery	09/02/24	40	Supt. Water Sys.	03/02/25
5	City Seal	09/02/24	41	Purch. Real Est.	03/02/25
6	Dogs	09/02/24	42	Same; Real Est.	03/02/25
7	Elections	09/02/24	43	Resolut. Water	
8	Ferry	09/02/24		Bonds	03/1925
9	Fire Department	09/02/24	44	Decrease in Salaries	03/1925
10	F. Fire Ins. Tax	09/02/24	45	Sale-Fire House	03/1925
11	Fire Limits	09/02/24	46	Ill. Power – Elec.	04/24/25
12	Hack Drivers	09/02/24	47	Vacation-Streets	05/29/25
13	Harbor & Boat Landing	09/02/24	48	Appropriation	1925
14	Health & Sanitation	09/02/24	49	Sidewalks	1925
15	Library	09/02/24	50	Sidewalks	1925
16	Licenses	09/02/24	51	Sidewalks	1925
17	Nuisance	09/02/24	52	Sidewalks	1925
18	Officers & Duties	09/02/24	53	Tax Levy	1925
19	Ordinances	09/02/24	54	Sidewalks	1925
20	Prosecutions	09/02/24	55	Sidewalks	1925
21	Offenses	09/02/24	56	Sidewalks	1925
22	Public Safety	09/02/24	57	Sidewalks	1925
23	Railroads	09/02/24	58	Water Rates	12/08/25
24	Rules of Order	09/02/24	59	Salar. Suptds.	12/08/25
25	Salaries	09/02/24	60	Appropriation	07/06/26
26	Sidewalks	09/02/24	61	Sidewalks	1926
27	Streets	09/02/24	62	Sidewalks	1926
28	Vehicles	09/02/24	63	Sidewalks	1926
29	Vehicles	09/02/24	64	Levy	1926
30	Freshly Oiled Streets	09/02/24	65	Bridge Const.	10/04/26
31	Real Estate	1924	66a	Same	11/01/26
32	Sidewalk Const.	10/06/24	66b	Water Rates	05/02/27
33	Water Sys. Purch.	12/17/24	67	Water Const.	05/16/27
34	Same – Bonds	01/05/25	68	Same; Bonds	07/01/27
35	Same; Special Election	12/17/25	69	Same; Election	05/16/27
36	Public Works Dept.	1925	70	Same; Real Est.	05/16/27
			71	Oil Inspector	07/05/27
			72	Appropriated	07/05/27
			73	Real Est. Purch.	07/11/27

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
74	Tax Levy	08/01/27	120	Sewer Discharge	07/06/31
75	St. Vacation	09/19/27	121	Pumping Stat.	VETOED
76	Bridge	10/24/27	122	Licenses (amends)	08/14/31
77	Bd-Local Imp	11/14/27	123	Tax Levy	09/08/31
78	Same; Condemnation	1927	124	Elections-Bonds	10/05/31
79	Appropriation	07/02/28	125	Bd. of Local Imp.	10/05/31
80	Ill. Power – Franch.	07/02/28	126	Water Sys. Imp.	10/05/31
81	Clerk as Collector	07/24/28	127	Ill. Power Co.	10/05/31
82	Tax Levy	1928	128	Vacation-Street	02/01/31
83	Building Code	10/01/28	129	Water Const.	03/07/31
84	Water Syst. Const.	10/10/28	130	Vacation-Street	05/02/31
85	Sewer Syst.	1928	131	Appropriation	06/06/32
86	Same; Repealed #85	12/03/28	132	Water Reg. (Sep. Meter)	07/05/32
87	Water Serv. Conn.	12/03/28	133	City Boundaries	09/06/32
88	Elect.-City Offices	1928	134	Street Widening	09/06/32
89	Public Works	01/07/29	135	Tax Levy	09/06/32
90	Water Regulations	02/04/29	136	Street Lighting	10/03/32
91	Vacation-Street	03/04/29	137	Street Vacation	10/03/32
92	Street Regulations	03/04/29	138	Bd. of Local Imp.	10/03/32
93	Ill. Power Co.	04/01/29	139	Street Dedicated	11/07/32
94	Street-Lighting	04/01/29	140	Water Reg.	02/06/33
95	Sunday Blue Law	05/06/29	141	Vehicles	05/01/33
96	Warf-R.R.	06/03/29	142	Liquor	05/09/33
97	Shell Oil Warehouse	06/03/29	143	Appropriation	06/05/33
98	Same-Track Ease.	06/03/29	144	Tax Levy	09/07/33
99	Water Rates	07/01/29	145	Elec. Utility	11/06/33
100	Streets-Rubbish On	07/01/29	146	Same; Election	11/21/33
101	Appropriation	07/01/29	147	Liquor License	12/04/33
102	Bd. of Local Imp.	08/05/29	148	Spec. Assess. Off.	12/04/33
103	Tax Levy	09/09/29	149	Streets	01/34
104	Ill. Power Co.	09/09/29	150	Night Marshall	02/12/34
105	Real Est. Sale	10/07/29	151	Same; Term	02/12/34
106	Bd. of Local Imp.	12/02/29	152	Liquor Regulations	03/05/34
107	Water Regulations	02/03/30	153	Electric Utility	03/05/34
108	Bd. of Local Imp.	02/03/30	154	Same; Vote	03/05/34
109	Ill. Power Co.	04/07/30	155	Repeals Elec. #145, 153, 154	04/07/34
110	Same; Streets	04/07/30	156	Ill. Power Co.	04/07/34
111	Appropriation	06/02/30	157	City Meeting Est.	04/24/34
112	Public Benefit Tax	06/07/30	158	Appropriation	06/25/34
113	License-Golf Course	08/04/30	159	Liquor-Wholesale	06/25/34
114	Tax Levy	09/03/30	160	Liquor Commiss.	06/25/34
115	Bd. of Local Imp.	09/22/30	161	Fire Dept.	07/02/34
116	Railroads-Acquist.	11/03/30	162	Swimming Pool	07/02/34
117	Elections	VETOED	163	Tax Levy	09/10/34
118	Licensing-Wagons	04/06/31	164	Streets	09/10/34
119a	Water Regulations	04/06/31			
119b	Appropriation	06/01/31			

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
165	Liquor Hours (1:00 A.M. – Sat. & Hol.)	10/01/34	207	License: Junkyards (\$100.00 fee)	12/06/37
166	Streets	10/15/34	208	Vehicle License	04/04/38
167	Fire House	12/03/34	209	License; Barbers (\$10.00)	04/07/38
168	Hours-Dance Hall	01/11/35	210	Outside; Fire Prot.	04/07/38
169	Dogs-Rabies Shot	01/11/35	211	Appropriation	06/06/38
170	Sewer Easement	05/01/35	212	Licenses; Handbills (\$10.00 – day)	
171	Fire House	05/01/35		(\$20.00 annual)	07/11/38
172	Liquor Comm.	05/01/35	213	Tax Levy	08/25/38
173	Liquor Licenses (Limit-12 Class A)	05/01/35	214	Swimming Pool Bonds	08/25/38
174	Spec. Assess Coll	05/06/35	215	Same; Election	09/06/38
175	Iss. Of License	05/06/35	216	Annexation	09/06/38
176	Salary-Appoint.	05/06/35	217	Same; Election	09/06/38
177	Appropriation	06/03/35	218	Water Rate	12/05/38
178	No Parking	07/01/35	219	Mayor-Engineers	01/10/39
179	Tax Levy	08/05/35	220	Chester Bridge	01/10/39
180	Ill. Power Co.	09/03/35	221	Barbers (#209)	01/06/39
181	Ill. Power Co.	09/03/35	222	Sale-Fireworks	03/06/39
182	No Parking	10/07/35	223	Bridge – Bonds	03/06/39
183	Water Reconnect.	02/03/36	224	Ward Lines	03/06/39
184	Vehicles-Foodstuffs	02/03/36	225	Vehicles for Hire	03/06/39
185	Same; Amended	04/16/36	226	Swimming Pool Tax	05/22/39
186	Liquor Comm.	05/04/36	227	Appropriation	06/05/39
187	Appropriation	05/04/36	228	Street Vacation	06/05/39
188	Missing	1936	229	Custodian of Public Property	06/05/39
189	Tax Levy	08/03/36	230	Tax Levy	08/07/39
190	Bridge Const.	09/21/36	231	Zoning	08/07/39
191	Water Sys. Bonds	09/21/36	232	Prohibited Streets	08/07/39
192	Same; Bonds	12/14/36	233	Annexation	10/02/39
193	Water Rates	12/14/36	234	Street Vacation	12/04/39
194	Fire Hyd. Rental	12/21/36	235	Serv. Sta. Location	01/08/40
195	Vacation-Street	03/01/37	236	No Parking	03/04/40
196	Water Const.	04/05/37	237	Peddling	05/01/40
197	Water Const.	04/05/37	238	Missing	-----
198	Water Const.	04/05/37	239	Swimming Pool Bnds.	06/07/40
199	Water Const.	04/05/37	240	Building Code	06/07/40
200	Clerk (Spec. Assess)	04/26/37	241	Annexation	07/01/40
201	Official Salaries	04/26/37	242	Bridge Bonds	07/12/40
202	Liquor Licen. (Class A – 11) (Class B – 0)	04/26/37	243	Same; Const.	07/12/40
203	Appropriation	06/07/37	244	Same; Const.	07/12/40
204	City Officials	06/21/37	245	Street Vacation	08/05/40
205	Same; Salaries	06/21/37	246	Tax Levy	08/05/40
206	Tax Levy	08/02/37	247	Offenses-Slugs	08/05/40
			248	Illinois Power Co.	08/05/40

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
249	Same-Energy	08/05/40	297	Same; Bids	09/27/44
250	Bridge	09/05/40	298	Street Vacation	12/06/44
251	Bridge Bnds. (Reg)	09/11/40	299	Ill. Power Co.	01/08/45
252	Same; Contract	09/21/40	300	Ill. Power Co.	01/08/45
253	Bridge Commiss.	09/23/40	301	Ill. Power Co.	01/08/45
254	Easement	09/30/40	302	Election	01/05/45
255	Zoning Change	10/07/40	303	Bridge;Massman Const.	02/05/45
256	Zoning	11/04/40	304	Sewer-Drainage	03/05/45
257	Missing	-----	305	Bridge Bonds	03/12/45
258	Swimming Pool	03/03/41	306	Bridge Insurance	04/02/45
259	Same; Election	03/03/41	307	Official Salaries	04/02/45
260	Same; Bonds	03/12/41	308	Parking Zones	05/01/45
261	Park Board	06/02/41	309	Business Licenses	05/01/45
262	Appropriation	06/02/41	310	Bridge Reconst.	05/01/45
263	Outside Fire Serv.	07/07/41	311	Appropriation	06/04/45
264	Offenses (Weapons)	07/07/41	312	Business License	07/02/45
265	Tax Levy	08/04/41	313	Cemetery	07/02/45
266	Fire Protection	12/01/41	314	Tax Levy	07/02/45
267	Nuisance	11/03/41	315	Traffic Stops	09/17/45
268	Vacating Alley	02/02/42	316	Taxicabs	10/01/45
269	Water Rate	02/02/42	317	Bd. of Local Imp.	11/05/45
270	Vehicles-Foodstuffs	04/01/42	318	Real Estate	11/21/45
271	Wastes in Streets	03/02/42	319	Liquor Code	02/04/46
272	Bridge Commission	05/01/42	320	Bd. of Local Imp.	05/01/46
273	Bridge Bonds	05/01/42	321	Reckless Driving	05/01/46
274	Names Streets	06/01/42	322	Appropriation	06/03/46
275	Appropriation	06/01/42	323	Working Cash Fd.	06/03/46
276	Liquor Hours	07/13/42	324	Planning Comm.	06/03/46
277	Tax Levy	07/13/42	325	Tax Levy	08/05/46
278	Annexation	01/04/43	326	Special Police	08/05/46
279	Bridge Fares	02/01/43	327	Bridge Bonds	09/17/46
280	No Parking Areas	02/01/43	328	Street Vacation	04/21/46
281	Tax Rate Increase	03/01/43	329	Vehicles-Foodstuffs	05/01/46
282	Elections	03/01/43	330	Airport Auth.	06/02/47
283	Bridge Fares	04/05/43	331	Appropriation	07/07/47
284	Bridge Fiscal Agt.	06/07/43	332	Tax Levy	08/04/47
285	Appropriation	06/07/43	333	Working Cash Fd.	08/04/47
286	Working Cash Fund	07/12/43	334	Street-No Parking	04/05/48
287	Tax Levy	07/12/43	335	Water Rev. Bonds	04/12/48
288	Water Bonds	07/12/43	336	Water Const.	05/24/48
289	Water Bonds	07/12/43	337	Water Bonds	06/01/48
290	Cemetery Board	04/03/43	338	Motorcycles \$3.00	07/06/48
291	Appropriation	06/05/43	339	Working Cash Fd.	07/06/48
292	Working Cash Fd.	06/05/44	340	Appropriation	07/06/48
293	Tax Levy	08/07/44	341	Bridge-Fed	07/19/48
294	Bridge-Tornado	08/08/44	342	Tax Levy	08/03/48
295	Bridge-Engineers	09/27/44	343	Water (\$360.00) Bnds	09/27/48
296	Same; Engineers	09/27/44	344	Water (#335 Repealed)	09/27/48
			345	Bridge (#341 Repealed)	10/04/48

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
346	Water Regulations	11/08/48	391	Library Fund	12/14/51
347	Water Regulations	11/12/48	392	Band Rate	12/14/51
348	Solicitors	03/07/49	393	Working Cash	01/07/52
349	Salary-Officials	04/21/49	394	Parking Rest.	04/17/52
350	Bridge Comm.	05/02/49	395	Zoning Ord.	04/07/52
351	Street Vacation	05/02/49	396	Parking Meters	05/01/52
352	Vehicle License	06/06/49	397	No Parking	05/01/52
353	Liquor	06/06/49	398	No Parking	06/02/52
354	Parking Meters	06/06/49	399	Water Bonds	06/11/52
355	Appropriation	06/06/49	400	Appropriation	
356	Licenses	08/01/49	401	Appointment of Officials	09/04/52
357	Working Cash Fd.	07/06/49	402	Bd. of Local Imp.	09/04/52
358	Tax Levy	07/06/49	403	Tax Levy	09/04/52
359	Solicitors	09/07/49	404	Bd. of Local Imp.	10/06/52
360	Liquor	11/01/49	405	Streets-Stop	11/03/52
361	Parking Meters	11/07/49	406	Ill. Mun. Ret. Fd.	12/12/52
362	Parking Zones	01/09/50	407	Bd. of Local Imp.	12/12/52
363	Appropriation	06/05/50	408	Streets-Stop	01/05/53
364	Working Cash	06/05/50	409	Oil Line Ease.	01/17/53
365	Water Rates	08/07/50	410	Fire Prot. Tax	01/02/53
366	Parking Meters	08/07/50	411	Toll Bridge Bonds	02/10/53
367	Tax Levy	08/07/50	412	Oil Line-Magnolia	03/13/53
368	Est. Toll Bridge	08/07/50	413	Salaries-Officials	04/06/53
369	Street Widening	1950	414	Fire Lanes	05/13/53
370	Water Rate	11/06/50	415	Appropriation	06/01/53
371	Water Sys. Bonds	01/02/51	416	Tax Levy	08/03/53
372	Wards	01/02/51	417	Elec. Franchise	08/03/53
373	Civil Defense	02/05/51	418	Ill. Power Co.	08/03/53
374	Vacation Streets	11/01/51	419	Ill. Power Co.	08/03/53
375	Liquor (Amends #319)	06/01/51	420	Offenses-Ice Box	09/08/53
376	Liquor (Amends #375)	06/14/51	421	Ill. Ret. Fd.	10/05/53
377	Appropriation	07/02/51	422	Social Security	11/02/53
378	Water-Flouride	07/02/51	423	Bd. of Health	11/02/53
379	Vacation-Alleys	07/02/51	424	No Parking Zone	12/07/53
380	Bd. of Local Imp.	08/06/51	425	Juke Box Lic.	04/05/54
381	Soliciting	08/06/51	426	Cemetery Prices	04/05/54
382	Appropriation	08/06/51	427	Appropriation	07/06/54
383	Working Cash	09/04/51	428	Tax Levy	08/02/54
384	Vacation-Alley	09/04/51	429	Streets-Trees	10/04/54
385	Vehicle Stick	12/03/51	430	Liquor License	04/07/55
386	Working Cash	11/05/51	431	Garbage	03/07/55
387	Tax Rate	12/03/51	432	Street-Vacation	03/07/55
388	Library Rate	12/03/51	433	Appropriation	07/05/55
389	Park Rate	12/03/51	434	Tax Levy	08/01/55
390	Band Fund	12/03/51	435	Street-No Parking	08/01/55
			436	Zoning (#395)	09/07/55

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
437	Sales Tax	09/07/55	483	Bridge Commiss.	12/28/59
438	Mo. Pacific RR	09/06/55	484	Same; Salary	12/29/58
439	Street-Stops	09/06/55	485	Same; City Clerk	12/29/58
440	SS #422 Rep.	10/22/55	486	Same; Bridge (Repeals)	
441	Soc. Sec. Adopt.	10/22/55		#272, 350, 368)	12/29/48
442	Traffic Accid.	02/06/56	487	Bridge Reg.	02/02/59
443	Appropriation	06/04/56	488	Election	03/09/59
444	Auctioneer-Lic.	06/04/56	489	Gas Rate	03/23/59
445	Annexation	06/21/56	490	Brd. Fire Comm.	04/25/59
446	Tax Levy	07/02/56	491	Liquor Fee (#353)	04/25/59
447	Street-Vacation	07/02/56	492	Licenses (#309,	
448	Street-Speed.	08/06/56		312, 356)	04/25/59
449	Real Estate	09/06/56	493	Gas Sys. Bonds	05/11/59
450	Same; Save	11/05/56	494	Dogs at Large	06/01/59
451	Liquor (#319)	12/03/56	495	Appropriation	06/05/59
452	Soliciting (\$10.00)		496	Gas Regulations	06/15/59
	(#359)	01/07/57	497	Tax Levy	07/06/59
453	Street-No Parking	01/07/57	498	Police Pension	08/03/59
454	School Crossing	04/01/57	499	Police Regulations	11/19/59
455	Salary	04/11/57	500	Annexation	03/07/60
456	Appropriation	06/07/57	501	Indust. Rev. Bonds	04/18/60
457	Missing	-----	502	Liquor Fees	04/18/60
458	Tax Levy	07/01/57	503	Storm Water-Sewer	06/13/60
459	Street-Vacation	08/05/57	504	No Parking	06/13/60
460	Annexation	08/05/57	505	Appropriation	06/17/60
461	No Passing Zone	08/05/57	506	Annexation	07/05/60
462	Liquor-Transp.	08/05/57	507	School Crossing	07/05/60
463	Street-Vacation	08/05/57	508	Tax Levy	08/01/60
464	Tap-In Fee	09/03/57	509	Games Prohibited	10/03/60
465	Park Regulations	10/07/57	510	Tax Levy	11/07/60
466	Parking (#466)	01/06/58	511	Water Wrks Bonds	12/19/60
467	Accident Report	01/06/58	512	Annexation	01/03/61
468	Motor Vehicle	01/06/58	513	Water Sys. Bonds	01/16/61
469	Gas Bonds	01/20/58	514	City Clerk Salary	02/06/61
470	Same; Elect.	02/03/58	515	Railroad-Vacation	03/06/61
471	Civil Defense	02/03/58	516	Election	03/14/61
472	Street Vacation	04/07/58	517	Vacation-Street	04/24/61
473	Housing Auth.		518	Water Bonds	05/01/61
	Cemetery	06/02/58	519	Liquor License	06/05/61
474	Annexation	06/02/58	520	Water Sys. Bonds	06/05/61
475	Appropriation	06/02/58	521	Same; Bonds	07/03/61
476	Aldermen Salary	08/09/58	522	Appropriation	07/03/61
477	Tax Levy	08/04/58	523	Dogs (#494)	07/03/61
478	Vacation-Alley	09/08/58	524	Tax Levy	08/07/61
479	Vacation-Street	08/06/58	525	Parking Meters	08/14/61
480	Vacation-Street	12/01/58	526	Water Wrks;Bonds	08/14/61
481	Bridge Bond	12/01/58	527	Plat-Subdivision	10/02/61
482	Same; Application	12/15/58	528	Annexation	10/02/61

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
529	Sales Tax	10/02/61	576	Nat'l. Bldg. Code	07/11/66
530	Stop Sign	11/06/61	577	Fire Prev. Code	07/11/66
531	Lease; Real Estate	01/15/62	578	Housing Code	07/11/66
532	Transfer Money	01/15/62	579	Water Rates	07/11/66
533	Sale-Real Estate	1962	580	Tax Levy	08/01/66
534	Sale; Real Estate	04/02/62	581	No Parking	09/12/66
535	No Parking	06/04/62	582	No Parking	02/06/67
536	Appropriation	06/04/62	583	Repeals #578	02/06/67
537	Traffic Signs	08/06/62	584	Housing Code	02/06/67
538	Tax Levy	08/06/62	585	Election Ord.	03/06/67
539	Rate-Water & Sewer	10/01/62	586	Vacation-Street	03/06/67
540	Same; (#539)	11/05/62	587	Dedication-Street	03/06/67
541	Planning Comm.	1962	588	Amends #584	04/03/67
542	Wards-Descript.	01/14/63	589	Dog License	04/03/67
543	Water Bonds	01/31/63	590	Vacation-Street	04/17/67
544	Street Vacation	1963	591	Water Rate (#539; #579)	05/01/67
545	Election	01/04/63	592	No Parking	05/01/67
546	Elec. Franchise	03/04/63	593	Appropriation	06/05/67
547	Elec. Franchise	03/04/63	594	Bridge Comm.	06/05/67
548	Election; Tie	04/22/63	595	Bridge Comm. Clerk	06/05/67
549	Election; Canvass	04/22/63	596	No Parking	07/10/67
550	Liquor Licenses	05/01/63	597	M.R.O. Tax	07/10/67
551	Liquor Hours	06/03/63	598	Tax Levy	08/07/67
552	Vacation Street	06/03/63	599	Amends #589	02/05/68
553	Appropriation	06/03/63	600	Street Name	04/01/68
554	Tax Levy	08/05/63	601	Vacation Street	06/03/68
555	Building Sewers	08/13/63	602	Appropriation	07/01/68
556	Sewer Tap	10/07/63	603	Tax Levy	08/05/68
557	Liquor Hours	10/11/63	604	Loitering	08/05/68
558	Cemetery Board	11/04/63	605	Vacation-Street	10/07/68
559	Water Tap	1963	606	Liquor License	10/07/68
560	Vacation-Street	03/02/64	607	Housing Code	11/04/68
561	Telephone Franchise	03/02/64	608	Cemetery	12/02/68
562	One-Way Street	04/06/64	609	Auxiliary Police	12/02/68
563	Appropriation	07/06/64	610	Housing Code	12/16/68
564	Levy	09/01/64	611	Housing Code	12/16/68
565	Election-Wards	02/65	612	Election	03/03/69
566	Liquor Licenses	02/01/65	613	Election	04/21/69
567	Election	03/01/65	614	Water Rate	07/07/69
568	Appropriation	07/06/65	615	Appropriation	07/07/69
569	Electric Franchise	08/02/65	616	Motor Veh Reckless	07/07/69
570	Liquor Licenses	08/02/65	617	Tax Levy	08/04/69
571	Tax Levy	09/07/65	618	M.R.O. Tax	09/11/69
572	Junk Storage	04/04/66	619	Liquor License	10/06/69
573	Appropriation	06/06/66	620	Gas Rate (#489)	02/02/70
574	Plumbing Code	07/11/66	621	Vacation-Street	04/28/70
575	Nat'l. Elec. Code	07/11/66			

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
622	Liquor License	04/28/70
623	Appropriation	06/01/70
624	Liquor License	08/03/70
625	Tax Levy	08/03/70
626	Parking Vehicles	01/04/71
627	Garbage – Cemetery	03/01/71
628	Election – Wards	03/01/71
629	Real Estate	04/05/71
630	Liquor License	04/27/71
631	Real Estate	05/01/71
632	Gas Bonds	05/01/71
633	Gas Bonds	06/07/71
634	Appropriation	06/07/71
635	Liquor Licenses	06/07/71
636	Annexation	07/06/71
637	Police Pension Fund	07/06/71
638	Tax Levy	09/07/71
639	Vacation Street	10/04/71
640	Annexations	11/01/71
641	Ill. Mun. Ret. Fd.	12/27/71
642	No Parking	04/03/71
643	Appropriation	06/05/72
644	Tax Levy	07/03/72
645	Liquor (#319 delete § 18)	11/06/72
646	Gas Rate (#489)	11/06/72
647	Elect. Rate	01/12/73
648	Ill. Power Co.	01/12/73
649	Tax Anticipation	01/12/73
650	Election	03/05/73
651	Liquor Licenses	04/23/73
652	Liquor Code	05/03/73
653	Appropriation	06/04/73
654	Tax Levy	08/06/73
655	Liquor	05/01/74
656	Annexation	05/01/74
657	Water & Sewer	06/13/74
658		
659		
660		
661		
662		

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
663	Revised Code 1974		
664	1975 Election	03/24/75	Special Legislation
665	Motor Vehicle	04/07/75	Chapter 24.38
666	Street Vacation	04/07/75	Special Legislation
667	Liquor	04/21/75	Chapter 21.09
668	Water-Sewer Bonds	04/21/75	Special Legislation
669	Appropriation	06/02/75	Not Applicable
670	Tax Levy	07/07/75	Not Applicable
671	Water-Sewer Bonds	10/06/75	Special Legislation
672	Sewer	12/01/75	Ch. 38, Art. IV, Div. II
673	Motor Vehicles	12/01/75	Ch. 24; Schd. "F"
674	Highway Encroachment	12/01/75	Special Legislation
675	Offenses – Intoxication	01/05/76	Ch. 27.16, 27.16-1
676	Official Flag	03/01/76	Chapter 3.12(C)
677	E.S.D.A.	03/01/76	Ch. 30; Art. IV
678	Bridge Tolls	03/01/76	Chapter 6.36
679	Vacate Alley – Mather Lamb	04/05/76	Special Legislation
680	Appropriation	06/07/76	Not Applicable
681	Tax Levy	09/13/76	Special Legislation
682	Vacate: 4 th St.	03/07/77	Special Legislation
683	Administration	03/07/77	Special Legislation
684	Election	03/07/77	Chapter 3
685	Bridge Commission	04/04/77	Repeals Ch. 6; Art. IV
686	Bridge Commission	04/04/77	Repeals Ch. 6; Art. IV
687	Boards: Police	05/16/77	Ch. 6.13, 6.14
688	Appropriation	06/20/77	Special Legislation
689	Administration: Attorney	06/20/77	Chapter 3.76
690	Motor Vehicles	07/05/77	Chapter 24.25(F)
691	Tax Levy	08/01/77	Special Legislation
692	Public Safety	09/06/77	Chapter 30.16(A)
692A	Subdivision Code	10/03/77	Chapter 34
693	Motor Vehicles	10/17/77	Chapter 24.25(F)
694	Zoning Code	10/26/77	Repeals #231; #395; #436
695	Sullivan Cable TV	11/07/77	Special Legislation
696	Zoning Commission	11/21/77	Special Legislation
697	Offenses	11/21/77	Chapter 27.30
698	Annex: Reiss	11/21/77	Special Legislation
699	Motor Vehicles	12/05/77	Ch. 24; Appendix "G", "H"
700	Vacate: Van Zant	12/19/77	Special Legislatoin\
701	Motor Vehicles	12/19/77	Ch. 24.38, 24.40
702	Motor Vehicles	03/06/78	Chapter 24.25
703	Administration	04/03/78	Chapter 3
704	Motor Vehicles	04/10/78	Chapter 24.40
705	J. L. Montroy	04/10/78	Special Legislation
706	Housing Code	04/17/78	Chapter 19

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
707	Motor Vehicles	05/01/78	Chapter 24.18
708	Appropriation	06/19/78	Special Legislation
709	Employees	07/17/78	Chapter 14.31
710	Tax Levy	07/31/78	Special Legislation
711	Motor Vehicles	07/31/78	Chapter 24
712	Liquor	08/21/78	Chapter 21
713	Gas Utilities Alliance	08/21/78	Special Legislation
714	Motor Vehicles	09/14/78	Chapter 24.25
715	Annex	09/05/78	Special Legislation
716	Offenses	10/16/78	Chapter 27
717	Garbage Code	10/16/78	Chapter 16
718	Taxicabs	10/16/78	Chapter 37
719	Road R-O-W	11/20/78	Special Legislation
720	Wages	11/20/78	Special Legislation
721	Utility Code	11/20/78	Chapter 38
722	Zoning Code	12/18/78	Chapter 40
723	Taxation	12/18/78	Chapter 36
724	Gas Utilities Org.	01/15/79	Special Legislation
725	Special Census	03/20/79	Special Legislation
726	Annex: Knollwood	03/05/79	Special Legislation
727	Wards: Administration	03/05/79	Chapter 39
728	City Election	03/19/79	Special Legislation
729	Nuisances Code	03/19/79	Chapter 25
730	Offenses Code	03/19/79	Chapter 27
731	Business Code	05/01/79	Chapter 8.47
732	Appropriation	06/31/79	Special Legislation
733	Tax Levy	06/18/79	Special Legislation
734	Utilities Code	06/18/79	Chapter 38.05-38.20
735	Utilities Code: Sewer	06/18/79	Chapter 38
736	Utilities Code: Sewer	06/18/79	Chapter 38
737	Grant – Sewer	06/18/79	Special Legislation
738	Vacate: 3 rd Street	07/02/79	Special Legislation
739	Loch Head Drive	07/02/79	Special Legislation
740	Motor Vehicles	07/02/79	Chapter 24.25
741	Public Safety	08/06/79	Chapter 30.36
742	Zoning Code	08/06/79	Chapter 40
743	Motor Vehicles	08/27/79	Ch. 24; Schd. "D"
744	Motor Vehicles	08/27/79	Ch. 24; Schd. "A"
745	Motor Vehicles: Meters	08/27/79	Ch. 24; Schd. "G"
746	Utilities Code: Sewer	09/04/79	Chapter 38
747	Utilities Code: Sewer	09/04/79	Chapter 38
748	Motor Vehicles	09/17/79	Chapter 24
749	Motor Vehicles	10/01/79	Ch. 24; Schd. "A"
750	Employees	11/05/79	Chapter 14
751	Motor Vehicles	11/19/79	Chapter 24
752	Motor Vehicles	12/03/79	Ch. 24; Schd. "A"
753	Liquor	12/17/79	Ch. 21.29; 21.33
754	Utility Code	12/17/79	Ch. 38.03; 38.04

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
755	Offenses	01/07/80	Chapter 27
756	Zoning Code	01/21/80	Chapter 40
757	Annex: Powley	02/03/80	Special Legislation
758	Boards: Police	02/04/80	Chapter 6.14
759	Ill. Risk Management	03/03/80	Special Legislation
760	Annex: Heir's Subdivision	03/17/80	Special Legislation
761	Motor Vehicles	04/21/80	Ch. 24; Schd. "D"
762	Employees	05/05/80	Chapter 14
763	Appropriation	05/19/80	Special Legislation
764	Offenses	06/02/80	Chapter 27
765	Tax Levy	06/16/80	Special Legislation
766	Motor Vehicles	07/07/80	Chapter 24
767	Zoning Change	07/07/80	Special Legislation
768	Gas Code	08/18/80	Chapter 17.06
769	Annex: Hettesheimer	08/18/80	Special Legislation
770	Utilities Code	08/18/80	Chapter 38.05(M)
771	Administration	09/15/80	Chapter 3
772	Highway Encroachment	09/15/80	Special Legislation
773	Motor Vehicles	09/15/80	Chapter 24
774	Motor Vehicles	10/06/80	Chapter 24
775	Motor Vehicles	10/06/80	Chapter 24
776	Street Name	10/06/80	Special Legislation
777	Motor Vehicles	10/06/80	Ch. 24; Schd. "K"
778	Municipal Land Sale	10/06/80	Special Legislation
779	Vacate: 4 th St.	10/20/80	Special Legislation
780	Zoning Amendment	10/20/80	Chapter 40
781	Ill. Mun. Risk	11/03/80	Special Legislation
782	Cable TV	11/03/80	Special Legislation
783	Real Estate Sale	11/17/80	Special Legislation
784	J.U.L.I.E.	11/17/80	Special Legislation
785	Zoning	12/01/80	Special Legislation
786	Motor Vehicles: Handicap	03/16/81	Special Legislation
787	Annex	03/16/81	Special Legislation
788	Administration: Salaries	04/06/81	Ch. 3.02; 3.43
789	Vacate: Part of Spruce	04/20/81	Special Legislation
790	Public Safety	04/20/81	Chapter 30.16(A)
791	Appropriation	06/14/81	Special Legislation
792	Tax Levy	07/06/81	Special Legislation
793	Offense: Litter	07/20/81	Chapter 27
794	Motor Vehicles	08/17/81	Chapter 24
795	Nuisances	09/08/81	Chapter 25
796	Motor Vehicles	09/08/81	Chapter 24
797	Motor Vehicles	09/08/81	Chapter 24
798	Vacate Alley: Channing	10/05/81	Special Legislation
799	Annex: Golf Club	10/19/81	Special Legislation
800	Liquor	10/19/81	Chapter 21.09
801	Nuisances	12/07/81	Chapter 25.05

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
802	Administration	12/07/82	Chapter 3.17
803	Motor Vehicles: Handicap	01/04/82	Chapter 24
804	Annex: Lot 33, 34, 35	02/16/82	Special Legislation
805	Boards	04/05/82	Chapter 6.14
806	Annex: Foundry	04/05/82	Special Legislation
807	Motor Vehicles	05/03/82	Ch. 24; Schd. "K"
808	Annex: Johnson's	05/03/82	Special Legislation
809	Annex: Johnson's	05/03/82	Special Legislation
810	Annex: Johnson's	05/17/82	Special Legislation
811	Motor Vehicles	05/17/82	Ch. 24; Schd. "K"
812	Street Code 06/07/82	Chapter 33	
813	Appropriation	06/07/82	Special Legislation
814	Tax Levy	07/06/82	Special Legislation
815	Motor Vehicles	07/19/82	Ch. 24; Schd. "A"- "D"
816	Administration: Budget Officer	08/23/82	Chapter 3
817	Liquor	11/01/82	Chapter 21.09
818	Liquor	11/15/82	Chapter 21.18, 21.19
819	Motor Vehicles: Fines	12/06/82	Chapter 24
820	Illinois Power Company	12/06/82	Special Legislation
821	Illinois Power – Streets	12/06/82	Special Legislation
822	Public Safety	01/03/83	Chapter 30
823	Tax Levy	01/03/83	Special Legislation
824	Gas System	01/17/83	Chapter 17.05
825	Public Safety	01/17/83	Chapter 30.36
826	Public Safety	01/17/83	Chapter 30
827	Annex: River Forest	02/07/83	Special Legislation
828	Zoning Code	02/07/83	Chapter 40
829	Liquor	03/21/83	Chapter 21.09
830	Annexation	04/11/83	Special Legislation
831	Vacate: 6 th Street	04/18/83	Special Legislation
832	Appropriation	05/02/83	Special Legislation
833	Motor Vehicles	05/02/83	Chapter 24
834	Boards: Police	05/02/83	Chapter 6.14
835	Personal Property Sale	06/06/83	Special Legislation
836	Public Safety	06/06/83	Chapter 30
837	Tax Levy	06/06/83	Special Legislation
838	Liquor	06/20/83	Chapter 21.26
839	Flood Plain Code	08/01/83	Ch. 7; Art. IV
840	Annex: Gross	09/19/83	Special Legislation
841	Lease: Chester Foundry	09/19/83	Special Legislation
842	Utility Code	10/03/83	Chapter 38.06
843	Boards: Police	10/03/83	Chapter 6
844	Public Safety	10/17/83	Chapter 30
845	Street Code 12/19/83	Chapter 33.13	
847	Annexation	12/19/83	Special Legislation
848	Easement: Schuren	12/19/83	Special Legislation
849	Easement: Schuren	12/19/83	Special Legislation
850	Utility Code	01/03/84	Chapter 38.16, 38.17
851	Utility Code	01/03/84	Chapter 38
852	Liquor	01/17/84	Chapter 21.09
853	Animals	03/19/84	Chapter 4

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
854	Annex: McClure	03/18/84	Special Legislation
855	Zoning Code	03/19/84	Special Legislation
856	Wards	04/02/84	Chapter 39
857	Utility Code	04/02/84	Chapter 38.33
858	Street: Crony	04/16/84	Special Legislation
859	Annex: Knowles	04/16/84	Special Legislation
860	Gordon Cohen Trust	04/19/84	Special Legislation
861	Vacate: Street	05/07/84	Special Legislation
862	Vacate: Preston	05/07/84	Special Legislation
863	Appropriation	05/07/84	Special Legislation
864	Gorden Cohen Comm.	05/21/84	Special Legislation
865	Zoning Code	07/02/84	Chapter 40
866	Administration	07/02/84	Chapter 3
867	Motor Vehicles	07/16/84	Chapter 24
868	Motor Vehicles	08/06/84	Chapter 24
869	Tax Levy	08/06/84	Special Legislation
870	Annex: Johnson's	09/04/84	Special Legislation
871	Annex: Thomas	09/04/84	Special Legislation
872	Vacate: Long Street	09/17/84	Special Legislation
873	Utility Code	09/71/84	Chapter 38.79
874	Administration: Budget Officer	09/17/84	Chapter 3
875	Motor Vehicles	11/05/84	Chapter 24.25
876	Purchase Real Estate	11/05/84	Special Legislation
877	Southern Illinois Sand Lease	11/05/84	Special Legislation
878	Cohen Memorial Park	11/19/84	Special Legislation
879	Motor Vehicles	12/03/84	Chapter 24.25
880	Motor Vehicles	12/17/84	Chapter 24
881	Route 14 – Sewage	12/17/84	Special Legislation
882	Encroachment	12/17/84	Special Legislation
883	Liquor	12/17/84	Chapter 21.09
884	Motor Vehicles	01/07/85	Chapter 24
885	Annex: Schute	01/21/85	Special Legislation
886	Administration	01/21/85	Chapter 3.02, 3.43
887	Motor Vehicles	02/04/85	Ch. 24; Schd. "G"
888	Vacate: Gilster's Subdivision	02/04/85	Special Legislation
889	Offenses	02/19/85	Chapter 27
890	Gordon Cohen	05/01/85	Special Legislation
891	Vacate	05/06/85	Special Legislation
892	Public Safety	05/20/85	Chapter 30
894	Liquor	06/03/85	Chapter 21.09
895	Annex: Schulte	07/15/85	Special Legislation
897	Real Estate Purchase	08/19/85	Special Legislation
898	Park Board	08/19/85	Ch. 28.03, 28.06, 28.05
899	Motor Vehicle: Stop	08/19/85	Ch. 24; Schd. "A"
900	Revised Code	10/21/85	
902	Utilities	11/04/85	Chapter 38-2-1

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
903	Taxation	11/04/85	Chapter 36-1-3
904	Administration: Attorney	11/04/85	Chapter 3.76
905	Public Safety	12/16/85	Chapter 30-3-1
906	Annex: City Property	01/21/86	Special Legislation
907	Gas System	01/21/86	Ch. 17.05; 17.06
908	Administration: Contracts	02/03/86	Chapter 3.17
909	Motor Vehicles	02/03/86	Ch. 24; Appendix "F"
910	Gas System: Rates	02/03/86	Ch. 17.07; 17.09
911	Annex: Decker	02/03/86	Special Legislation
912	Annex: Bravo	03/17/86	Special Legislation
913	Business: Vehicles	04/07/86	Repeals Secs. 8.36 to 8.41
915	Motor Vehicle	05/05/86	Chapter 24-4-4
917	Property: School District	06/02/86	Special Legislation
918	Property Pautler Bros.	07/06/86	Special Legislation
920	Gas Utilities Alliance	08/04/86	Special Legislation
921	Streets	11/17/86	Chapter 33.13
922	Utilities	12/01/86	Chapter 38-3-13
923	Motor Vehicles	12/15/86	Ch. 24-5-1; Appendix "F"
924	Public Safety	01/05/87	Chapter 30
925	Vacate Alley	01/20/87	Special Legislation
926	Gordon Cohen Trust	01/20/87	Special Legislation
927	Annex: Surman	01/20/87	Special Legislation
928	Annex: Holley	01/20/87	Special Legislation
929	Repeals #925	02/02/87	Special Legislation
930	Lease: Mueller	02/02/87	Special Legislation
931	Employees/Personnel	03/02/87	Special Legislation
933	Public Safety	04/06/87	Chapter 30
934	Liquor	04/06/87	Chapter 21.09
935	Motor Vehicle	04/20/87	Ch. 24; Appendix "A"
937	Motor Vehicle	05/18/87	Ch. 24; Appendix "C"
938	Annex: Kerkhover	06/01/87	Special Legislation
939	Animals: Dangerous Dogs	07/20/87	Chapter 4
941	Cole Library	07/20/87	Special Legislation
943	Zoning Amendment	12/07/87	Special Legislation
944	Street Naming: Hoppe Dr.	01/04/88	Special Legislation
945	Motor Vehicles (#887)	05/02/88	Chapter 24
950	Lease: Mueller	08/15/88	Special Legislation
951	Motor Vehicles	09/06/87	Ch. 24; Appendix "A"
952	Back Hoe Agreement	09/06/88	Special Legislation
953	Cole Library	09/19/88	Special Legislation
954	Real Estate: Lindsey	09/19/88	Special Legislation
955	Flood Plain Code	10/18/88	Chapter 7
956	Sale of Chevy Truck	12/19/88	Special Legislation
957	Library Mortgage	12/19/88	Special Legislation
958	Administration	01/17/89	Ch. 3.43; 3.48; 3.68
959	Cable TV	02/06/89	(Amends #695)
960	Utilities: Disconnect	05/01/89	Chapter 38-2-1
964	G.T.E. Franchise	09/05/89	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
965	Ellis Grove Water	09/18/89	Special Legislation
966	Municipal Gas Agency	10/02/89	Special Legislation
968	Lease: V.F.W.	11/06/89	Special Legislation
969	Real Estate: Howie	12/04/89	Special Legislation
970	Cable TV	02/05/89	Special Legislation
971	Motor Vehicle	01/16/90	Ch. 24; Appendix
972	Municipal Gas Agency	01/16/90	Special Legislation
973	Motor Vehicle	03/19/90	Ch. 24; Appendix "A"
974	Zoning Code	03/19/90	Chapter 40
975	Motor Vehicle	04/02/90	Ch. 24; Appendix
976	Health: Bed/Breakfast	04/02/90	Chapter 18
977	Prevailing Wages	06/04/90	Special Legislation
979	Liquor	06/04/90	Secs. 21.06, 21.09, 21.18
980	Motor Vehicle	08/06/90	Ch. 24; Schd. "A", "B"
981	Taxation	08/06/90	Chapter 36
982	Lease	09/04/90	Special Legislation
983	Traffic	09/17/90	Ch. 24; Appendix "A"
984	Tax Levy	10/01/90	Special Legislation
985	Motor Vehicle	10/01/90	Ch. 24; Schd. "C"
986	Motor Vehicle	10/01/90	Ch. 24; Schd. "F"
987	Liquor	10/01/90	Chapter 21
988	Bridge Transfer	11/05/90	Special Legislation
989	Zoning – Districts	12/17/90	Special Legislation
990	Park Regulations	01/07/91	Sec. 28.05
991	Taxation: Utility Tax	04/15/91	Ch. 36; Art. III
992	Purchase: Hettesheimer	04/15/91	Special Legislation
993	Zoning – Districts	04/15/91	Special Legislation
994	Revised Code	05/01/91	Code Adopted
995	Purchase – Stallman	05/20/91	Special Legislation
996	District 139 – Intergovernment Agreement	05/20/91	Special Legislation
997	Prevailing Wage	05/20/91	Special Legislation
998	Appropriation	06/03/91	Special Legislation
999	Industrial Development Corporation	06/17/91	Special Legislation
1000	Motor Vehicle: Stops	08/06/91	Ch. 24; Appendix "A"
1001	Illinois Municipal Gas – Waterloo	08/19/91	Special Legislation
1002	Illinois Municipal Gas – Waterloo	08/19/91	Special Legislation
1003	Illinois Municipal Gas – Waterloo	08/19/91	Special Legislation
1004	Lease: Rich Mueller	08/19/91	Special Legislation
1005	Tax Levy	09/03/91	Special Legislation
1006	\$1,400,000 Utility Bonds	09/03/91	Special Legislation
1007	Building Comm. – District 139		Special Legislation
1008	\$1,700,000 Utility Bonds		Special Legislation
1009	\$1,160,000 C.O. Utility Bonds		Special Legislation
1010	Motor Vehicle	10/21/91	Ch. 24; Appendix
1011	Zoning – Districts	11/18/91	Special Legislation
1012	Sale of 700 Stratton St.	11/18/91	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1013	Motor Vehicle	01/21/92	Ch. 24; Appendix
1014	Vacating Alley	01/21/92	Special Legislation
1015	Tax Levy	1992	Special Legislation
1016	Boundary Agreement – Mueller	03/02/92	Special Legislation
1017	Motor Vehicle – Stop	03/16/92	Ch. 24; Appendix “A”
1018	Utility and Gas System	03/16/92	Sec. 17-2-2 & 38-2-7
1019	Motor Vehicle: Parking	03/16/92	Ch.24;Apdx “A””B””F”
1020	Motor Vehicle: Stop	05/04/92	Ch. 24; Appendix “A”
1021	Deed – Chester Dev. Co.	05/04/92	Special Legislation
1022	Property Sale: Midland Terminal	05/18/92	Special Legislation
1023	Appropriation	05/18/92	Special Legislation
1024	Prevailing Wage	06/15/92	Special Legislation
1025	Real Estate: Macieiski	07/20/92	Special Legislation
1026	Annex: Hammel	07/20/92	Special Legislation
1027	Lease: Bode Farm	08/03/92	Special Legislation
1028	Illinois Municipal Gas – Pittsfield	08/03/92	Special Legislation
1029	Country Est. – Final Plat	08/03/92	Special Legislation
1030	Intergovernment Agreement: District	13908/17/92	Special Legislation
1031	Tax Levy		Special Legislation
1032	Deed – Chester Ind. Dev. Co.	11/02/92	Special Legislation
1033	Tax Levy		Special Legislation
1034	Administration	12/07/92	Sec. 1-3-1(B)
1035	Lease: Chester Boat	12/21/92	Special Legislation
1036	Employee Code	02/16/93	Secs. 14-1-5; 14-1-6
1037	Business: Solicitors	03/01/93	Sec. 7-3-11
1038	Business: Peddlers	03/01/93	Sec. 7-3-12
1039	Business: Raffles	03/01/93	Ch. 7; Art. VIII
1040	Offenses: Trapping	03/01/93	Chapter 27-4-5
1041	Illinois Municipal Gas: Franklin	03/15/93	Special Legislation
1042	Chester Building Comm.	03/15/93	Special Legislation
1043	Prevailing Wage	06/07/93	Special Legislation
1044	Motor Vehicles: Names	06/07/93	Chapter 24
1045	Appropriation	06/21/93	Special Legislation
1046	Zoning – Jungewaelter	10/04/93	Special Legislation
1047	Motor Vehicle: Speed	08/16/93	Ch. 24; Appendix “K”
1048	Motor Vehicle: Stops	11/01/93	Ch. 24; Appendix “B”
1049	Public Safety	11/15/93	Section 30-5-22
1050	Tax Levy	12/06/93	Special Legislation
1051	\$5,000,000 Rev. Bond	02/07/94	Special Legislation
1052	Motor Vehicles: Stops	02/22/94	Ch. 24; Appendix “D”
1053	Annexation: Hall	04/18/94	Special Legislation
1054	Annexation: Fisher	04/18/94	Special Legislation
1055	Motor Vehicle: Parking	05/02/94	Ch. 24; Appendix “F”

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1056	Encroachment	05/02/94	Special Legislation
1057	Discharge of Sanitary Sewage	05/02/94	Special Legislation
1058	Administration: Committee	05/02/94	Sec. 1-2-5(A)
1059	Prevailing Wage	06/06/94	Special Legislation
1060	Appropriation	06/20/94	Special Legislation
1061	Employees	06/20/94	06/20/94 Chapter 14
1062	Motor Vehicles: Stop	06/20/94	Ch. 24; Appendix "A"
1063	Motor Vehicle: 4-Way	06/05/94	Ch. 24; Appendix "C"
1064	Motor Vehicle: Parking	07/05/94	Ch. 24; Appendix "F"
1065	Motor Vehicle: Fines	07/18/94	Sec. 24-6-9
1066	Motor Vehicle: Street Name	07/18/94	Appendixes
1067	Motor Vehicle: No Parking	07/18/94	Ch. 24; Appendix "F"
1068	Liquor Code: Licenses	08/15/94	Sec. 21-2-7
1069	Vacating Pine St.	08/15/94	Special Legislation
1070	Motor Vehicle: Yield	09/06/94	Ch. 24; Appendix "D"
1071	Motor Vehicle: 4-Way	09/06/94	Ch. 24; Appendix "C"
1072	Annexation: Knollwoods	09/06/94	Special Legislation
1073	Real Estate Purchase - Fudge	11/07/94	Special Legislation
1074	Tax Levy	11/21/94	Special Legislation
1075	Real Estate Purchase - Guethle	02/06/95	Special Legislation
1076	Public Safety: Police	02/21/95	Ch. 30; Art. II
1077	Fair Housing Code	03/20/95	Chapter 15
1078	I.M.G.A. - Rantoul	1995	Special Legislation
1079	Plat: Country Estates	04/17/95	Special Legislation
1080	Liquor: Fees	04/17/95	Sec. 21-2-6
1081	Administration: Appointments	05/01/95	Sec. 1-2-113; 1-2-120; 1-2-125; 1-2-130; 11-1-13; 28-1-1
1082	Motor Vehicle: No Parking	05/01/95	Sec. 24-6-3(F)
1083	Motor Vehicle: No Parking	05/01/95	Sec. 24-6-3(F)
1084	Popeye: Mural Agreement	05/15/95	Special Legislation
1085	Appropriation	06/05/95	Special Legislation
1086	Motor Vehicle: No Parking	06/05/95	Sec. 24-6-3(F)
1087	Offenses: No Smoking	06/05/95	Sec. 27-2-30
1088	Prevailing Wages	06/19/95	Special Legislation
1089	Motor Vehicle: No Parking	07/03/95	Sec. 24-6-3(F)
1090	Administration: Meetings	08/07/95	Sec. 1-2-2
1091	Real Estate Purchase - Holley	08/07/95	Special Legislation
1092	Water/Sewer Bonds \$1,000,000	08/21/95	Special Legislation
1093	Kaskaskia Rd. Accepted	09/18/95	Special Legislation
1094	Vacating: Barron St.	10/02/95	Special Legislation
1095	Taxicab Code	11/07/95	Chapter 37
1096	Real Estate Purchase - Holley	11/07/95	Special Legislation
1097	Motor Vehicle: Handicapped Parking	11/20/95	Sec. 24-6-4(P)

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1098	Tax Levy	11/20/95	Special Legislation
1099	Real Estate Convey: Fudge	12/04/95	Special Legislation
1100	Vacating Various Streets	01/03/96	Special Legislation
1101	Alcohol Misuse Prev. Code	03/04/96	Ch. 14; Art. III
1102	Vacating Alley (Meyer/Opdyke Sub.)	04/02/96	Special Legislation
1103	Streets Named: Harrison	04/15/96	Special Legislation
1104	Public Safety: Emergency Service	04/15/96	Sec. 30-5-23
1105	Motor Vehicle: No Parking	05/06/96	Sec. 24-6-3(F)
1106	Appropriation	05/20/96	Special Legislation
1107	Shane St. Renamed Gleason Hill	06/03/96	Special Legislation
1108	Motor Vehicle: No Parking	06/03/96	Sec. 24-6-3(F)
1109	Prevailing Wages	06/17/96	Special Legislation
1110	Motor Vehicle: No Parking	07/15/96	Sec. 24-6-3(F)
1111	Nuisance: Weeds	08/05/96	Ch. 25; Art. II
1112	Utilities: Water/Sewer Rates	08/05/96	Secs. 38-3-1; 38-3-2; 38-3-3; 38-3-8; 38-4-44
1113	Annexation: Welge's Sub.	08/05/96	Special Legislation
1114	Ellis Grove - Intergovernmental Agreement	09/03/96	Special Legislation
1115	Bond Issue	09/16/96	Special Legislation
1116	Administration: Salaries	09/16/96	Sec. 1-3-1
1117	Public Building Comm.	10/07/96	Special Legislation
1118	Motor Vehicle: No Parking	11/04/96	Sec. 24-6-3(F)
1119	Sanitary Sewage Discharge - Rte 150	11/04/96	Ch. 38 (Existing)
1120	Encroachment - Rte 150 Imp.	11/04/96	Special Legislation
1121	Tax Levy	12/16/96	Special Legislation
1122	Real Estate Exchange - Hartman	01/07/97	Special Legislation
1123	Zoning: Map	01/21/97	Special Legislation
1124	Motor Vehicles: No Parking	02/18/97	Sec. 24-6-3(F)
1125	Zoning: Special-Use (Housing Authority)	02/18/97	Special Legislation
1126	IMLRMA Agreement	03/03/97	Special Legislation
1127	Public Safety: Police Chief	03/02/97	Sec. 30-2-8
1128	Vacating Portion 2 nd	03/17/97	Special Legislation
1129	\$1,000,000 G.O. Bonds	04/07/97	Special Legislation
1130	Motor Vehicles: No Parking	04/07/97	Sec. 24-6-3(F)
1131	Offenses: Skateboards, etc.	04/07/97	Ch. 27; Art. XI
1132	Real Estate Purchase	04/21/97	Special Legislation
1133	Motor Vehicles: Stop/Yield	05/19/97	Sec. 24-3-3(A)(C)
1134	Prevailing Wage	06/02/97	Special Legislation
1135	Public Safety: Part-Time Police	07/07/97	Ch. 30; Art. II
1136	Appropriation	07/07/97	Special Legislation
1137	T.I.F. Project	07/07/97	Special Legislation
1138	Designating T.I.F. District (Rt. 3)	07/07/97	Special Legislation
1139	T.I.F. Financing	07/07/97	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1140	Building Code	08/18/97	Ch. 6; Art. IV
1141	Purchase Real Estate	09/15/97	Special Legislation
1142	Liquor: Licenses	10/20/97	Sec. 21-2-7
1143	IMLRMA Contribution	12/01/97	Special Legislation
1144	Tax Levy	12/01/97	Special Legislation
1145	Motor Vehicle: Crosswalk	12/15/97	Sec. 24-6-3
1146	Cable Television	01/05/98	Special Legislation
1147	Abate Tax \$1,000,000 G.O. Bond	01/05/98	Special Legislation
1148	\$3,000,000 W/S G.O. Bonds	03/02/98	Special Legislation
1149	Real Estate: Gift	04/20/98	Special Legislation
1150	Public Safety: Police	04/20/98	Sec. 30-3-1
1151	Motor Vehicles: Handicapped	04/20/98	Sec. 24-6-4(D)
1152	Taxation: Electric Tax	05/18/98	Ch. 36; Art. III
1153	Real Estate: Gift	05/18/98	Special Legislation
1154	Cable Television	05/18/98	Chapter 9
1155	Cable Television	06/01/98	Chapter 9
1156	Prevailing Wage	06/01/98	Special Legislation
1157	Appropriation	06/01/98	Special Legislation
1158	Taxation: Electric Utility Tax	07/06/98	Ch. 36; Art. III
1159	Real Estate: Purchase	08/17/98	Special Legislation
1160	Utilities: Sewer Code	10/19/98	Ch. 38; Art. IV; V
1161	Taxation: Telecomm. Infrastructure Fee	11/17/98	Chapter 36
1162	Liquor: Licenses	11/17/98	Sec. 21-2-7
1163	Street Named	12/07/98	Special Legislation
1164	Motor Vehicles: Stops	12/07/98	Sec. 24-3-3(A)
1165	Motor Vehicles	12/07/98	Sec. 24-6-5
1166	IMLRMA Agreement	12/07/98	Special Legislation
1167	Tax Levy	12/21/98	Special Legislation
1168	Tax Abatement G.O. Bonds	01/04/99	Special Legislation
1169	Administration: Gift Ban	03/15/99	Ch. 1; Art. IV
1170	Vacation of Alley	03/15/99	Special Legislation
1171	Annexation: Welge	04/05/99	Special Legislation
1172	Motor Vehicles: Yield Intersections	04/05/99	Chapter 24
1173	Appropriation	05/17/99	Special Legislation
1174	Prevailing Wage	06/07/99	Special Legislation
1175	Utilities	06/07/99	Chapter 38
1176	Encroachment	06/07/99	Special Legislation
1177	Motor Vehicles: Parking	07/06/99	Chapter 24
1178	Encroachment	07/06/99	Special Legislation
1179	Utilities: Storm Sewers	07/06/99	Chapter 38
1180	Cable TV	08/16/99	Chapter 8
1181	Utilities: Rates	08/16/99	Chapter 38
1182	Water/Sewer Bonds	08/16/99	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1183	Redevelopment: Welge-Pechacek Funeral Homes	08/16/99	Special Legislation
1184	Administration: Public Works Superintendent	08/16/99	Ch. 1; Art. II. Div. XV
1185	Sale of Real Estate	09/07/99	Special Legislation
1186	Motor Vehicles: No Parking	09/20/99	Chapter 24
1187	Motor Vehicles: Parking	10/18/99	Chapter 24
1188	Administration: IMLRMA	11/15/99	Chapter 1
1189	Tax Levy	11/15/99	Special Legislation
1190	Liquor: Number of Licenses	12/20/99	Section 21-2-7
1191	\$1,000,000 G.O. Bonds	01/03/00	Special Legislation
1192	Annexation: 4 Davis St.	03/06/00	Special Legislation
1193	Annexation: 22 East State St.	04/17/00	Special Legislation
1194	Appropriation	05/01/00	Special Legislation
1195	Vacating Easement	05/01/00	Special Legislation
1196	Annexation: 3 Davis St.	05/15/00	Special Legislation
1197	Prevailing Wage	06/05/00	Special Legislation
1198	Motor Vehicles: Stop Sign	06/05/00	Chapter 24
1199	Animals: Dogs	07/18/00	Section 3-2-8
1200	\$2,900,000 G.O. Bonds	08/31/00	Special Legislation
1201	Tax Increment Finance	09/05/00	Special Legislation
1202	Administration: Salaries	09/18/00	Section 1-3-1
1203	Zoning: Amendment: Mueller	11/06/00	Special Legislation
1204	Parks: Sanctuary for Animals	11/06/00	Section 28-1-9
1205	Appropriation	11/06/00	Special Legislation
1206	Sale of Real Estate	12/04/00	Special Legislation
1207	Tax Levy	12/04/00	Special Legislation
1208	Taxation: Taxpayers Rights Code	12/18/00	Chapter 36
1209	Labor Agreement	01/02/01	Special Legislation
1210	\$1,000,000 G.O. Bonds	02/05/01	Special Legislation
1211	\$2,900,000 G.O. Bonds	02/05/01	Special Legislation
1212	Utilities: Superintendents	02/05/01	Secs. 38-1-3 & 38-1-4
1213	Vacating Portion of Barron St.	02/20/01	Special Legislation
1214	Liquor: Number of Licenses	02/20/01	Section 21-2-7
1215	Administration: Recreational Director	03/05/01	Ch. 1; Art. II; Div. XVI
1216	Budget	03/19/01	Special Legislation
1217	Vacating Alley	04/02/01	Special Legislation
1218	Redevelopment: Kipp	04/02/01	Special Legislation
1219	Administration: P.W. Superintendent	04/16/01	Repeals #1184
1220	Public Safety: ESDA: Asst. Coord.	05/07/01	Section 38-4-2.1
1221	Liquor: Number of Licenses	05/07/01	Section 21-2-7
1222	Prevailing Wage	06/04/01	Special Legislation
1223	Parks: Recreational Director	06/18/01	Section 28-1-6
1224	Appropriation	07/02/01	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1225	Lease Agreement: Chester Boat Club Incorporated	08/06/01	Special Legislation
1226	Business	08/20/01	Secs. 7-2-9; 7-2-11; 7-3-5; 7-3-12
1227	\$3,000,000 G.O. Bonds	10/01/01	Special Legislation
1228	Annexation: 309 Murphysboro Road	11/15/01	Special Legislation
1229	Tax Levy	12/03/01	Special Legislation
1230	Conveyance of Real Estate	12/17/01	Special Legislation
1231	\$1,000,000 G.O. Bonds	01/07/02	Special Legislation
1232	\$2,900,000 G.O. Bonds	01/07/02	Special Legislation
1233	Roadway Dedication Plat	02/04/02	Special Legislation
1234	Solid Waste	02/04/02	Chapter 16
1235	Motor Vehicles: Stop Signs	03/04/02	Chapter 24
1236	Motor Vehicles: Stop Signs	03/04/02	Chapter 24
1237	\$2,890,000 G.O. Bonds	03/18/02	Special Legislation
1238	Public Safety: MABAS	03/18/02	Chapter 30
1239	Public Safety: Fire Department	04/01/02	Ch. 30; Art. V
1240	Solid Waste	04/01/02	Chapter 16
1241	Intergovernmental Agreement: Chester Community Unit School District No. 139	05/20/02	Special Legislation
1242	Public Safety: ESDA	05/20/02	Secs. 38-4-2.1; 30-4-7
1243	Administration: Mayor	06/03/02	Ch. 1; Art. II; Div. V
1244	Public Safety: Police Department	06/03/02	Ch. 30; Arts. II & III
1245	Dedication of Right-of-Way	06/03/02	Special Legislation
1246	Prevailing Wage	06/17/02	Special Legislation
1247	Appropriation	07/01/02	Special Legislation
1248	Motor Vehicles: No Parking	07/01/02	Chapter 24
1249	Parks: Recreational Director	07/15/02	Section 28-1-6
1250	Motor Vehicles: No Parking	08/19/02	Chapter 24
1251	Motor Vehicles: Yield Intersections	08/19/02	Chapter 24
1252	Taxation: Telecommunications	09/03/02	Chapter 36
1253	Exchange of Real Estate	09/16/02	Special Legislation
1254	Grant of Easement	10/07/02	Special Legislation
1255	Utilities: Service	11/04/02	Section 38-2-1
1256	Illinois Funds Electronic Payment "E-Pay"	11/04/02	Special Legislation
1257	Purchase of 2 Trucks	11/18/02	Special Legislation
1258	Renaming of Street	11/18/02	Special Legislation
1259	Grant of Easements	11/18/02	Special Legislation
1260	Intergovernmental Co-Op Agreement	11/18/02	Special Legislation
1261	Utilities; Solid Waste; Gas	12/02/02	Secs. 38-2-2; 38-2-7; 16-1-2.3(C); 17-2-2; 38-4-115

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1262	Motor Vehicles: Yield	12/16/02	Chapter 24
1262	Tax Levy	12/16/02	Special Legislation
1264	\$2,890,000 G.O. Bonds	01/06/03	Special Legislation
1265	\$2,900,000 G.O. Bonds	01/06/03	Special Legislation
1266	Liquor: Number of Licenses	01/06/03	Section 21-2-7
1267	Annexation: 7 Davis St.	01/21/03	Special Legislation
1268	Employees: Temporary	03/03/03	Section 14-1-1
1269	Motor Vehicles: Speed Limit	03/17/03	Chapter 24
1270	Utilities; Gas	03/17/03	Secs. 38-3-7; 38-3-8; 17-2-3
1271	Administration: Standing Comm.	03/17/03	Secs. 1-2-5 & 1-2-9
1272	Motor Vehicles: Stops	03/17/03	Chapter 24
1273	Liquor: Number of Licenses	04/07/03	Section 21-2-7
1274	Prevailing Wage	06/02/03	Special Legislation
1275	Appropriation	07/21/03	Special Legislation
1276	Easement	10/06/03	Special Legislation
1277	Quit Claim Deed: Sewer Pump Station	10/06/03	Special Legislation
1278	Parks: Closing Time	11/03/03	Section 28-1-5
1279	Tax Levy	12/01/03	Special Legislation
1280	Public Safety: Chief of Police	12/15/03	Section 30-2-13
1281	\$2,900,000 G.O. Bonds	01/05/04	Special Legislation
1282	\$2,890,000 G.O. Bonds	01/05/04	Special Legislation
1283	Employees: Holidays	01/20/04	Section 14-1-28
1284	Employees	02/02/04	Secs. 14-1-1 to 14-1- 19
1285	Taxation: Telecommunications	03/15/04	Chapter 36
1286	Motor Vehicles: Parking Zone	04/05/04	Chapter 24
1287	Taxation: Telecommunications	04/05/04	Chapter 36
1288	Motor Vehicles: Parking Zone	05/03/04	Chapter 24
1289	Administration: Ethics Code	05/03/04	Chapter 1
1290	Liquor: Number of Licenses	05/17/04	Section 21-2-7
1291	Purchase of Equipment	05/17/04	Special Legislation
1292	Lease of Property	05/17/04	Special Legislation
1293	Public Safety: Emergency Service	06/07/04	Section 30-5-23
1294	Prevailing Wage	06/07/04	Special Legislation
1295	Administration: Investments	06/07/04	Section 1-2-93
1296	Sale of Personal Property	06/21/04	Special Legislation
1297	Designation of Road	07/06/04	Special Legislation
1298	Annexation: 1418 Opdyke St.	07/06/04	Special Legislation
1299	Motor Vehicles: No Parking	07/06/04	Chapter 24
1300	Appropriation	07/19/04	Special Legislation
1301	Annexation: 1201 Cole Place	08/02/04	Special Legislation
1302	Naming Road	08/16/04	Special Legislation
1303	Deed & Release of Easement	08/16/04	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1305	Vacating Street: Chester St.	09/07/04	Special Legislation
1306	Vacating Street: 6 th St.	09/07/04	Special Legislation
1307	\$7,500,000 G.O. Bonds	10/04/04	Special Legislation
1308	Employees: Retirement Fund	10/04/04	Section 14-1-8
1309	Administration: Salaries	10/18/04	Section 1-3-1
1310	Public Safety: Firefighters	11/01/04	Ch. 30; Art.
1311	Lease: Cohen Park	11/15/04	Special Legislation
1312	Tax Levy	12/06/04	Special Legislation
1313	Motor Vehicles: 3-Way Stop	12/06/04	Ch. 24; Schd. "A"
1314	Motor Vehicles: Stop	12/06/04	Ch. 24; Schd. "A"
1315	Motor Vehicles: 2-Way Stop	12/06/04	Ch. 24; Schd. "A"
1316	Motor Vehicles: 2-Way Stop	12/06/04	Ch. 24; Schd. "A"
1317	Utilities: Water & Sewer Rates	12/20/04	Secs. 38-3-1; 38-3-3; 38-4-111
1318	Motor Vehicles: 3-Way Stop	12/20/04	Ch. 24; Schd. "A"
1319	Lease Agreement: VFW	01/03/05	Special Legislation
1320	\$2,890,000 G.O. Bonds	01/18/05	Special Legislation
1321	\$2,900,000 G.O. Bonds	01/18/05	Special Legislation
1322	Variance Request: York	01/18/05	Special Legislation
1323	Variance Request: York	01/18/05	Special Legislation
1324	Motor Vehicles: 2-Way Stop	02/22/05	Ch. 24; Schd. "A"
1325	Intergovernmental Agreement	02/22/05	Special Legislation
1326	Liquor: Number of Licenses	03/21/05	Section 21-2-7
1327	Prevailing Wage	06/06/05	Special Legislation
1328	Liquor: Number of Licenses	06/20/05	Section 21-2-7
1329	Appropriation	07/05/05	Special Legislation
1330	Revocation of Building Permit	07/18/05	Special Legislation
1331	Nuisances: Inoperable Vehicles	08/01/05	Ch. 25; Art. IV
1332	Motor Vehicles: Abandoned Vehicles	08/01/05	Ch. 24; Art. VII
1333	Nuisances: Weeds & Grasses	08/01/05	Ch. 25; Art. II
1334	Nuisances: Garbage & Debris	08/01/05	Ch. 25; Art. III
1335	Nuisances: General	08/01/05	Ch. 25; Art. I
1336	Gas: Rates	09/06/05	Section 17-2-4
1337	Administration: Meetings	09/06/05	Special Legislation
1338	Liquor: Number of Licenses	10/04/05	Section 21-2-7
1339	Motor Vehicles: Yield Signs	10/04/05	Ch. 24; Schd. "C"
1340	Nuisances: Signs	11/07/05	Ch. 25; Art. V
1341	Gas: Rates	11/07/05	Section 17-2-4
1342	Annexation: Craig	12/05/05	Special Legislation
1343	Zoning Code	12/05/05	Secs. 40-2-2; 40-4-18; 40-4-32; 40-6-7
1344	Zoning Code	12/05/05	Section 40-9-1.1
1345	Business: Raffles	12/05/05	Section 7-6-6(A)(3)

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1346	Administration: Bidding Procedures	12/05/05	Section 1-2-28(B)&(J)
1347	Tax Levy	12/19/05	Special Legislation
1348	\$920,000 Debt Cert. Series 2005B	12/19/05	Special Legislation
1349	\$6,695,000 G.O. Bonds	12/19/05	Special Legislation
1350	Administration: Meetings	12/19/05	Special Legislation
1351	Motor Vehicles: Yield Sign	01/17/06	Ch. 24; Schd. "C"
1352	Motor Vehicles: No Parking	01/17/06	Ch. 24; Schd. "F"
1353	\$2,890,000 G.O. Bonds	01/17/06	Special Legislation
1354	\$6,695,000 G.O. Bonds	01/17/06	Special Legislation
1355	Utilities: Water Rates	01/17/06	Secs. 38-3-1; 38-3-2; 38-3-3; 38-3-8; 38-4- 111
1356	Motor Vehicles: Handicapped Spaces	02/06/06	Ch. 24; Schd. "P"
1357	Purchase of Rescue Truck	02/06/06	Special Legislation
1358	Dedication of Right-of-Way	03/20/06	Special Legislation
1359	Wards	03/20/06	Chapter 39
1360	Naming of Alley	04/03/06	Special Legislation
1361	Intergovernmental Agreement	04/17/06	Special Legislation
1362	Cable TV	04/17/06	Chapter 8
1363	Revised Code	05/01/06	Various Sections
1364	Boards: Beautification Commission	05/01/06	Ch. 4; Art. IV
1365	Comprehensive Plan	05/01/06	Special Legislation
1366	Liquor: Number of Licenses	05/15/06	Section 21-2-7
1367	Prevailing Wage	06/05/06	Special Legislation
1368	Annexation	06/19/06	Special Legislation
1369	Administration: Salaries	06/19/06	Special Legislation
1370	Appropriation	07/05/06	Special Legislation
1371	Solid Waste: Collection & Disposal	07/17/06	Section 32-1-5
1372	Grant of Easement	07/17/06	Special Legislation
1373	Motor Vehicles: Stop Signs	08/07/06	Ch. 24; Schd. "A"
1374	Public Safety: Sergeant	08/07/06	Secs. 30-3-1; 30-3- 67(C)
1375	Installment Purchase Agreement	08/21/06	Special Legislation
1376	Illinois Municipal Gas Agency	09/05/06	Special Legislation
1377	Interstate Municipal Gas Agency	09/05/06	Special Legislation
1378	Installment Purchase Agreement	09/19/06	Special Legislation
1379	Salaries of Municipal Officers	09/19/06	Special Legislation
1380	Vacating Portion Fairview St.	11/06/06	Special Legislation
1381	Annexation: Jacobs	11/06/06	Special Legislation
1382	Employees: Drug Testing	11/20/06	Chapter 11
1383	Tax Levy	12/18/06	Special Legislation
1384	Public Safety: Police	12/18/06	Section 30-3-1
1385	Public Safety: Police	12/18/06	Section 30-2-13

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1386	\$2,890,000 G.O. Bonds Abatement	01/02/07	Special Legislation
1387	\$6.7 Million G.O. Bonds Abatement	01/02/07	Special Legislation
1388	Exchange of Real Estate: Maes	01/02/07	Special Legislation
1389	Administration: Code Enforcement	01/17/07	Section 1-2-146
1390	Employees: Sick Leave	02/05/07	Section 11-1-30
1391	Motor Vehicles: Tractor Trailer	02/05/07	Chapter 24
1392	Nuisances: Motor Vehicles	02/05/07	Section 25-4-1(B)
1393	Liquor: Number of Licenses	02/20/07	Section 21-2-7
1394	Parks: Park Board	03/05/07	Section 28-1-3
1395	Zoning Variance	04/02/07	Special Legislation
1396	Motor Vehicles: Tractor Trailers	04/02/07	Ch. 24; Schd. "M"
1397	Exchange of Real Estate	05/07/07	Special Legislation
1398	Intergovernmental Agreement	05/21/07	Special Legislation
1399	Utilities: Rates	05/21/07	Sec. 38-3-1; 38-4-111
1400	Prevailing Wage	06/04/07	Special Legislation
1401	TIF Redevelopment Project Area	06/04/07	Special Legislation
1402	Liquor: Licenses	06/18/07	Section 21-2-7
1403	Administration; Gas; Utilities	07/02/07	Ch. 1 Art. II Div. XV; Ch. 1 Art. II Div. XVIII; Sec. 17-1-1 – 17-1-4; Sec. 38-1-1; 38-1-4; 38-1-6
1404	Appointed Officials Salaries	07/02/07	Special Legislation
1405	Appropriation	07/02/07	Special Legislation
1406	Interstate Municipal Gas Agency	08/06/07	Special Legislation
1407	Employees: Drug Testing	08/20/07	Chapter 11
1408	Boards: Tourism Commission	09/17/07	Ch. 4; Art. V
1409	Liquor: Licenses	11/19/07	Section 21-2-7
1410	Tax Levy	12/03/07	Special Legislation
1411	Administration: Investments	12/03/07	Section 1-2-93
1412	Gordon Cohen Trust	12/03/07	Special Legislation
1413	Tax Abatement	01/07/08	Special Legislation
1414	Tax Abatement	01/07/08	Special Legislation
1415	Employees: Residency	01/22/08	Chs. 11 & 30
1416	Liquor	03/17/08	Section 21-2-7
1417	Zoning: Special-Use Permit	04/07/08	Special Legislation
1418	Public Safety: Police Regulations	04/21/08	Chapter 30
1419	Gas: Rates	04/21/08	Section 17-2-4
1420	Utilities: Rates	04/21/08	Secs. 38-3-1; 38-3-3; 38-4-111
1421	Ellis Grove: Water	05/06/08	Special Legislation
1422	Real Estate Purchase	05/06/08	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1423	Streets: Utility Facilities	05/19/08	Ch. 34; Art. X
1424	Cable TV: Service Provider Fee	05/19/08	Ch. 8; Art. II
1425	Cable TV: Customer Protection Law	05/19/08	Ch. 8; Art. III
1428	Appropriation	07/07/08	Special Legislation
1429	Motor Vehicles: Tractor Trailers	07/21/08	Ch. 24; Schd. "M"
1430	Property Maintenance Code	08/18/08	Chapter 29
1431	Zoning: Variance: Bonifield	08/18/08	Special Legislation
1432	Flood Plain Code	10/06/08	Chapter 14
1433	Motor Vehicles	10/06/08	Secs. 24-5-3; 24-5-4
1434	Identity Theft Prevention	10/06/08	Chapter 22
1435	Administration: Clerk's Salary	10/06/08	Section 1-3-1(B)
1436	Administration: Mayor's Salary	10/06/08	Section 1-3-1(A)
1437	Administration: Treasurer's Salary	10/06/08	Section 1-3-1(C)
1438	Administration: City Council's Salary	10/06/08	Section 1-3-1(D)
1439	Annexation: Davis St & E State St	10/20/08	Special Legislation
1440	Annexation: 32 E State St	10/20/08	Special Legislation
1441	Annexation: 34 E State St	10/20/08	Special Legislation
1442	Annexation: 36 E State St	11/03/08	Special Legislation
1443	Zoning: Amendment: Mueller	11/03/08	Special Legislation
1444	Motor Vehicles: No Parking	11/17/08	Ch. 24; Schd. "F"
1445	Tax Levy	12/01/08	Special Legislation
1446	Administration: Animal Control Officer	12/01/08	Ch. 1; Art. II; Div. XIX
1447	Water/Sewer G.O. Bonds - Abated	01/20/09	Special Legislation
1448	Water/Sewer G.O. Bonds - Abated	01/20/09	Special Legislation
1449	Real Estate Tax - Abated	01/20/09	Special Legislation
1450	Annexation: 1217 Cole Place	02/17/09	Special Legislation
1451	Boards: Foreign Fire Insurance Board	02/17/09	Ch. 4; Art. VI
1452	Annexation: 10 Davis St.	03/16/09	Special Legislation
1453	Public Safety: ESDA	04/20/09	Ch. 30; Art. IV
1454	Solid Waste: Insurance	04/20/09	Section 16-1-12
1455	Grant of Easement	05/04/09	Special Legislation
1456	Grant of Easement	06/01/09	Special Legislation
1457	Motor Vehicles: Handicapped Parking	06/01/09	Ch. 24; Schd. "P"
1458	Solid Waste: Charges	06/01/09	Section 32-1-5(H)
1459	Cable TV	06/15/09	Chapter 8
1460	Administration: Superintendents	06/15/09	Ch. 1; Art. II; Div. XI; XII; XIII; XIV; XV; XVI; XVII; XVIII; XX; Secs. 11- 1-4; 9-1-1; 9-1-13; 9-2-2; 9-2-3; 9-2-4; 9-2-12; 17- 1-1; 17-1-2; 17-1-3; 17- 1-4; 38-1-1; 38-1-4; 38- 1-6; 28-1-1; 34-1-1; 34- 1-3

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1461	Prevailing Wage	06/15/09	Special Legislation
1462	Annexation: 803 Opdyke St.	06/15/09	Special Legislation
1463	Annexation: 8 Davis St.; 8 Welge St.; 360 Murphysboro Rd.	06/15/09	Special Legislation
1464	Parks: Supervision	06/15/09	Section 28-1-6
1465	Zoning: Variance: Roy	07/06/09	Special Legislation
1466	Appointed Official Salaries	07/06/09	Special Legislation
1467	Appropriation	07/20/09	Special Legislation
1468	Taxation: Utility Tax	07/20/09	Secs. 36-3-1 - 36-3-3
1472	Tax Levy	12/07/09	Special Legislation
1473	Public Building Commission	12/07/09	Special Legislation
1474	Naming of Road	12/07/09	Special Legislation
1475	Property Maintenance Code	12/07/09	Secs. 29-1-11; 29-1-18; 29-1-27; 29-1-28; 29-1-29
1476	Lease Agreement	12/21/09	Special Legislation
1477	Motor Vehicles: Loading Zones	12/21/09	Sec. 24-6-12
1478	Motor Vehicles: Yield Signs	01/04/10	Ch. 24; Schd. "C"
1479	\$2,890,000 G.O. Bonds	01/19/10	Special Legislation
1480	\$6,695,000 G.O. Bonds	01/19/10	Special Legislation
1481	Tax Abatement	01/19/10	Special Legislation
1482	Sale of Real Estate	01/19/10	Special Legislation
1483	Sale of Personal Property	02/16/10	Special Legislation
1484	Zoning: Special-Use Permit: Roth	03/15/10	Special Legislation
1485	Sale of Personal Property	04/05/10	Special Legislation
1486	Vacation of Street	04/19/10	Special Legislation
1487	Sale of Personal Property	04/19/10	Special Legislation
1488	Zoning: Special-Use Permit: Todd	05/17/10	Special Legislation
1489	Prevailing Wage	06/07/10	Special Legislation
1490	Utilities: Rates	07/06/10	Secs. 38-3-1; 38-3-3; 38-4-111
1491	Solid Waste: Collection and Disposal	07/06/10	Section 32-1-5(H)
1492	Zoning: Special-Use Permit: Wofford	07/06/10	Special Legislation
1493	Appropriation	07/19/10	Special Legislation
1494	Motor Vehicles: Speed Limit	08/02/10	Ch. 24; Schd. "J"
1495	Motor Vehicles: Tractor Trailers	08/02/10	Ch. 24; Schd. "M"
1496	Sale of Personal Property	09/07/10	Special Legislation
1497	Zoning: Variance: Snider	09/20/10	Special Legislation
1498	Property Maintenance	11/15/10	Chapter 29
1499	Motor Vehicles: No Parking	11/15/10	Ch. 24; Schd. "F"
1501	Boards: Tourism	12/20/10	Chapter 5
1502	Tax Abatement	01/18/11	Special Legislation
1503	Tax Abatement	01/18/11	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1504	Tax Abatement: Craig Farms	01/18/11	Special Legislation
1505	Motor Vehicles	01/18/11	Ch. 24; App "F"
1506	Delta Communications Right-of-Way Agreement	02/22/11	Special Legislation
1507	Fairview St. - Portion Vacated	02/22/11	Special Legislation
1508	Zoning: Special-Use: Herring	02/22/11	Special Legislation
1509	Offenses: Sign Regulations	03/07/11	Section 27-2-37
1510	Water & Sewer Bond	04/18/11	Special Legislation
1511	Sale of Real Property	04/18/11	Special Legislation
1512	Sale of Real Property	04/18/11	Special Legislation
1513	Demolition Lien: Stahlheber	05/16/11	Special Legislation
1514	Right-of-Way Dedication: Hospital	05/16/11	Special Legislation
1515	Prevailing Wage	06/06/11	Special Legislation
1518	Motor Vehicles: Three-Way Stop	08/01/11	Ch. 24; Schd. "A"
1519	Parks: Supervision	08/15/11	Section 28-1-6
1520	Liquor: Prohibited Locations	09/19/11	Section 21-3-4
1521	Liquor: Number of Licenses	09/19/11	Section 21-2-7
1522	Salaries of Appointed Officials	09/19/11	Special Legislation
1523	Administration: Recreational Director	10/03/11	Ch. 1; Art. II; Div. XVI
1524	Interstate Municipal Gas Agency	11/07/11	Special Legislation
1525	Streets: Signs on Public Property	11/07/11	Section 34-2-20
1526	Utilities: Regulations	11/21/11	Section 38-2-2
1527	Tax Levy	12/05/11	Special Legislation
1528	Revised Code Adopted	12/05/11	New Code
1529	T.I.F.: Andrews Property	12/19/11	Special Legislation
1530	Tax Levy	01/17/12	Special Legislation
1531	Bonds (2011) Abated	01/17/12	Special Legislation
1532	Bonds (2005A) Abated	01/17/12	Special Legislation
1533	State Street Property Sale	01/17/12	Special Legislation
1534	Liquor: Number of Licenses	03/19/12	Section 21-2-7
1535	Public Safety: Firemen	04/02/12	Section 30-5-23
1536	Motor Vehicles: Tractor Trailers Restricted	04/02/12	Sec. 24-6-5(A); Schd. "M"
1537	Administration: IMLRMA	04/16/12	Section 1-4-1 Repealed
1538	Liquor: Licenses	05/07/12	Section 21-2-7
1539	Administration: Salaries	05/22/12	Chs. 1 & 30
1540	Public Safety: Part-Time Police	06/05/12	Section 30-2-12
1541	Prevailing Wage	06/05/12	Special Legislation
1542	Appropriation	06/18/12	Special Legislation
1543	Business & Liquor: Gambling	06/18/12	Secs. 7-4-1; 7-11-1 – 7-11-3; 21-3-19
1544	Trash: Rates	07/02/12	Section 32-1-5
1545	Motor Vehicles: Tractor Trailers	08/21/12	Ch. 24; Schd. "M"
1546	Liquor: Number of Licenses	10/15/12	Section 21-2-7
1547	Administration: Salaries	11/07/12	Section 1-3-1(B)
1548	Motor Vehicles: No Parking	11/19/12	Ch. 24; Schd. "F"
1549	Vacate Part Barron St	11/19/12	Special Legislation
1550	Electric Aggregate	12/03/12	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1551	Tax Levy	12/17/12	Special Legislation
1552	Tax Levy	01/07/13	Special Legislation
1553	2011 Bonds Abated	01/07/13	Special Legislation
1554	2005 Bonds Abated	01/07/13	Special Legislation
1555	Zoning: Variance: Housing Authority	02/04/13	Special Legislation
1556	T.I.F.	03/18/13	Special Legislation
1557	Zoning: Marcinkowska	03/18/13	Special Legislation
1558	Bonds: Reissuance	04/01/13	Special Legislation
1559	Zoning: Special-Use: Lochhead	05/06/13	Special Legislation
1560	T.I.F.: School Dist. Agreement	05/20/13	Special Legislation
1561	Administration: Salaries	05/20/13	Chs. 1 & 30
1562	Public Safety: Fire Department	06/17/13	Section 30-5-5
1563	Prevailing Wage	06/17/13	Special Legislation
1564	Appropriation	07/01/13	Special Legislation
1565	Parks	07/15/13	Secs. 28-1-2; 28-1-4; 28-1-6; 28-1-9; 28-1-11; 28-1-12
1566	Liquor: Licenses	08/05/13	Section 21-2-7
1567	Sale of Property	08/19/13	Special Legislation
1568	Sale of Property	08/19/13	Special Legislation
1569	Sale of Property	08/19/13	Special Legislation
1570	Sale of Property	09/16/13	Special Legislation
1571	Tax Levy	12/02/13	Special Legislation
1572	Parks: Board	01/06/14	Section 28-1-3
1573	Administration: Recreational Director	01/21/14	Secs. 1-2-144; 1-2-145
1574	2013 Bonds Abated	01/21/14	Special Legislation
1575	2011 Bonds Abated	01/21/14	Special Legislation
1576	2005 Bonds Abated	01/21/14	Special Legislation
1577	Administration: Water Plant Superintendent	04/21/14	Section 1-2-127
1578	Prevailing Wage	06/02/14	Special Legislation
1579	Administration: Salaries	06/02/14	Chs. 1 & 30
1580	Appropriation	07/07/14	Special Legislation
1581	Gas System	07/21/14	Secs. 17-3-1; 17-3-9
1582	Public Safety: Fire Department	09/15/14	Section 30-5-5
1583	Utilities: Rates	09/15/14	Secs. 38-3-1; 38-3-3; 38-4-111
1584	Property Maintenance Code	09/15/14	Secs. 29-1-2; 29-1-17; 29-1-28l 29-1-46
1585	Transfer of Property	10/06/14	Special Legislation
1586	Utilities: Liability for Charges	11/17/14	Section 38-2-2
1587	Utilities: Intergovernmental Agreement	11/17/14	Section 38-3-5; App. "8"
1588	Tax Levy	12/01/14	Special Legislation
1589	Public Safety: Fire Department	12/15/14	Section 30-5-24
1590	Public Safety: Fire Department	12/15/14	Section 30-5-14
1591	Motor Vehicles: No Parking	01/20/15	Ch. 24; Schd. "F"
1592	Zoning: Variance: Krantz	01/20/15	Special Legislation
1593	2013 Bonds Abated	01/20/15	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1594	2011 Bonds Abated	01/20/15	Special Legislation
1595	2005 Bonds Abated	01/20/15	Special Legislation
1596	Demolition Lien	02/02/15	Special Legislation
1597	Boards: Beautification & Tourism Comm.	02/02/15	Secs. 4-4-3; 4-5-3
1598	Liquor: Licenses	02/17/15	Section 21-2-7
1599	Water & Sewer \$2 Million Bonds	04/06/15	Special Legislation
1600	Public Safety: Police	05/04/15	Secs. 30-2-3(D); 30-2-12(A); 3-3-1; 30-3-48(C); 30-3-50; 30-3-59; 30-3-67(C)
1601	Water & Sewer \$2 Million Bonds	05/04/15	Special Legislation
1602	Public Safety: Fire Department Fees	05/18/15	Section 30-5-23
1603	Employees: Employment	05/18/15	Section 11-1-4
1604	Salaries of Officials	06/01/15	Special Legislation
1605	Prevailing Wage	06/16/15	Special Legislation
1606	Employees/Public Safety: Residency	07/06/15	Secs. 11-1-7; 30-2-12
1607	Appropriation	07/21/15	Special Legislation
1608	Taxation: MRO Tax	08/04/15	Section 36-3-4
1609	Public Safety: Fire Department Volunteers	09/08/15	Section 30-5-5
1610	Vacating Rainbow Road Partially	09/08/15	Special Legislation
1611	Redevelopment Project Extension Route 3	09/21/15	Special Legislation
1612	Agreement: Hotel Group	09/22/15	Special Legislation
1613	Intergovernmental Agreement with School	10/05/15	Special Legislation
1614	Motor Vehicles: No Parking Zone	10/19/15	Ch. 24; Schd. "F"
1615	Motor Vehicles: One-Way	11/02/15	Ch. 24; Schd. "A" & "B"
1616	Salaries: Sewer Superintendent	11/16/15	Special Legislation
1617	Tax Levy	12/07/15	Special Legislation
1618	Tax Abatement: G.O. Bonds	01/19/16	Special Legislation
1619	Tax Abatement: G.O. Bonds	01/19/16	Special Legislation
1620	Tax Abatement: Water & Sewer G.O. Bonds	01/19/16	Special Legislation
1621	Utilities: Water Disconnection	03/07/16	Secs. 38-2-1; 38-3-34
1622	Gas: Rates	05/02/16	Section 17-2-4
1623	Commissions: Beautification & Tourism	06/06/16	Ch. 4; Art. IV & V
1624	Franchises: Electric – Ameren	06/06/16	Chapter 15
1625	Prevailing Wage	06/20/16	Special Legislation
1626	Sale of Surplus Property	06/20/16	Special Legislation
1627	Appropriation	07/05/16	Special Legislation
1628	Public Safety: MABAS	10/03/16	Section 30-5-25
1629	Zoning: Special Use: 1222 Opdyke	10/17/16	Special Legislation
1630	Tax Levy	12/06/16	Special Legislation
1631	Administration: Meetings	12/19/16	Section 1-2-2
1632	Tax Abatement: Water & Sewer Bonds	01/17/17	Special Legislation
1633	Tax Abatement: Water & Sewer Bonds	01/17/17	Special Legislation
1634	Tax Abatement: Water & Sewer Bonds	01/17/17	Special Legislation
1635	Annexation	02/06/17	Special Legislation
1636	Administration: Code Enforcement	02/06/17	Ch. 1; Art. II; Div. XVIII
1637	Property Maintenance: Penalty	02/06/17	Section 29-1-38

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1638	Street Name: "The Longest Drive"	03/07/17	Special Legislation
1639	Liquor: Licenses	03/20/17	Section 21-2-7
1640	Liquor: Licenses	04/17/17	Section 21-2-7
1641	Cable TV: NewWave	04/17/17	Ch. 8; Art. IV
1642	Utilities: Water Rates	05/01/17	Section 38-3-1
1643	Real Estate: 314 Church	05/01/17	Special Legislation
1644	Salaries: Officials	05/01/17	Special Legislation
1645	Prevailing Wage	06/05/17	Special Legislation
1646	Sale of Personal Property	06/05/17	Special Legislation
1647	Ellis Grove Water Contract	06/19/17	Special Legislation
1648	Appropriation	07/17/17	Special Legislation
1649	Meeting Rescheduled	07/17/17	Special Legislation
1650	Salaries: Water Superintendent	07/17/17	Special Legislation
1651	Boards: Beautification & Tourism Comm	10/02/17	Section 4-4-5
1652	Sale of Property	10/16/17	Special Legislation
1653	Sale of Property	10/16/17	Special Legislation
1654	Sale of Property	10/16/17	Special Legislation
1655	Sale of Real Property	10/16/17	Special Legislation
1656	Sale of Real Property	10/16/17	Special Legislation
1657	Business: Raffle Code	10/16/17	Secs. 7-6-3; 7-6-5; 7-6-7; 7-6-10
1658	Sale of Personal Property	11/06/17	Special Legislation
1659	Sale of Personal Property	11/06/17	Special Legislation
1660	Zoning: Special-Use: Cell Tower	11/20/17	Special Legislation
1661	Liquor: Closing Hours	11/20/17	Section 21-3-1
1662	Tax Levy	12/05/17	Special Legislation
1663	Lease: Riverfront	12/18/17	Special Legislation
1664	Administration: Order of Business	12/18/17	Section 1-2-11
1665	Administration: Address by Non-Members	12/18/17	Section 1-2-13
1666	Mandated Policies: Sexual Harassment	12/18/17	Ch. 22; Art. VIII
1667	Abate Water & Sewer Bonds	01/16/18	Special Legislation
1668	Abate Water & Sewer Bonds	01/16/18	Special Legislation
1669	Abate Water & Sewer Bonds	01/16/18	Special Legislation
1670	Administration: Code Enforcement	02/05/18	Ch. 1; Art. II; Div. XVIII
1671	Salaries	02/05/18	Special Legislation
1672	Liquor: Brew Pub Licenses	04/02/18	Secs. 21-1-1; 21-2-6; 21-2-7
1673	Zoning: Map	04/02/18	Special Legislation
1674	Business/Liquor: Video Gambling License	04/02/18	Sec. 7-11-2; 21-3-19(F)
1675	Solid Waste: Rates	04/02/18	Section 32-1-5(H)
1676	Utilities: Water Rates	05/07/18	Secs. 38-3-1; 38-3-3
1677	Salaries	05/07/18	Special Legislation
1678	Employees: Vacation	05/21/18	Section 11-1-29
1679	Prevailing Wage	06/18/18	Special Legislation
1680	Boards: Plan Commission	06/18/18	Section 4-1-2
1681	Appropriation	07/02/18	Special Legislation
1682	Motor Vehicles: Parking	08/20/18	Section 24-6-3

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1683	Motor Vehicles: No Parking Zone	08/20/18	Ch. 24; Schd. "F"
1684	Motor Vehicles: Utility Vehicles	10/01/18	Ch. 24; Art. IX
1685	Business: Licenses	10/01/18	Section 7-1-1
1686	Business: Licensing & Regulation	10/01/18	Ch. 7; Art. XII
1687	Business: List	10/01/18	Ch. 7; Appendix "A"
1688	Business: Video Gambling	11/05/18	Secs. 7-11-2; 21-3-19(F)
1689	Enterprise Zone	11/05/18	Special Legislation
1690	Liquor: Licenses	11/19/18	Section 21-2-7
1691	Tax Levy	12/03/18	Special Legislation
1692	Chamber/City Lease	12/17/18	Special Legislation
1693	Abating Water & Sewer G.O. Bonds	01/07/19	Special Legislation
1694	Abating Water & Sewer G.O. Bonds	01/07/19	Special Legislation
1695	Abating Water & Sewer G.O. Bonds	01/07/19	Special Legislation
1696	Sale of Personal Property	01/07/19	Special Legislation
1697	Salaries: Chief of Police	01/08/19	Special Legislation
1698	Loan Agreement IEPA \$2.5 Million	01/22/19	Special Legislation
1699	Streets: Department Established	01/22/19	Section 34-1-1
1700	Parks: Department Established	01/22/19	Secs. 28-1-1; 28-1-5; 28-1-6
1701	Salaries	01/22/19	Special Legislation
1702	Business/Liquor: Gambling Licenses	02/04/19	Secs. 7-11-2; 21-3-19(F)
1703	Administration: Park Superintendent	02/19/19	Section 1-2-131
1704	Administration: Recreational Director	02/19/19	Secs. 1-2-144; 1-2-145; 1-2-146
1705	Parks: List of Parks	02/19/19	Secs. 28-1-5(B); 28-1-13
1706	Purchase of Property	03/04/19	Special Legislation
1707	Salaries	04/01/19	Special Legislation
1708	Parks: Board	04/15/19	Secs. 28-1-3; 28-1-4; 28-1-5; 28-1-13
1709	Vacation of Alley	05/20/19	Special Legislation
1710	Vacation of Street	05/20/19	Special Legislation
1711	Salaries	05/20/19	Special Legislation
1712	Administration: Meetings	05/20/19	Section 1-2-9
1713	Liquor: Licenses	06/03/19	Section 21-2-7
1714	Business: Raffles	06/03/19	Section 7-6-9
1715	Appropriation	06/17/19	Special Legislation
1716	Business/Liquor: Gambling Licenses	06/17/19	Secs. 7-11-2; 21-3-19
1717	Administration: Committees	06/17/19	Section 1-2-5(A)
1718	Annexation	09/03/19	Special Legislation
1719	Public Safety: Part-time officers	10/07/19	Section 30-2-12(C)(6)
1720	Elimination of Smith's Landing as a Park	10/21/19	Special Legislation
1721	Tax Levy	12/02/19	Special Legislation
1722	Reschedule Meeting	12/16/19	Special Legislation
1723	Bonds	01/21/20	Special Legislation
1724	Bonds	01/21/20	Special Legislation
1725	Bonds	01/21/20	Special Legislation
1726	Motor Vehicles: Handicapped Parking	03/02/20	Ch. 24; Schd. "P"
1727	Motor Vehicles: Handicapped Parking	03/16/20	Ch. 24; Schd. "P"
1728	Solid Waste: Trash Charges	04/20/20	Section 32-1-5(H)
1729	Solid Waste: Trash Charges	05/04/20	Section 32-1-5(H)
1730	Administration: Water Distribution Supt.	05/04/20	Section 1-2-141
1731	Administration: Gas Superintendent	05/04/20	Section 1-2-156

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1732	Utilities: Water Rates	05/04/20	Section 38-3-5
1733	Utilities: Ellis Grove	05/04/20	Ch. 38; Appendix "8"
1734	Salaries	06/15/20	Special Legislation
1735	Administration: Salaries	06/15/20	Section 1-3-1(B)
1736	Appropriation	07/06/20	Special Legislation
1737	DECO CURE Program	09/08/20	Special Legislation
1738	Taxation: Cannabis Tax	09/21/20	Ch. 36; Art. VI
1739	Tax Levy	12/07/20	Special Legislation
1740	Bonds	01/19/21	Special Legislation
1741	Bonds	01/19/21	Special Legislation
1742	Bonds	01/19/21	Special Legislation
1743	Annexation	02/01/21	Special Legislation
1744	Accepts Property at 301 East Taylor Street	03/15/21	Special Legislation
1745	Liquor: Licenses	03/15/21	Section 21-2-7
1746	Administration: Meetings	04/19/21	Section 1-2-9
1747	Accepts Property at 1208 Spring Street	04/19/21	Special Legislation
1748	Lease Agreement	04/19/21	Special Legislation
1749	Utilities: Rates	05/03/21	Secs. 38-3-1; 38-3-3
1750	Utilities: Rates	05/03/21	Section 38-4-111
1751	Administration: Committees	05/03/21	Section 1-2-5(A)
1752	IL Municipal Gas Agency	05/17/21	Special Legislation
1753	Salaries	05/17/21	Special Legislation
1754	Administration: Meetings	06/07/21	Section 1-2-9
1755	Motor Vehicles: Handicapped Parking	06/07/21	Ch. 24; Schd. "P"
1756	Sale of Property: 110 Morrison Street	06/21/21	Special Legislation
1757	Appropriation	07/06/21	Special Legislation
1758	Business: Incentives	08/02/21	Special Legislation
1759	American Rescue Plan Funds	08/16/21	Special Legislation
1760	Motor Vehicles: Non-Highway Vehicles	09/20/21	Ch. 24; Art. IX
1761	Vacation of Street	11/01/21	Special Legislation
1762	Vacation of Alley	11/01/21	Special Legislation
1763	Tax Levy	12/20/21	Special Legislation
1764	Termination of TIF	12/20/21	Special Legislation
1765	Bonds	01/18/22	Special Legislation
1766	Bonds	01/18/22	Special Legislation
1767	Bonds	01/18/22	Special Legislation
1768	Business: Gambling License Fees	02/07/22	Section 7-11-2; 21-3-19
1769	Administration: Committees	05/02/22	Section 1-2-5(A)
1770	Administration: Park Superintendent	05/02/22	Secs. 1-2-130 – 1-2-134
1771	Sale of Surplus Property	05/16/22	Special Legislation
1772	Salaries	05/16/22	Special Legislation
1773	Sewer Loan Agreement	05/16/22	Special Legislation
1774	Sale of Surplus Property	06/06/22	Special Legislation
1775	Utilities: Sewer Rates	06/06/22	Section 38-4-111
1776	Utilities: Water Rates	06/06/22	Secs. 38-2-1(L); 38-3-1; 38-3-3
1777	Appropriation	07/05/22	Special Legislation
1778	Liquor: Licenses	08/01/22	Section 21-2-7
1779	Vacation of Easement	11/07/22	Special Legislation
1780	Public Safety: MABAS	11/22/22	Ch. 30; Appendix "A"
1781	Tax Levy	12/05/22	Special Legislation
1782	Accepts Property at 2832 State Street	12/05/22	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1783	Utility Agreement	12/19/22	Special Legislation
1784	Salaries	01/03/23	Special Legislation
1785	Bonds	01/17/23	Special Legislation
1786	Bonds	01/17/23	Special Legislation
1787	Cemetery: Hours	02/21/23	Section 9-2-14
1788	Parks: Board	03/06/23	Section 28-1-3(B)
1789	Meeting Date Amended	04/03/23	Special Legislation
1790	Motor Vehicles: Stop Sign	04/03/23	Ch. 24; Schd. "A"
1791	Motor Vehicles: No Parking	04/03/23	Ch. 24; Schd. "F"
1792	Motor Vehicles: 30 Minute Parking	04/03/23	Section 24-6-13
1793	Enterprise Zone	05/01/23	Special Legislation
1794	Court Debt Collection Agency Agreement	05/16/23	Special Legislation
1795	Utilities: Intergovernmental Agreement	05/16/23	Ch. 38; Appendix "8"
1796	Salaries	06/05/23	Special Legislation
1797	Salaries	06/19/23	Special Legislation
1798	Parks: Alcohol	06/19/23	Section 28-1-7
1799	Administration: Project Manager	06/19/23	Secs. 1-2-112 – 1-2-114
1800	Appropriation	07/17/23	Special Legislation
1801	Utilities: Sewer Rates	07/17/23	Section 38-4-111
1802	Utilities: Water Rates	07/17/23	Secs. 38-2-1(O); 38-3-1; 38-3-3
1803	Gas: Rates	07/17/23	Section 17-2-4(B)
1804	Motor Vehicles: Handicapped Parking	08/07/23	Ch. 24; Schd. "P"
1805	Administration: Procedures	08/21/23	Section 1-2-28(B)
1806	Motor Vehicles: No Parking	08/21/23	Ch. 24; Schd. "F"
1807	Utilities: Application	09/05/23	Section 38-2-7(A)
1808	Utilities: Disconnection Procedures	09/05/23	Section 38-2-1(G)(2)
1809	Tax Levy	12/03/23	Special Legislation
1810	Paid Leave for All Workers Act	12/05/23	Special Legislation
1811	Bonds	01/16/24	Special Legislation
1812	Bonds	01/16/24	Special Legislation
1813	Utilities: Sewer Distribution Superintendent	05/06/24	Section 38-1-5
1814	Administration: Sewer Distribution Supt	05/06/24	Section 1-2-121
1815	Administration: Sewer Distribution Supt	05/06/24	Secs. 1-2-123; 1-2-124
1816	Zoning: Nuisances	05/06/24	Section 40-4-30
1817	Salaries	06/17/24	Special Legislation
1818	Reschedule Meeting	06/17/24	Special Legislation
1819	Utilities: Damaged Meter	06/17/24	Section 38-3-11

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

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

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

1-1-4 **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; Salary Ordinances; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; 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.

1-1-12 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 RANDOLPH) ss.
CITY OF CHESTER)**

CITY CLERK'S OFFICE

I, Nancy Eggemeyer, City Clerk of the **City of Chester, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the City of Chester, Illinois of 2011**, published by authority of the City Council were duly passed by the City Council of the **City of Chester, Illinois**, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **City of Chester, Illinois**, this _____ day of _____, 2011.

**NANCY EGGEMEYER
CITY CLERK
CITY OF CHESTER**

(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. The word "**shall**" is mandatory and not discretionary; the word "**may**" is permissive.

1-1-16 DEFINITIONS. Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

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

"CITY" shall mean the City of Chester, Illinois.

"CODE" OR "THIS CODE", shall mean the "**Revised Code of Ordinances of the City of Chester**".

"CORPORATE AUTHORITIES" shall mean the Mayor and the City Council. **(See 65 ILCS Sec. 5/1-1-2)**

"COUNCIL" unless otherwise indicated shall mean the City Council of this City.

"COUNTY" shall mean the **County of Randolph**.

"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" OR "FEES" 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])**

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

"LAW" denotes applicable federal law, the Constitution and statutes of the State of Illinois, the ordinances of the City and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

"LEGAL HOLIDAY" shall mean the holidays as authorized and recognized by the City Council.

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

"MAY" as used in this Code means permissible.

"MAYOR" means the Mayor of the City of Chester, Illinois.

"MISDEMEANOR" as used in this Code 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.

"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.

"NUISANCE":

(A) A nuisance means any thing, condition, or activity which is offensive, obnoxious to the health and welfare or offend the senses of the residents of the City, or activity which endangers health, or offends the senses, or obstructs the free use and comfortable enjoyment of property, or interferes with the comfortable enjoyment of life 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.

(B) Whatever comports with the above definition is hereby declared a nuisance, whether or not such thing, condition, or activity is enumerated in this Chapter.
(#729; 03-19-79)

"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"** 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.

"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" as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee 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.

"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" as used in this Code means mandatory.

"STATE" OR "THIS STATE" unless otherwise indicated shall mean the **"State of Illinois"**.

"STREET" shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

"TENANT" 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.

"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 - GENERAL 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) **Guilty Plea – No Court Appearance.** 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. **(See 65 ILCS Sec. 5/1-2-7 and 5/1-2-8)**

(F) **Community Service.** A penalty imposed for the violation of any section of this Code 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 public parks or along public highways or the maintenance of public facilities.

1-1-21 APPLICATION.

(A) The penalty provided in this Chapter shall be applicable to every section of this City Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this City Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.

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

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Code shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-22 **LIABILITY OF OFFICERS.** The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

1-1-23 **LICENSE.** When a person is convicted of a violation of any Section of this Code, any license previously issued to him/her by the City may be revoked by the court or by the City Council.

ARTICLE II - CITY OFFICIALS

DIVISION I - CITY COUNCIL

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

1-2-2 **REGULAR MEETINGS.** The regular stated meetings of the City Council shall be held in the City Hall Building on the **first (1st)** and **third (3rd) Mondays** in each month at **6:00 P.M.** When said meeting date falls upon a legal holiday, the meeting shall be held on the next secular day at the same hour. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings shall be given in accordance with the **Meetings of Public Agencies Act of the State of Illinois, Illinois Compiled Statutes, Ch. 5, Sections 120/1 through 120/5.** **(See 65 ILCS 5/3.1-40-25) (Ord. No. 1697; 12-19-16)**

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

1-2-4 **RESERVED.**

1-2-5 **COMMITTEES.** The following standing committees of the City Council are hereby established, to-wit:

- (A) (1) Cemetery & Finance
- (2) Parks & Recreation
- (3) Ordinances & Public Property
- (4) Personnel & Insurance
- (5) Streets & Alleys
- (6) Gas, Water & Sewer
- (7) Fire Department & Public Safety
- (8) Economic Development & Chamber & Beautification

NOTE: Committee appointments are subject to change at the discretion of the Mayor. **(Ord. No. 1769; 05-02-22)**

(B) The committees shall be appointed annually by the Mayor.

(C) The Mayor shall be ex-officio member of each and every standing committee.

(D) The first named Alderman of each committee shall be the Chairman, and in case of his absence or disability, the one next named shall act as Chairman.

(E) The reports of committees should be in writing.

(F) As provided by law, any report of a committee of the City Council shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any **two (2)** Aldermen present. **(See 65 ILCS Sec. 5/3.1-40-35)**

(G) Each standing committee of the City Council shall exercise a general supervision over the affairs of the department of municipal government with which it is connected; shall ascertain the condition and needs of said department; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the department.

(H) Notices to the members of the different committees of the Council and notices to all other persons whose attendance may be required before any such committee, when so directed by the Chairman thereof, shall be served by the Chief of Police. **(See 5 ILCS Sec. 120/1 and 120/2.06)**

(I) **Absenteeism.**

- (1) Any committee member missing more than **three (3) committee meetings** annually from **May 1st** to **April 30th**, without the prior approval of the Chairman of the committee, shall be dismissed from the committee without further cause.
- (2) The Chairman shall have exclusive authority to approve or disapprove non-attendance.
- (3) The dismissed member shall be notified in a reasonable manner, but that lack of notification shall in no way affect his dismissal.

- (4) Any vacancy created by reason of this paragraph shall be filled in the same manner as the original appointment was made. **(Ord. No. 703; 04-03-78)**

1-2-6 **SPECIAL COMMITTEES.** Special Committees may be appointed by the Mayor, subject to the advice and consent of the Aldermen, as may be needed from time to time.

1-2-7 **QUORUM.** At all meetings of the City Council, a majority of the corporate authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Council, the Aldermen may adjourn from day to day until a quorum is present; and shall have power to compel the attendance of absent members, except when such members are physically unable to attend such meetings. **(See 65 ILCS Sec. 5/3.1-40-20)**

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

1-2-8 **COMPELLING ATTENDANCE.** It shall be the duty of each and all Aldermen to attend all regular meetings of the City Council and all special meetings when each has been duly notified of the date and place of such meeting. If, at any special meeting duly called, a quorum is not present, the Aldermen in attendance may adjourn the same to some stated time. **(See 65 ILCS Sec. 5/3.1-40-20)**

1-2-9 **MEMBERS REFUSING TO ATTEND.** Any member of the City Council who without permission from the Mayor is absent for **three (3)** or more meetings of the City Council in any fiscal year (May 1 – April 30) shall not receive compensation for his/her third absence and each absence thereafter. **(Ord. No. 1754; 06-07-21)**

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

1-2-10 **RESERVED.**

DIVISION II - RULES OF THE CITY COUNCIL

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

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

- (1) Call to order by presiding officer.
- (2) Roll Call.
- (3) Pledge of Allegiance.
- (4) The reading of the journal of the proceedings of the last preceding meeting or meetings, and correction and approval of the same, unless dispensed with by the Aldermen and correction of the journal of the proceedings of previous meetings.
- (5) Correspondence.
- (6) Reports and communications from the Mayor and other City Officers.
- (7) Visitors and Public Comment.*
- (8) Reports of Standing Committee.
- (9) Reports of Special Committees.
- (10) Presentation of communications, petitions, resolutions, orders and ordinances by the Aldermen.
- (11) Old (unfinished) business.
- (12) New business.

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

***See Section 1-2-13. (Ord. No. 1664; 12-18-17)**

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

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

(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) **Visitors.** After the public comment period, no person other than a member of the Council shall address that body unless permitted under the provisions of **Section 1-2-13. (Ord. No. 1664; 12-18-17)**

(E) **Presentation of New Business.** When a member wishes to present a communication, petition, order, resolution, ordinance or other original matter, the member 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 Alderman desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration, as the case may be, shall have the right to open and close debate.

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

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

(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 Alderman making the appeal may briefly state his reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The Presiding Officer shall have the right to participate in debate.

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

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

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

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

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

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

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

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

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

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

(Q) **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.

(R) **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.

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

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

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

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

(T) **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.

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

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

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

(V) **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.

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

(X) **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.

(Y) **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.

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

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

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

(BB) **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.

(CC) **Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a vote of **two-thirds (2/3)** of the Aldermen entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of **two-thirds (2/3)** of all the Aldermen entitled by law to be elected.

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

1-2-12 AGENDA. An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Council no later than **forty-eight (48) hours** prior to the regular Council meeting. In the case of emergency matters, which could not have been reasonably foreseen in sufficient time to comply with this section, a revised agenda will be furnished to each member of the Council prior to the opening of the Council meeting. **(See 5 ILCS Sec. 120/2.02)**

1-2-13 ADDRESS BY NON-MEMBERS.

(A) **Public Comment Request.** Any person not a member of the City Council may address the City Council with regard to items of proposed business under the following rules:

- (1) He or she shall rise (if not physically impaired) and state his or her name for the record and unless further time is granted by the Council to limit remarks to **three (3) minutes**. All remarks shall be addressed to the City Council, not to any member thereof.
- (2) No person other than the Council member recognizing the individual addressing the Council and the person having the floor shall be permitted to enter into any discussion directly or through a member of the Council without the permission of the Mayor. No questions shall be asked of an Alderman except through the Mayor. Any person making personal or impertinent remarks or who shall become disruptive addressing the City Council shall be forthwith evicted from the Council room by the Mayor.

(B) **Auxiliary Aid or Service.** The City shall take appropriate steps to ensure that communications with applicants, participants, members of the public and companions with disabilities are as effective as communications with orders.

- (1) The City shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities, including applicants, participants, companions and members of the public, an equal opportunity to participate in and enjoy the benefits of a service, program or activity of the City.
- (2) Auxiliary aids and services shall be provided in a timely manner.
- (3) Individuals shall notify the City Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required.

(C) The Chief of Police or his authorized designee shall be the Sergeant at Arms at the Council Meetings. He or she shall carry out all orders and instructions of the Mayor for the purposes of maintaining order and decorum. The Sergeant at Arms shall remove any person violating order and decorum of the meeting. Such removal may be accompanied by further prosecution for any violation of any ordinance under this Code. **(5 ILCS 120/2.06)**
(Ord. No. 1665; 12-18-17)

DIVISION III - ORDINANCES

1-2-14 ORDINANCES.

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

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

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

(D) **Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against the City, or (2) that provide for the expenditure or appropriation of its money, or (3) to sell any City property, and all ordinances, passed by the City Council shall be deposited with the City Clerk. If the Mayor approves an ordinance or resolution, the Mayor shall sign it. Those ordinances,

resolutions and motions which the Mayor disapproves shall be returned to the City Council, with the Mayor's written objections, at the next meeting of the City Council occurring not less than five (5) days after their passage. The Mayor may disapprove of any one (1) or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of the Mayor's signature. **(See 65 ILCS Sec. 5/3.1-40-45)**

1-2-15 **RECONSIDERATION--PASSING OVER VETO.** Every resolution and motion, specified in Section 1-2-14 and every ordinance, that is returned to the City Council by the Mayor shall be reconsidered by the City Council at the next regular meeting following the regular meeting at which the City Council receives the Mayor's written objection. If, after reconsideration, **two-thirds (2/3)** of all the Aldermen then holding office on the City Council agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal. **(See 65 ILCS Sec. 5/3.1-40-50)**

1-2-16 **NO VOTE TO BE RECONSIDERED AT SPECIAL MEETING.** No vote of the City Council shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting at least as many Aldermen as were present when the vote was taken. **(See 65 ILCS Sec. 5/3.1-40-55)**

1-2-17 - 1-2-18 **RESERVED.**

DIVISION IV - GENERAL PROVISIONS

1-2-19 CORPORATE SEAL.

(A) **Seal Description.** The Corporate Seal of the City shall be the same as that heretofore provided and used by the City of Chester, circular in form with the words, "**City of Chester, State of Illinois**" and the figures, "**1855**" in the exterior circle and a vignette representing a sheaf of wheat, plow and ears of corn in the interior circle. **(See 65 ILCS Sec. 5/2-2-12)**

(B) **Use of Seal.** 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. **(Ord. No. 5; 09-02-24) (See 65 ILCS Sec. 5/3.1-35-90)**

1-2-20 CORPORATE FLAG. The flag shall consist of a reproduction of the official seal of the City which shall be reproduced on a flag with a white background; the seal shall be multi-colored with the predominant colors being red and blue, and shall be in accordance with the design on file at City Hall. **(Ord. No. 676; 03-01-76)**

1-2-21 ELECTIONS.

(A) **Election Procedure.** The provisions of the **Illinois Compiled Statutes, Chapter 10 and Chapter 65, Section 5/3.1-10-10** concerning municipal elections shall govern the conduct of the City elections.

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

1-2-22 APPOINTMENT OF ELECTED OFFICIALS. No Alderman of this City, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor except if such Alderman is granted a leave of absence from such office. However, such Alderman may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this section is void. **(See 65 ILCS Sec. 5/3.1-15-15)**

NOTE: One (1) member may serve on the Library Board, if one exists. (See 75 ILCS Sec. 5/4-1 and 50 ILCS Sec. 105/2)

1-2-23 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) **Appointment.** All appointive officers who shall hold their several offices for the term of **one (1) year** and until their successors are appointed and have qualified. **(See 65 ILCS Sec. 5/3.1-10-6)**

(C) **Offices Vacated by Removal.** Any officer of the City who leaves the City with the intention of permanently residing outside the limits thereof shall be deemed to have vacated his office. **(Ord. No. 18; 09-02-28)**

(D) **Leaves of Absence.** Any officer desiring to be temporarily absent from the City shall apply to the Mayor for a leave of absence which may, at the discretion of the Mayor, be granted in writing for any time not exceeding **thirty (30) days** and when granted, shall be filed with the City Clerk.

(E) **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)**

(F) **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)**

(G) **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)**

(H) **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.

(I) **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.

(J) **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)**

(K) **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, Aldermen 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)**

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

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

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

(See 65 ILCS Sec. 5/3.1-15-20)

(See "Administration of Oaths", Section 1-2-63)

1-2-24 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)**

1-2-25 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, until completion of his or her sentence.

(C) A person is not eligible for the office of Alderman of a ward unless that person has resided in the ward that the person seeks to represent, and a person is not eligible for the office of trustee of a district unless that person has resided in the municipality, at least **one (1) year** next preceding the election or appointment, except as provided in **65 ILCS Sec. 5/3.1-20-25** and **5/5-2-2**. **(See 730 ILCS 5/5-5-5(b))**

(D) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person's spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (A).

1-2-26 BONDS OF CITY OFFICERS.

(A) **Amount.** Bonds of City officers required under **Illinois Compiled Statutes, Chapter 65, Section 5/3.1-10-30** shall be executed in the following penal sums:

(1)	Mayor	\$100,000.00
(2)	City Treasurer	\$100,000.00
(3)	City Clerk	\$100,000.00

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

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

1-2-27 LIABILITY INSURANCE.

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

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

Notwithstanding any other 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.)**

1-2-28 BIDDING AND CONTRACT PROCEDURES.

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

(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, after due notice inviting bids, unless competitive bidding is waived by a vote of two-thirds (2/3) of the Aldermen then holding office. **(Ord. No. 1805; 08-21-23)**

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

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

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

(F) **Bid Opening Procedure.**

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

(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, in which event, a tabulation of the bids shall be furnished to the City Council 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 on the basis of the bid that is in the best interest of the City to accept. In awarding the contract, in addition to price, the City Council shall consider:

(a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (d) The quality of the performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (i) The number and scope of conditions attached to the bid.
- (j) Whether the bidder has furnished a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.

(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 Thousand Dollars (\$20,000.00)** 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. **(Ord. No. 1346; 12-05-05)**

(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. **(See 65 ILCS Sec. 5/2-2-12, 8-9-1 and 8-9-2)**

1-2-29 SALARIES REGULATION.

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

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

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

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 **one hundred eighty (180) days** before the beginning of the terms of the officers whose compensation is to be filed.

1-2-30 CLAIMS PRESENTATION.

(A) **Presentation.** All claims against the City for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance **must be presented on or before the last Monday of each month** to the City Clerk. All such claims must be in writing and items shall be specified.

(B) **Exception.** This does not prohibit the City Council from passing on any claims not previously presented to the City Clerk if, in the opinion of the Council, justice to the claimant requires it.

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

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

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

1-2-34 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.

(A) **Eligible employees** shall mean all employees of the City, eligible under the Federal Act, except persons elected to office by popular election and also the City Treasurer and City Attorney.

(B) **Withholdings** from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations.

1-2-35 ILLINOIS MUNICIPAL RETIREMENT FUND.

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

(B) **Special Tax.** The City includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the City's cost of participating in the Retirement Fund and appropriate therefrom funds to pay the cost of participation.

(C) The City does hereby elect to exclude from participation in the **Illinois Municipal Retirement Fund** all officials and employees in positions normally requiring performance of duty for less than **one thousand (1,000) hours** per year. **(See also Section 11-1-8) (Ord. No. 1308; 10-04-04)**

(D) This exclusion shall apply only to officials and employees who first occupy offices or positions under the Fund after adoption of this Section.

1-2-36 CERTIFICATES OF INSURANCE. All contractors and sub-contractors doing work for the City shall first provide a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.

1-2-37 - 1-2-39 RESERVED.

DIVISION V - VACANCIES

1-2-40 **VACANCY BY RESIGNATION.** A resignation is not effective unless it is in writing, signed by the person holding the elective office, and notarized.

(A) **Unconditional Resignation.** An unconditional resignation by a person holding the elective office may specify a future date, not later than **sixty (60) days** after the date the resignation is received by the officer authorized to fill the vacancy, at which time it becomes operative, but the resignation may not be withdrawn after it is received by the officer authorized to fill the vacancy. The effective date of a resignation that does not specify a future date at which it becomes operative is the date the resignation is received by the officer authorized to fill the vacancy. The effective date of a resignation that has a specified future effective date is that specified future date or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(B) **Conditional Resignation.** A resignation that does not become effective unless a specified event occurs can be withdrawn at any time prior to the occurrence of the specified event, but if not withdrawn, the effective date of the resignation is the date of the occurrence of the specified event or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(C) **Vacancy Upon the Effective Date.** For the purpose of determining the time period that would require an election to fill the vacancy by resignation or the commencement of the **sixty (60) day** time period referred to in **Section 1-2-44**, the resignation of an elected officer is deemed to have created a vacancy as of the effective date of the resignation.

(D) **Duty of the Clerk.** If a resignation is delivered to the Clerk of the Municipality, the Clerk shall forward a certified copy of the written resignation to the official who is authorized to fill the vacancy within **seven (7) business days** after receipt of the resignation.

1-2-41 **VACANCY BY DEATH OR DISABILITY.** A vacancy occurs in an office by reason of the death of the incumbent. The date of the death may be established by the date shown on the death certificate. A vacancy occurs in an office by permanent physical or mental disability rendering the person incapable of performing the duties of the office. The corporate authorities have the authority to make the determination whether an officer is incapable of performing the duties of the office because of a permanent physical or mental disability. A finding of mental disability shall not be made prior to the appointment by a court of a guardian ad litem for the officer or until a duly licensed doctor certifies, in writing, that the officer is mentally impaired to the extent that the officer is unable to effectively perform the duties of the office. If the corporate authorities find that an officer is incapable of performing the duties of the office due to permanent physical or mental disability, that person is removed from the office and the vacancy of the office occurs on the date of the determination.

1-2-42 **VACANCY BY OTHER CAUSES.**

(A) **Abandonment and Other Causes.** A vacancy occurs in an office by reason of abandonment of office; removal from office; or failure to qualify; or more than temporary removal of residence from the Municipality, as the case may be. The corporate

authorities have the authority to determine whether a vacancy under this Section has occurred. If the corporate authorities determine that a vacancy exists, the office is deemed vacant as of the date of that determination for all purposes including the calculation under **Sections 1-2-44 or 1-2-45**.

(B) **Guilty of a Criminal Offense.** An admission of guilt of a criminal offense that upon conviction would disqualify the municipal officer from holding the office, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, constitutes a resignation from that office, effective on the date the plea agreement is made. For purposes of this Section, a conviction for an offense that disqualifies a municipal officer from holding that office occurs on the date of the return of a guilty verdict or, in the case of a trial by the court, on the entry of a finding of guilt.

(C) **Election Declared Void.** A vacancy occurs on the date of the decision of a competent tribunal declaring the election of the officer void.

1-2-43 **ELECTION OF AN ACTING MAYOR.** The election of an acting Mayor pursuant to **Section 1-2-45 or 1-2-46** does not create a vacancy in the original office of the person on the City Council, unless the person resigns from the original office following election as acting Mayor. If the person resigns from the original office following election as acting Mayor, then the original office must be filled pursuant to the terms of this Section and the acting Mayor shall exercise the powers of the Mayor and shall vote and have veto power in the manner provided by law for a Mayor. If the person does not resign from the original office following election as acting Mayor, then the acting Mayor shall exercise the powers of the Mayor but shall be entitled to vote only in the manner provided for as the holder of the original office and shall not have the power to veto. If the person does not resign from the original office following election as acting Mayor, and if that person's original term of office has not expired when a Mayor is elected and has qualified for office, the acting Mayor shall return to the original office for the remainder of the term thereof.

1-2-44 **APPOINTMENT TO FILL ALDERMAN VACANCY.** An appointment by the Mayor or acting Mayor, as the case may be, of a qualified person as described in **Section 1-2-23** of this Code to fill a vacancy in the office of Alderman must be made within **sixty (60) days** after the vacancy occurs. Once the appointment of the qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment fails to receive the advice and consent of the corporate authorities within **thirty (30) days**, the Mayor or acting Mayor shall appoint and forward to the corporate authorities a second qualified person as described in **Section 1-2-23**. Once the appointment of the second qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment of the second qualified person also fails to receive the advice and consent of the corporate authorities, then the Mayor or acting Mayor, without the advice and consent of the corporate authorities, may make a temporary appointment from those persons who were appointed but whose appointments failed to receive the advice and consent of the corporate authorities. The person receiving the temporary appointment shall serve until an appointment has received the advice and consent and the appointee has qualified or until a person has been elected and has qualified, whichever first occurs.

1-2-45 **ELECTION TO FILL VACANCIES IN MUNICIPAL OFFICES WITH FOUR (4) YEAR TERMS.** If a vacancy occurs in an elective municipal office with a **four (4) year term** and there remains an unexpired portion of the term of at least **twenty-eight (28) months**, and the vacancy occurs at least **one hundred thirty (130) days** before the general municipal election next scheduled under the general election law, then the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the City Clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. If a vacancy occurs with less than **twenty-eight (28) months** remaining in the unexpired portion of the term or less than **one hundred thirty (130) days** before the general municipal election, then:

(A) **Mayor.** If the vacancy is in the office of Mayor, the vacancy must be filled by the corporate authorities electing one of their members as acting Mayor. Except as set forth in **Section 1-2-43**, the acting Mayor shall perform the duties and possess all the rights and powers of the Mayor until a Mayor is elected at the next general municipal election and has qualified.

(B) **Alderman.** If the vacancy is in the office of Alderman, the vacancy must be filled by the Mayor or acting Mayor, as the case may be, in accordance with **Section 1-2-44**.

(C) **Other Elective Office.** If the vacancy is in any elective municipal office other than Mayor or Alderman, the Mayor or acting Mayor, as the case may be, must appoint a qualified person to hold the office until the office is filled by election, subject to the advice and consent of the City Council, as the case may be.

1-2-46 **VACANCIES DUE TO ELECTION BEING DECLARED VOID.** In cases of vacancies arising by reason of an election being declared void pursuant to **Section 1-2-42(C)**, persons holding elective office prior thereto shall hold office until their successors are elected and qualified or appointed and confirmed by advice and consent, as the case may be.

(See 65 ILCS 5/3.1-10-50)

1-2-47 - 1-2-49 **RESERVED.**

DIVISION VI - MAYOR

1-2-50 **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until a successor is elected and has qualified. **(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-15-10)**

1-2-51 **MAYOR PRO-TEM; TEMPORARY CHAIRMAN.**

(A) If the Mayor is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as Mayor pro tem. The Mayor pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor but shall not be entitled to vote both as Mayor pro tem and as an alderman.

(B) In the absence of the Mayor, or Mayor pro tem, the corporate authorities may elect one of their members to act as a temporary chairman. The temporary chairman shall have only the powers of a presiding officer and a right to vote only in the capacity as alderman on any ordinance, resolution, or motion. **(See 65 ILCS Sec. 5/3.1-35-35)**

1-2-52 **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the City and shall see to the enforcement of all laws and ordinances. The Mayor shall preside over the meetings of the City Council and perform such duties as may be required of him by statute or law. The Mayor shall have supervision over all of the executive officers and City employees; provided, however, his or her control is subject to the power of the City Council to prescribe the duties of various officers and employees. The Mayor shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to City affairs and kept by any officer of the City. **(See 65 ILCS Sec. 5/3.1-15-10 and 3.1-35-20)**

1-2-53 **MAYOR'S SIGNATURE.** The Mayor shall sign all City warrants, commissions, permits and licenses granted by authority of the City Council, except as otherwise provided, and such other acts and deeds as law or ordinance may require his or her official signature.

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

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

1-2-54 **APPOINTMENT OF OFFICERS.**

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

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

1-2-55 **SUPERVISE CONDUCT OF OFFICERS; REMOVAL OF OFFICERS.**

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

1-2-56 **DESIGNATION OF OFFICERS' DUTIES.**

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

1-2-57 **FORMAL OCCASIONS.**

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

1-2-58 **GENERAL DUTIES.**

The Mayor shall perform all the duties which are prescribed by law and shall take care that the laws and ordinances are faithfully executed.

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

1-2-59 **LOCAL LIQUOR COMMISSIONER.** The Mayor is hereby designated as Local Liquor Commissioner with all the powers to license and/or revoke any City liquor license according to State and City laws. **(See 235 ILCS Sec. 5/4-2)**

1-2-60 **DECIDING VOTE - MAYOR.** The Mayor shall preside at all meetings of the City Council. The Mayor shall not vote on any ordinance, resolution or motion, except:

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

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

1-2-61 - 1-2-64 **RESERVED.**

DIVISION VII - CITY CLERK

1-2-65 **ELECTED.** The Clerk shall be elected at the same election as the Mayor for a **four (4) year term** and shall serve until a successor is elected and has qualified. **(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-20-5)**

1-2-66 **VACANCY.** Whenever there is a vacancy in the office of City Clerk, the office shall be filled by the Mayor with the advice and consent of the City Council for the remainder of the term. **(See 65 ILCS Sec. 5/3.1-25-90) (See Division V of this Chapter)**

1-2-67 **PUBLICATION OF ORDINANCES; COUNCIL MINUTES; RECORDS.**
(A) **Ordinances.** The City Clerk shall cause all ordinances passed by the City Council and approved by the Mayor, imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once **within thirty (30) days after passage**, in one (1) or more newspapers published in the City. **(See 65 ILCS Sec. 5/1-2-5)**

(B) **Minutes; Records.**

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

(2) **Closed Meetings.** The Clerk shall prepare and preserve the minutes of closed meetings according to the provisions of the Closed Meetings Act. At least twice a year, corporate authorities shall meet to review minutes of all closed sessions and make a public statement as to whether there is still a need to maintain such matters in confidence or whether minutes or portions of minutes from closed meetings no longer require confidential treatment and are available for public inspection. **(See 5 ILCS 120/2.06(c))**

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

(D) **Issue Notices.** The Clerk shall issue and cause to be served upon all Aldermen, notices of all special meetings of the City Council; also notices to the members of the different committees of that body and all persons whose attendance may be required before any such committee, when so directed by the chairman thereof. **(See 65 ILCS Sec. 5/1-2-4, 5/1-2-5 and 5/3.1-35-90)**

1-2-68 **DELIVERY OF PAPERS TO OFFICERS.** The Clerk shall deliver to the several committees of the City Council and to the officers of this City, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Council on demand therefor. The Clerk shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders and claims in his or her charge which may require to be approved or otherwise acted upon by the Mayor. **(See 65 ILCS Sec. 5/3.1-35-90)**

1-2-69 **PREPARATION OF DOCUMENTS, COMMISSIONS AND LICENSES.** The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him or her under this Code and shall attest the same with the corporate seal, and the Clerk shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this City.

1-2-70 **SUBMIT APPROPRIATION TO CITY COUNCIL.** The City Clerk shall, **on or before May 15th in each year** and before the annual appropriations to be made by the City Council, submit to the City Council a report of the City Clerk's estimates as nearly as may be of monies necessary to defray the expenses of the municipality during the current fiscal year. In the report, the Clerk shall:

- (A) classify the different objects and branches of expenditures, 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 outstanding upon which interest is to be paid;
- (D) show the bonds and debts payable during the year, when due, and when payable; and;
- (E) give all other information to the City Council as the City Clerk may deem necessary to the end that the City Council may fully understand the demands upon the Municipality for the current year. **(Ord. No. 1243; 06-03-02)**

1-2-71 **ADMINISTRATION OF OATHS.** The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(See 65 ILCS Sec. 5/3.1-15-20)**

1-2-72 **OUTSTANDING BONDS.** The Clerk shall keep in his/her office in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued. When the bonds are purchased, paid, or cancelled, these books shall show these additional facts. In the City Clerk's annual report, the City Clerk shall describe particularly the bonds sold during the year and the terms of sale of each and every item of expense thereof. **(See 65 ILCS Sec. 5/3.1-35-110)**

1-2-73 **REPORTS.** The Clerk shall, on or before the regular meeting in each month, make out and submit to the City Council a statement or report in writing of all the monies received and warrants drawn during the preceding month, showing therein from or what sources and on what account monies were received, and for what purposes and on what account the warrants were drawn or paid.

1-2-74 **SUCCESSOR.** The City Clerk shall carefully preserve all books, records, papers, maps and effects of every detail and description belonging to the City or pertaining to the office, and not in actual use and possession of other City officers; and upon the expiration of his or her official term, the Clerk shall deliver all such books, records, papers and effects to the successor in office. **(See 65 ILCS Sec. 3.1-10-35)**

1-2-75 **PAYROLL.** The Clerk shall prepare the City payroll for all persons who come under appropriations for salaries.

1-2-76 **AUDIT ACCOUNTS.** The City Clerk shall audit all accounts or claims followed by the City Council as provided by the ordinances and when such claims are allowed as aforesaid, the Clerk shall draw a warrant in due form upon the City Treasury therefor.

1-2-77 **WARRANTS.** The Clerk shall keep in a suitable book, an accurate list of all warrants drawn upon the City Treasury, showing the date, number and amount of each and the name of the person in whose favor drawn. There shall be a statement of charges attached to each check drawn. All warrants drawn upon the Treasury shall be signed by the Mayor and countersigned by the City Clerk, and shall specify therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid than upon such warrants so drawn. **(See 65 ILCS Sec. 5/8-1-8)**

1-2-78 **FINANCE COMMITTEE.** The Clerk shall, under the direction of the Finance Committee, open and keep a complete set of books in which, among other things, shall be set forth the appropriations of the fiscal year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue so far as he can ascertain the same.

1-2-79 **NOTIFICATION TO PERSONS APPOINTED TO OFFICE.** Within **five (5) days** after an appointment is made, the Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within **ten (10) days** after such notice.

1-2-80 **OTHER DUTIES.** In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to the office as are or may be imposed upon the office by law or resolution or ordinance of the City Council. **(See 65 ILCS Sec. 5/3.1-10-40)**

1-2-81 **DEPUTY CLERK.** The City Clerk, when authorized by the City Council, may appoint the Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the seal of the City thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the City Clerk followed with the word, "**By**" and the Deputy Clerk's name and the words, "**Deputy Clerk**".

The powers and duties herein described shall be executed by such Deputy Clerk only in the absence of the City Clerk from the City Clerk's office in the City Hall, and only when either written direction has been given by the City Clerk to such Deputy Clerk to exercise such power or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such functions.

(See 65 ILCS Sec. 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)

1-2-82 **APPOINTMENT OF SUBORDINATES.** The City Clerk shall appoint the various clerks and subordinates in his/her respective office authorized by the corporate authorities. **(65 ILCS 5/3.1-10-45)**

1-2-83 **LOCAL ELECTION OFFICIAL.** The City Clerk shall be known as the Local Election Official and shall perform all duties as prescribed by Chapters 65 and 10 of the Illinois Compiled Statutes Annotated.

1-2-84 **RESERVED.**

DIVISION VIII - CITY TREASURER

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

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

1-2-87 **ELECTION AND VACANCY.** The Treasurer shall be elected at the same election as the Mayor for a **four (4) year term** and shall serve until a successor is elected and has qualified. All vacancies shall be filled in the manner prescribed in **Division V** of this Chapter. **(See 65 ILCS Sec. 5/3.1-30-5)**

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

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

1-2-90 **PERSONAL USE OF FUNDS.** The City Treasurer shall keep all money belonging to the Municipality and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the Municipality's monies or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject the Treasurer to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. **(See 65 ILCS Sec. 5/3.1-35-55)**

1-2-91 **BOND.** The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than **ten percent (10%)** of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding **five (5) fiscal years**, nor less than one and one-half times the largest amount which the Council estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the City, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. **(See 65 ILCS Sec. 5/3.1-10-45)**

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

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

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

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

1-2-96 **YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file annually with the City Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this section. The Treasurer shall show the following in such account:

(A) All monies received by the City, indicating the total amounts in the aggregate received in each account of the City, with a general statement concerning the source of such receipts; provided, however, for the purposes of this paragraph, the term **"account"** shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the City are credited to the general account; and

(B) Except as provided in paragraph (C) of this section all monies paid out by the City where the total amount paid during the fiscal year exceeds **Two Thousand Five Hundred Dollars (\$2,500.00)**, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

(C) All monies paid out by the City as compensation for personal services, giving the name of each person to whom paid, listing each employee by category as permitted by **65 ILCS 5/3.1-35-65**; and

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

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

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

1-2-97 DEPOSIT OF FUNDS.

(A) **Designation by Council.** The Treasurer is hereby required to keep all funds and monies in his custody belonging to the City in such places of deposit as have been designated by **Section 1-2-98**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and monies of the City in the custody of the Treasurer. When a bank has been designated as a depository, it shall continue as such depository until **ten (10) days** have elapsed after a new depository is designated and has qualified as provided by law. When a new depository is designated, the corporate authorities shall notify the sureties of the Municipal Treasurer of that fact in writing at least **five (5) days** before the transfer of funds. (**Ord. No. 1243; 06-03-02**)

(B) **Qualifications of Bank.** No bank shall be qualified to receive City funds or monies until it has furnished the corporate authorities with copies of the last **two (2) sworn statements** of resources and liabilities which the bank is required to furnish to the auditor of public accounts or to the Comptroller of Currency. Each bank designated as a depository for such funds or monies shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the auditor of public accounts or to the Comptroller of Currency.

(C) **Discharge from Responsibility.** The Treasurer shall be discharged from responsibility for all funds or monies which he deposits in a designated bank while the funds and monies are so deposited. If City funds or moneys are deposited in a designated bank, however, the amount of such deposits shall not exceed **seventy-five percent (75%)** of the bank's capital stock and surplus, and the Treasurer shall be responsible for funds or monies deposited in the bank in excess of this limitation.

1-2-98 INVESTMENTS. The City Treasurer is hereby authorized to invest surplus funds or reserve funds of the City in the following types of investments:

(A) Treasury Obligations including bills, notes, bonds and stripped coupons.

(B) Obligations of the Government National Mortgage Association (GNMA).

(C) Bonds, notes, debentures and similar obligations issued by agencies of the United States government.

(D) Certificates of Deposit issued by Commercial Banks that are FDIC insured or collateralized.

(E) Investments set forth in (A), (B), (C) and (D) above and (H) below may be obtained through and held as custodian by Edward Jones provided Edward Jones continues to qualify under the Securities and Exchange Commission, Rule 15C3-1 (uniform net capital rule).

(F) Commercial paper that has the highest rating classifications by at least one of the standard rating agencies and has one of the two highest rating classifications by at least two of the standard rating agencies.

(G) The Illinois Public Treasurer's Investment Pool.

(H) Any money market mutual fund permissible under the state law.

(I) The following banks are herewith designated as places of deposit where the City Treasurer may keep funds and moneys in his/her custody belonging to the Municipality:

- (1) First Bank of Chester, Chester, IL
- (2) Chester National Bank, Chester, IL
- (3) Buena Vista National Bank Chester, Chester, IL
- (4) First State Bank of Campbell Hill, Campbell Hill, IL
- (5) First National Bank of Ava, Ava, IL
- (6) State Farm Bank, F.S.B., Bloomington, IL
- (7) First National Bank of Steeleville, Steeleville, IL
- (8) First National Bank of Sparta, Sparta, IL

(Ord. No. 1411; 12-03-07)

1-2-99 - 1-2-100 RESERVED.

DIVISION IX – CITY ATTORNEY

1-2-101 APPOINTMENT. A City Attorney may be appointed by the Mayor, by and with the consent of the City Council at the first regular meeting of each year in May. He shall, before entering upon the duties of his office, take the oath prescribed by law for City Officers. **(Ord. No. 1243; 06-03-02)**

1-2-102 ELIGIBILITY. No person shall be eligible for the office of City Attorney unless he is an attorney licensed to and engaged in the practice of law in the courts of the State of Illinois.

1-2-103 PROSECUTE SUITS; ADVISE OFFICIALS; OTHER DUTIES. It shall be the duty of the City Attorney to prosecute or defend all suits and actions originating and pending in any court of this state to which the City is a party, or in which, in the opinion of the Mayor or the City Council, the interests of the City are in any way involved, or in which the official acts of any of the officers, agents, or servants of the City are involved. It shall also be the duty of the City Attorney to advise the Mayor, elected City Officers, or City Council on such legal questions relating to the business of the City or their offices as may, from time to time, arise; and to perform such other services as may be required of him.

1-2-104 ORDINANCES; LEASES. The City Attorney shall draw such ordinances as may be required by the City Council. All ordinances introduced before the City Council shall first be submitted to the City Attorney to consider for proper construction and legality. He shall draw all leases, deeds, contracts, and other instruments connected with the conduct of the City affairs when requested to do so by the Mayor or by the City Council.

1-2-105 DISMISSAL OF SUITS. The City Attorney may dismiss any civil lawsuit upon obtaining the consent of the Mayor and City Council. **(Ord. No. 1243; 06-03-02)**

1-2-106 DELIVER PAPERS TO SUCCESSOR. Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, he shall forthwith, upon demand, deliver to his successor in office, all deeds, leases, contracts, books, and papers in his hands belonging to the City or delivered to him by the City or any of its officers and all papers in actions prosecuted or defended by him then pending or undetermined, together with his register thereof, and the proceedings therein.

1-2-107 COMPENSATION.
(A) The City Attorney shall attend all regular and special City Council meetings and prepare all Ordinances and Resolutions.
(B) The City Attorney shall handle all bond issues involving the issuance and/or sale of municipal securities by the City. The City Attorney shall also render all other

services on behalf of the City of Chester, including hearings before any Federal, State or Local administrative bodies, handling all litigation wherein the City has an interest, Ordinance enforcement, prosecution work, real estate transactions, and all other matters that may from time to time be assigned by the Mayor and the City Council, including advising any Boards or Commissions of the City. For all legal work done in conjunction with the matters aforesaid in this Section B, the City Attorney shall be compensated on an hourly basis at such rate per hour as the Council may from time to time approve and that there shall be no increase in such hourly rate for services performed unless there is the express prior approval of the Council. For any of the aforesaid work done on an hourly basis, the City Attorney shall submit a statement which shall set forth the date of the services performed, the nature of the services performed, and the amount of time expended relative to the performance of each particular service. **(Ord. No. 1243; 06-03-02)**

1-2-108 - 1-2-109

RESERVED.

DIVISION X – ZONING AND BUILDING ADMINISTRATOR

1-2-110 **CREATION OF OFFICE.** There is hereby created the executive position of Zoning and Building Administrator, which officer and organizational personnel shall be appointed by the Mayor, with the advice and consent of the City Council.

1-2-111 **DUTIES AND SALARY.** The Zoning and Building Administrator or his authorized representative shall administer and enforce the Zoning Code as amended from time to time, and is in effect in accordance with the powers and duties therein set forth, and in furtherance of such authority shall:

(A) Issue all building permits and zoning certificates and make and maintain records thereof.

(B) Issue all certificates of occupancy and make and maintain records thereof.

(C) Issue "Temporary Certificates of Zoning Compliance" as authorized by the Zoning Code.

(D) Conduct inspections of buildings, structures, and land to determine compliance with the Zoning Code and to notify, in writing, the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.

(E) Order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by statute or by the Zoning Code to ensure compliance with or to prevent violation of the provisions.

(F) Prepare and cause to be published **on or before March 31st of each year**, a map showing the existing zoning uses, divisions, restrictions, regulations, and classifications in effect on the **preceding December 31st**. If in any calendar year after the first map is published there are no changes in zoning uses, divisions, restrictions, regulations and classifications in such municipality, no map shall be published for such calendar year. **(See Zoning Code) (Ord. No. 1243; 06-03-02)**

(G) Maintain permanent and current records of the Zoning Code including, but not limited to, all maps, amendments, special-use permits, planned building developments, variances, appeals, and applications therefor.

(H) Provide and maintain a source of public information relative to all matters arising out of the Zoning Code.

(I) Receive, file, and forward to the Planning Commission all applications for amendments, use variances and special-use permits, and other matters upon which the Planning Commission is required to act under the Zoning Code.

(J) Receive, file, and forward to the Zoning Board of Appeals all applications for variances, appeals, and other matters upon which the board is required to act under the Zoning Code.

(K) Keep the Mayor and City Council advised of zoning activities by written report once each month, including statements of permits and certificates issued and orders promulgated.

(L) The Zoning Administrator may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the City Attorney in prosecuting violators, and of other City officials and officers.

(M) The Zoning Administrator shall perform other duties as a Code Enforcement Officer as prescribed by codes and laws of the City, and as may be specifically assigned to him by the City Council. Such codes and laws may include, but not be limited to, the Mobile Housing Code, the Subdivision Code, and the Building Code, as adopted and amended from time to time by the City Council. The Zoning Administrator shall receive a salary as established in the annual appropriation ordinance. **(Ord. No. 1243; 06-03-02)**

DIVISION XI – PROJECT MANAGER

1-2-112 **POSITION CREATED.** There is hereby created the full-time position of Project Manager. The Project Manager shall report to and be subject to the direct supervision of the Mayor. The Project Manager shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year.** **(Ord. No. 1799; 06-19-23)**

1-2-113 **DUTIES.** The duties and responsibilities of the Project Manager shall be as follows:

- (A) Shall coordinate, supervise, and monitor the City's public works projects.
- (B) Shall implement, coordinate, and monitor new public works projects and activities designed for the community.
- (C) Shall serve as the liaison between the City Council, Mayor, City Engineer, City Attorney, the community and any other persons or groups regarding all public works projects and activities.
- (D) Shall be responsible for the scheduling of all the City's Public Works projects.
- (E) Shall be responsible for obtaining all the necessary paperwork, proof of insurance, contact information and access to public property for public works projects.
- (F) Shall maintain an inventory and procure equipment and supplies needed for public works projects.
- (G) Shall develop, distribute and receive applications, and/or bids for public works projects.
- (H) Shall provide for the accounting of expenses and revenues from public works projects, and for disbursing all such expenses and funds promptly to the City Clerk.
- (I) Shall develop short-term and long-term public works projects and objectives for the City.
- (J) Shall address complaints and resolve problems regarding public works projects as they may arise.
- (K) Shall be responsible for any other tasks assigned by the Mayor.

(Ord. No. 1799; 06-19-23)

1-2-114 **COMPENSATION.** The Project Manager shall receive a salary established and set by the City Council. The Project Manager shall not be prohibited from concurrently serving in any other position appointed annually by the Mayor. **(Ord. No. 1799; 06-19-23)**

DIVISION XII - CITY ENGINEER

1-2-115 **APPOINTMENT.** The Mayor, with the advice and consent of the City Council may appoint an Engineer for the City, who shall serve for the term of the Mayor, or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and City Council. **(Ord. No. 1243; 06-03-02)**

1-2-116 **DUTIES.** The Engineer for the City shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the City Council. He shall also examine all public works under his charge and see that the plans, estimates and specifications for the same are properly executed. **(Ord. No. 1243; 06-03-02)**

1-2-117 - 1-2-119 **RESERVED.**

DIVISION XIII – SEWER SUPERINTENDENT

1-2-120 **POSITION CREATED.** There is hereby created the office of Sewer Superintendent. The Sewer Superintendent shall be subject to the direct supervision of the Mayor and the general supervision of the Water and Sewer Committee. The Sewer Superintendent shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year. (Ord. No. 1460; 06-15-09)**

1-2-121 **DUTIES.** The duties and responsibilities of the Sewer Superintendent shall be as follows:

(A) Shall be responsible for the overall supervision of the Sewer Plant and perform such other duties as may be assigned by the Mayor.

(B) Shall supervise all employees of the Sewer Plant and assign their duties and work schedules, which may include assignment of an employee or employees to work in another department of the City or at the direction of another Superintendent if necessary.

(C) Shall coordinate the various work projects in the Sewer Plant building and grounds.

(D) Shall file timely reports containing a summary of the work and activities of the Sewer Plant and any recommendations and submit them to the Mayor and the City Council on or before the first City Council meeting of each month.

(E) Shall plan for the operation of the Sewer Plant with special emphasis given to rate structures, securing price quotations and recommendations regarding discipline and/or dismissal of Sewer Plant personnel.

(F) Shall be responsible for establishing an operating and capital budget for the Sewer Plant.

(G) Shall be responsible for general and preventive maintenance of the Sewer Plant.

(H) Shall prepare monthly and annual reports required by the State and/or Federal authorities.

(I) Shall have the authority to make normal operating purchases for the Sewer Plant and any other purchases for the Sewer Plant after authorization by the City Council.

(J) Shall check all merchandise purchased and received for the Sewer Plant against all invoices and billed amounts for certification of payment and indicate his/her approval or disapproval of the same.

(K) Shall be responsible for formulating, implementing and reviewing regular annual maintenance programs for the Sewer Plant.

(L) Shall make recommendations to the Water and Sewer Committee, City Council and Mayor for improvements to the Sewer Plant and implement any recommendations approved thereby.

(M) Shall recommend to the Mayor the person who is to assume his/her duties when he/she is absent.

(Ord. No. 1814; 05-06-24)

1-2-122 **COMPENSATION.** The Sewer Superintendent shall receive a salary established and set by the City Council. **(Ord. No. 1579; 06-02-14)**

DIVISION XIV – SEWER DISTRIBUTION SUPERINTENDENT

1-2-123 **POSITION CREATED.** There is hereby created the office of Sewer Distribution Superintendent. The Sewer Distribution Superintendent shall be subject to the direct supervision of the Mayor and the general supervision of the Water and Sewer Committee. The Sewer Distribution Superintendent shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year**.

1-2-124 **DUTIES.** The duties and responsibilities of the Sewer Distribution Superintendent shall be to supervise the Sewer Distribution System, and his/her specific duties shall be as follows:

(A) Relating to Sewer Distribution System, he/she:

- (1) Shall be responsible for the maintenance of the Sewer Distribution System, including all buildings, pump stations and sewer lines associated with the sewer department with the exception of the Sewer Plant. Duties shall include maintaining sewer lines, and sewer tanks. Shall make recommendations to the Mayor, City Council and relevant committees for the improvement of the Sewer Distribution System and implement any recommendations approved.
- (2) Shall file timely reports containing a summary of the work and activities regarding sewer distribution and any recommendations with the Mayor and the City Council on or before the first City Council meeting of each month.
- (3) Shall be responsible for repair of sewer lines as well as installation of new sewer lines and other related work.
- (4) Shall order all normal items needed to maintain the Sewer Distribution System and shall have authority to make normal operating purchases relating to sewer distribution and any other purchases after authorization by the City Council.
- (5) Shall check all merchandise received against all invoices and billed amounts for certification of payment in his/her department and indicate his/her approval or disapproval of the same.
- (6) Shall be responsible for the supervision of all Sewer Distribution System employees and assign their duties and work schedules and make any recommendations he/she may have regarding employment, discipline and/or dismissal of personnel to the Mayor. He/She may assign an employee or employees to work in another department of the City or at the discretion of another Superintendent if necessary.
- (7) Shall be responsible for complying with all State and Federal regulations relating to the Sewer Distribution System and the employees of the Sewer Distribution System.
- (8) Shall perform other related supervisory matters, duties and assignments as required to carry out sewer distribution.

(B) Shall perform such other duties as may be assigned by the Mayor.

(C) Shall recommend to the Mayor the person who is to assume his/her duties when he/she is absent.

(Ord. No. 1815; 05-06-24)

DIVISION XV – WATER PLANT SUPERINTENDENT

1-2-125 **POSITION CREATED.** There is hereby created the office of Water Plant Superintendent. The Water Plant Superintendent shall be subject to the direct supervision of the Mayor and the general supervision of the Water and Sewer Committee. The Water Plant Superintendent shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year. (Ord. No. 1460; 06-15-09)**

1-2-126 **DUTIES.** The duties and responsibilities of the Water Plant Superintendent shall be as follows:

(A) Shall be responsible for the overall supervision of the Water Plant and all duties performed in the processing of water. Duties shall include ordering and application of all chemicals, day-to-day maintenance of the plant and the chlorine and lime silo buildings. He/she shall perform such other duties as may be assigned by the Mayor.

(B) Shall be responsible for passing all EPA requirements, taking samples for the EPA, and all monthly reporting and complying with all State and Federal regulations relating to the Water Plant and employees of the Water Plant.

(C) Shall supervise all employees of the Water Plant and assign their duties and work schedules, which may include assignment of an employee or employees to work in another department of the City or at the direction of another Superintendent if necessary.

(D) Shall have the authority to make normal operating purchases for the Water Plant and any other purchases after authorization by the City Council.

(E) Shall perform other related supervisory and water treatment plant duties and work required for the proper operation and maintenance of the Water Plant.

(F) Shall file timely reports containing a summary of the work and activities of the Water Plant and any recommendations with the Mayor and the City Council on or before the first City Council meeting of each month.

(G) Shall plan for the operation of the Water Plant with special emphasis given to rate structures, securing price quotations and recommendations regarding employment, discipline and/or dismissal of personnel.

(H) Shall be responsible for establishing an operating and capital budget for the Water Plant.

(I) Shall be responsible for the general and preventive maintenance of the Water Plant.

(J) Shall be responsible for maintenance, preparation and storage of all maps and records relating to the Water Plant.

(K) Shall supervise any construction and maintenance of the Water Plant, chlorine and lime silo buildings.

(L) Shall prepare monthly and annual reports required by the State and/or Federal authorities.

(M) Shall check all merchandise received against all invoices and billed amounts for certification of payment in his/her department and indicate his/her approval or disapproval of the same.

(N) Shall possess sufficient expertise so as to be capable of understanding and interpreting engineering plans for the design, construction, maintenance and operation of the Water Plant.

(O) Shall be responsible for formulating, implementing and reviewing regular annual maintenance programs for the Water Plant.

(P) Shall provide for the continual training of Water Plant personnel through seminars, conferences, literature and "on-the-job" training.

(Q) Shall make recommendations to the Water and Sewer Committee, City Council and Mayor for improvements to the Water Plant and customer services and implement any recommendations approved.

(R) Shall recommend to the Mayor the person who is to assume his/her duties when he/she is absent. **(Ord. No. 1460; 06-15-09)**

1-2-127 **COMPENSATION.** The Water Plant Superintendent shall receive a salary established and set by the City Council. **(Ord. No. 1579; 06-02-14)**

1-2-128 - 1-2-129 **RESERVED.**

**DIVISION XVI – PARK SUPERINTENDENT – COLE PARK
AND
PARK SUPERINTENDENT – COHEN RECREATIONAL COMPLEX**

1-2-130 POSITION CREATED. There is hereby created the office of Park Superintendent – Cole Park. The Park Superintendent – Cole Park shall be subject to the direct supervision of the Mayor and the general supervision of the Parks and Recreation Committee. The Park Superintendent – Cole Park shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year**.

1-2-131 DUTIES. The duties and responsibilities of the Park Superintendent – Cole Park shall be as follows:

(A) Shall supervise Cole Park, City Steps, Riverfront Park, Harnagel Park, Welcome Center/Segar Park (hereinafter referred to as the related parks).

(B) Shall be responsible for the supervision and control of the employees working at the related parks and he/she shall assign their job duties and work schedules, which may include assignment of an employee or employees to work in another department of the City or at the direction of another Superintendent if necessary.

(C) Shall coordinate the various work projects for the related parks.

(D) Shall file timely reports containing a summary of the work and activities for the related parks and any recommendations with the Mayor and the City Council on or before the first City Council meeting each month.

(E) Shall plan for the operation of the related parks with special emphasis given to securing price quotations and recommendations regarding employment, discipline and/or dismissal of personnel.

(F) Shall be responsible for establishing an operating and capital budget for the related parks.

(G) Shall be responsible for the general and preventive maintenance of the related parks.

(H) Shall be responsible for preparing or causing to be prepared "as built" and field drawings and maps for the City records for the related parks.

(I) Shall be responsible for maintenance, preparation and storage of all maps and records relating to the related parks.

(J) Shall assign labor forces as needed and shall inspect any construction and maintenance within the related parks.

(K) Shall supervise the construction within and maintenance of the related parks.

(L) Shall cause to be prepared monthly and annual reports required by the State and Federal authorities.

(M) Shall have the authority to make normal operating purchases for the related parks and any other purchases after authorization by the City Council.

(N) Shall check all merchandise received against all invoices and billed amounts for certification of payment in his/her department and indicate his/her approval or disapproval of the same.

(O) Shall possess sufficient expertise so as to be capable of understanding and interpreting engineering plans for the design, construction, maintenance and operation of the related parks.

(P) Shall be responsible for formulating, implementing and reviewing regular annual maintenance programs for the related parks.

(Q) Shall provide for any required continual training of related park department personnel through seminars, conferences, literature and "on-the-job" training and be responsible for complying with all State and Federal regulations relating to the related parks.

(R) Shall make recommendations to the Mayor, City Council and Parks and Recreation Committee for the improvement of the related parks and implement any recommendations approved.

(S) Shall recommend to the Mayor the person who is to assume his/her duties when he/she is absent.

(T) Shall perform construction projects and such other duties as may be assigned by the Mayor.

1-2-132 **POSITION CREATED.** There is hereby created the office of Park Superintendent – Cohen Recreational Complex. The Park Superintendent – Cohen Recreational Complex shall be subject to the direct supervision of the Mayor and general supervision of the Parks and Recreation Committee. The Park Superintendent – Cohen Recreational Complex shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year**.

1-2-133 **DUTIES.** The duties and responsibilities of the Park Superintendent – Cohen Recreational Complex shall be as follows:

(A) Shall supervise Cohen Recreation Complex, City Steps, Chester Memorial Park, Gazebo, Cohen Home (hereinafter referred to as the related parks).

(B) Shall be responsible for the supervision and control of the employees working at the related parks and he/she shall assign their job duties and work schedules, which may include assignment of an employee or employees to work in another department of the City or at the direction of another Superintendent if necessary.

(C) Shall coordinate the various work projects for the related parks.

(D) Shall file timely reports containing a summary of the work and activities for the related parks and any recommendations with the Mayor and the City Council on or before the first City Council meeting each month.

(E) Shall plan for the operation of the related parks with special emphasis given to securing price quotations and recommendations regarding employment, discipline and/or dismissal of personnel.

(F) Shall be responsible for establishing an operating and capital budget for the related parks.

(G) Shall be responsible for the general and preventive maintenance of the related parks.

(H) Shall be responsible for preparing or causing to be prepared "as built" and field drawings and maps for the City records for the related parks.

(I) Shall be responsible for maintenance, preparation and storage of all maps and records relating to the related parks.

(J) Shall assign labor forces as needed and shall inspect any construction and maintenance within the related parks.

(K) Shall supervise the construction within and maintenance of the related parks.

(L) Shall cause to be prepared monthly and annual reports required by the State and Federal authorities.

(M) Shall have the authority to make normal operating purchases for the related parks and any other purchases after authorization by the City Council.

(N) Shall check all merchandise received against all invoices and billed amounts for certification of payment in his/her department and indicate his/her approval or disapproval of the same.

(O) Shall possess sufficient expertise so as to be capable of understanding and interpreting engineering plans for the design, construction, maintenance and operation of the related parks.

(P) Shall be responsible for formulating, implementing and reviewing regular annual maintenance programs for the related parks.

(Q) Shall provide for any required continual training of related park department personnel through seminars, conferences, literature and "on-the-job" training and be responsible for complying with all State and Federal regulations relating to the related parks.

(R) Shall make recommendations to the Mayor, City Council and Parks and Recreation Committee for the improvement of the related parks and implement any recommendations approved.

(S) Shall recommend to the Mayor the person who is to assume his/her duties when he/she is absent.

(T) Shall perform construction projects and such other duties as may be assigned by the Mayor.

1-2-134 **COMPENSATION.** The Park Superintendent – Cole Park and Park Superintendent – Cohen Recreation Complex shall receive a salary established and set by the City Council.

(Ord. No. 1770; 05-02-22)

DIVISION XVII – MAINTENANCE SUPERINTENDENT

1-2-135 **POSITION CREATED.** There is hereby created the office of Maintenance Superintendent. The Maintenance Superintendent shall report to and be subject to the direct supervision of the Mayor and the general supervision of the Gas and Public Property Committee, and Streets and Alleys Committee. The Maintenance Superintendent shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year.** **(Ord. No. 1460; 06-15-09)**

1-2-136 **DUTIES.** The duties and responsibilities of the Maintenance Superintendent shall be to supervise the Street Department and his/her specific duties shall be as follows:

(A) Shall have charge of the construction, maintenance and care of all public streets, alleys, driveways, curbs, guttering and sidewalks in the City and with keeping the same clean. He/She shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

(B) Shall be responsible for the supervision and control of the Street Department and all employees of the Street Department, and he/she shall assign their job duties and work schedules, which may include assignment of an employee or employees to work in another department of the City or at the direction of another Superintendent if necessary.

(C) Shall supervise the lighting of all public streets, alleys, sidewalks and City property.

(D) Shall file timely reports containing a summary of the work and activities of the Street Department and any recommendations with the Mayor and the City Council on or before the first City Council meeting of each month.

(E) Shall be responsible for the general maintenance and preventive maintenance of the Street Department.

(F) Shall be responsible for establishing an operating and capital budget for the Street Department.

(G) Shall coordinate the various work projects for the Street Department.

(H) Shall be responsible for complying with all State and Federal regulations for all phases of street construction and all State and Federal regulations relating to the Street Department and the employees of the Street Department.

(I) Shall plan for the operation of the Street Department with special emphasis given to securing price quotations and recommendations regarding employment, discipline and/or dismissal of personnel.

(J) Shall be responsible for preparing or causing to be prepared "as built" and field drawings and maps for the City records.

(K) Shall be responsible for maintenance, preparation and storage of all utility maps and records relating to the Street Department.

(L) Shall assign labor forces as needed and shall inspect new construction relating to the Street Department.

(M) Shall supervise the construction and maintenance of the streets, alleys, curbs, guttering, sidewalks and lighting.

(N) Shall cause to be prepared any monthly and annual reports required by the State and/or Federal authorities.

(O) Shall have the authority to make normal operating purchases for the Street Department and any other purchases after authorization by the City Council.

(P) Shall check all merchandise received against all invoices and billed amounts for certification of payment in his/her department and indicate his/her approval or disapproval of the same.

(Q) Shall possess sufficient expertise so as to be capable of understanding and interpreting engineering plans for the design, construction, maintenance and operation of the streets, alleys, curbs, guttering, sidewalks and lighting.

(R) Shall be responsible for formulating, implementing and reviewing regular annual maintenance programs for the streets, alleys, curbs, guttering, sidewalks and lighting.

(S) Shall provide for any required continual training of street personnel through seminars, conferences, literature and "on-the-job" training and be responsible for complying with all State and Federal regulations relating to the Street Department and the employees of the Street Department.

(T) Shall make recommendations to the Mayor, City Council and relevant committees for improvement of the streets and alleys and any other improvements within the Street Department and implement any recommendations approved.

(U) Shall maintain specific records including labor and expenditures necessary for Motor Fuel Tax purposes.

(V) Shall organize, plan and implement City wide clean-up days.

(W) Shall maintain specific records regarding the trash totes, and shall be responsible for assembly, distribution and replacement of the trash totes.

(X) Shall perform such other duties as may be assigned by the Mayor.

(Y) Shall recommend to the Mayor the person who is to assume his/her duties when he/she is absent.

(Ord. No. 1460; 06-15-09)

1-2-137 **COMPENSATION.** The Maintenance Superintendent shall receive a salary established and set by the City Council. **(Ord. No. 1579; 06-02-14)**

1-2-138 - 1-2-139 **RESERVED.**

DIVISION XVIII – WATER DISTRIBUTION SUPERINTENDENT

1-2-140 **POSITION CREATED.** There is hereby created the office of Water Distribution Superintendent. The Water Distribution Superintendent shall report to and be subject to the direct supervision of the Mayor and the general supervision of the Water and Sewer Committee. The Water Distribution Superintendent shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year.** **(Ord. No. 1460; 06-15-09)**

1-2-141 **DUTIES.** The duties and responsibilities of the Water Distribution Superintendent shall be to supervise the Water Distribution System, and his/her specific duties shall be as follows:

(A)

Relating to Water Distribution System, he/she:

- (1) Shall be responsible for the maintenance of the Water Distribution System, including all buildings and water tanks pertaining to the water department with the exception of the Water Plant. Duties shall include maintaining water distribution lines, fire hydrants and water tanks. Shall make recommendations to the Mayor, City Council and relevant committees for the improvement of the Water Distribution System and implement any recommendations approved.
- (2) Shall be responsible for working with the City Clerk's Office to complete removal of meters and setting of meters for water customers and shutting off meters due to nonpayment.
- (3) Shall file timely reports containing a summary of the work and activities regarding water distribution and any recommendations with the Mayor and the City Council on or before the first City Council meeting of each month.
- (4) Shall be responsible for repair of water meters as well as installation of new meters and other related work.
- (5) Shall order all normal items needed to maintain the Water Distribution System and shall have authority to make normal operating purchases relating to water distribution and any other purchases after authorization by the City Council.
- (6) Shall check all merchandise received against all invoices and billed amounts for certification of payment in his/her department and indicate his/her approval or disapproval of the same.
- (7) Shall be responsible for the supervision of all Water Distribution System employees, except the Meter Readers, (any employees of the water department not employed at the Water Plant) and assign their duties and work schedules and make any recommendations he/she may have regarding employment, discipline and/or dismissal of personnel to the Mayor. He/she may assign an employee or

employees to work in another department of the City or at the discretion of another Superintendent if necessary.

- (8) Shall be responsible for complying with all State and Federal regulations relating to the water distribution system and the employees of the Water Distribution System.
- (9) Shall perform other related supervisory matters, duties and assignments as required to carry out water distribution.

(B) Shall perform such other duties as may be assigned by the Mayor.

(C) Shall recommend to the Mayor the person who is to assume his/her duties when he/she is absent.

(Ord. No. 1730; 05-04-20)

1-2-142 COMPENSATION. The Water Distribution Superintendent shall receive a salary established and set by the City Council. **(Ord. No. 1460; 06-15-09)**

1-2-143 RESERVED.

DIVISION XIX – RECREATIONAL DIRECTOR

1-2-144 POSITION CREATED. There is hereby created the full-time position of Recreational Director. The Recreational Director shall report to and be subject to the direct supervision of the Mayor and the general supervision of the Parks and Recreation Committee. The Recreational Director shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year.** **(Ord. No. 1704; 02-19-19)**

1-2-145 DUTIES. The duties and responsibilities of the Recreational Director shall be as follows:

- (A) Coordinate, supervise and maintain the following programs/activities:
 - (1) Soccer Program
 - (2) Toddler T-Ball
 - (3) Scavenger Hunt
 - (4) Recreation Master Schedule
 - (5) Christmas on the River
 - (6) Scheduling of all fields for practices and games
 - (7) Summer Rec Ball and Umpire Clinics
 - (8) Reservations for Parks and all ball fields, including shelter houses and camping
 - (9) Riverboat scheduling and tour guides training
 - (10) Scheduling Spring/Fall Events (i.e. Easter Egg Hunt, Halloween Party, Trick or Treat, etc.)
 - (11) Make a Difference Volunteer Program
 - (12) City Wide Yard Sale
 - (13) Scheduling any other recreational/community events

(B) Implement, coordinate, supervise and maintain new recreational programs and activities designed to encompass all age groups and all segments of the community.

(C) Serve as a liaison between the Chester Park Board, Chester City Council, Mayor of Chester, Field Coordinator/Groundskeeper, Chester Sports Incorporated, Chester Chamber of Commerce, Chester Tourism Commission, Chester Beautification Committee, School Administrators, School Athletic Directors, Clubs, Organizations, the community and any other persons or groups regarding all recreation programs and activities.

(D) Shall be responsible for the Recreational Master Calendar and scheduling of all the City's recreational facilities for groups and individuals.

(E) Shall be responsible for obtaining all the necessary paperwork, proof of insurance, contact information and for distribution of keys/fobs for persons using the City's recreational facilities.

(F) Recruit, supervise and coordinate volunteers/personnel needed for recreation programs and activities.

(G) Shall be responsible for establishing an operating budget for the Recreation Department.

(H) Shall maintain, inventory and procure equipment, supplies, uniforms, etc., needed for programs and activities.

(I) Shall develop, distribute and receive applications, permission slips and all necessary forms for public participation in recreation programs and activities.

(J) Shall provide for the accounting of expenses and revenues from recreation programs and activities, and for disbursing all such expenses and funds promptly to Chester City Clerk.

(K) Shall notify local media (newspapers, radio, social media, etc.) concerning existing and upcoming recreation programs and activities.

(L) Shall develop short-term and long-term recreation/activity goals and objectives for the City of Chester.

(M) Shall address complaints and resolve problems regarding recreation programs and activities as they may arise.

(Ord. No. 1704; 02-19-19)

1-2-146 COMPENSATION. The Recreational Director shall receive a salary established and set by the City Council. **(Ord. No. 1707; 02-19-19)**

1-2-147 - 1-2-149 RESERVED.

DIVISION XX – CODE ENFORCEMENT OFFICER

1-2-150 POSITION CREATED. There is hereby created the position of Code Enforcement Officer. **(Ord. No. 1670; 02-05-18)**

1-2-151 TERM OF APPOINTMENT. The Code Enforcement Officer shall be a full-time position and shall be appointed by the Mayor with the consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year**. The Code Enforcement Officer shall report to and be subject to the direct supervision of the Mayor. **(Ord. No. 1670; 02-05-18)**

1-2-152 **DUTIES.** The duties and responsibilities of the Code Enforcement Officer shall be as follows:

(A) Inspections pursuant to the Property Maintenance Code.
(B) Issuance of citations for violation of the City Ordinances or Illinois State Statutes, Rules and Regulations relating to the following:

- (1) Property Maintenance Code
- (2) Dangerous and Unsafe Buildings
 - (3) Nuisances
 - (4) Weeds and Grasses
 - (5) Trash, Debris and Garbage
 - (6) Inoperable Motor Vehicles
 - (7) Abandoned Motor Vehicles
- (C) Such other duties as may be assigned by the Mayor.

(Ord. No. 1670; 02-05-18)

1-2-153 **COMPENSATION.** The Code Enforcement Officer shall receive a salary established and set by the City Council. **(Ord. No. 1670; 02-05-18)**

1-2-154 **RESERVED.**

DIVISION XXI – GAS SUPERINTENDENT

1-2-155 **POSITION CREATED.** There is hereby created the office of Gas Superintendent. The Gas Superintendent shall report to and be subject to the direct supervision of the Mayor and general supervision of the Gas and Public Property Committee. The Gas Superintendent shall be appointed by the Mayor with the advice and consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year.** **(Ord. No. 1460; 06-15-09)**

1-2-156 **DUTIES.** The duties and responsibilities of the Gas Superintendent shall be to supervise the Gas Department and Meter Readers (Gas and Water), and his/her specific duties shall be as follows:

(A) Shall supervise the Meter Readers for both the Gas Department and Water Department and assign their duties and work schedules, which may include assignment of a meter-reader/employee and/or employees to work in another department of the City or at the direction of another Superintendent if necessary.

(B) Shall be responsible for the overall supervision of the Gas Department and all employees of the Gas Department.

(C) Shall be responsible for working with the City Clerk's Office to complete removal of meters and setting of meters for gas customers and shutting off meters due to nonpayment.

(D) Shall manage and control all aspects of the gas system and recommend to the Mayor, City Council and relevant committees the needs of the Gas Department.

(E) Shall assign the duties and work schedules for the employees of the Gas Department, which may include assignment of an employee or employees to work in another department of the City or at the direction of another Superintendent if necessary.

- (F) Shall coordinate the various work projects in the Gas Department.
- (G) Shall file timely reports containing a summary of the work and activities of the Gas Department and any recommendations with the Mayor and the City Council on or before the first City Council meeting of each month.
- (H) Shall plan for the operation of the Gas Department with special emphasis given to rate structure, securing price quotations and recommendations regarding employment, discipline and/or dismissal of personnel.
- (I) Shall be responsible for establishing an operating and capital budget for the Gas Department.
- (J) Shall be responsible for the general and preventive maintenance of the Gas Department.
- (K) Shall be responsible for preparing or causing to be prepared "as built" and field drawings and maps for the City records.
- (L) Shall be responsible for maintenance, preparation and storage of all utility maps and records relating to the Gas Department.
- (M) Shall assign labor forces as needed and shall inspect new gas services.
- (N) Shall supervise the construction and maintenance of the gas services.
- (O) Shall cause to be prepared any monthly and annual reports required by the State and/or Federal authorities.
- (P) Shall have the authority to make normal operating purchases for the Gas Department and any other purchases after authorization by the City Council.
- (Q) Shall check all merchandise received against all invoices and billed amounts for certification of payment in his/her department and indicate his/her approval or disapproval of the same.
- (R) Shall possess sufficient expertise so as to be capable of understanding and interpreting engineering plans for the design, construction, maintenance and operation of the gas system.
- (S) Shall be responsible for formulating, implementing and reviewing regular annual maintenance programs for the Gas Department.
- (T) Shall provide for the continual training of gas personnel through seminars, conferences, literature and "on-the-job" training and be responsible for complying with all State and Federal regulations relating to the Gas Department and the employees of the Gas Department.
- (U) Shall make recommendations to the Mayor, City Council and relevant committees for the improvement of the gas system and implement any recommendations approved.
- (V) Shall perform such other duties as may be assigned by the Mayor.
- (W) Shall recommend to the Mayor the person who is to assume his/her duties when he/she is absent.

(Ord. No. 1731; 05-05-20)

1-2-157 COMPENSATION. The Gas Superintendent shall receive a salary established and set by the City Council. **(Ord. No. 1579; 06-02-14)**

1-2-158 RESERVED.

DIVISION XXII - ANIMAL CONTROL OFFICER

1-2-159 **POSITION CREATED.** There is hereby created the part-time position of Animal Control Officer.

1-2-160 **TERM OF APPOINTMENT.** The Animal Control Officer shall be a part-time position and shall be appointed by the Mayor with the consent of the City Council at the first meeting in May and shall hold his/her office for a term of **one (1) year.**

1-2-161 **DUTIES.** The duties and responsibilities of the Animal Control Officer shall be as follows:

(A) The Chester Animal Control Officer will receive direction and guidance from the Illinois Animal Control Act, administered by the Illinois Department of Agriculture. The specific duties of the Chester Animal Control Officer shall be to:

- (1) Work in cooperation with the Chester Police Department and under the direct supervision of the Chief of Police; however, the work of the Animal Control Officer shall be performed in compliance with and according to the standards set forth in the Illinois Animal Control Act.
- (2) Enforce any and all City ordinances and Illinois State Statutes regarding the abuse, treatment/welfare of any domesticated or endangered animal located within the City. The Chester Animal Control Officer will have no other law enforcement authority.
- (3) Keep and maintain the City Pound or Animal Control Facility (canines only).
- (4) Keep and maintain adoption and euthanasia procedures in accordance with Illinois State Statute; however, he/she shall not personally euthanize any animal.
- (5) Apprehend, transport and secure a straying dog or other animal, a dangerous or vicious dog or other animal, or an animal thought to be infected with rabies.
- (6) Work a part-time weekly schedule supervised by the Chief of Police. The Chester Animal Control officer may be called out to assist on animal bites requiring an immediate response, dangerous dog or other animal calls, assist police on search warrants and other details.
- (7) Perform such other duties related to animal control as may be assigned by the Chief of Police.
- (8) Perform such other duties as may be assigned by the Mayor.

1-2-162 **COMPENSATION.** The Animal Control Officer shall be a part-time employee and shall receive a salary established and set by the City Council, and the number of hours he/she works shall be determined by the City Council. **(Ord. No. 1579; 06-02-14)**

1-2-163 **RESERVED.**

(Ord. No. 1446; 12-01-08)

DIVISION XXIII - CEMETERY SEXTON AND CEMETERY CLERK

1-2-164 **DEPARTMENT ESTABLISHED.** There is hereby established a department of municipal government which shall be known as the Cemetery Department. It shall consist of the Cemetery and Finance Committee, the Cemetery Board, the Cemetery Sexton, the Cemetery Clerk and the cemetery employees.

1-2-165 **CEMETERY SEXTON AND CEMETERY CLERK.** There is hereby created the offices of Cemetery Sexton and Cemetery Clerk. The Cemetery Sexton shall report to and be subject to the direct supervision of the Mayor and general supervision of the Cemetery and Finance Committee and Cemetery Board. The Cemetery Sexton shall be appointed for a term of **one (1) year** by the Mayor with the advice and consent of the City Council at the first meeting in May. The Cemetery Clerk shall be subject to the direct supervision of the Cemetery Sexton and the general supervision of the Cemetery and Finance Committee and Cemetery Board. The Cemetery Clerk shall be appointed for a term of **one (1) year** by the Mayor with the advice and consent of the City Council at the first meeting in May.

1-2-166 **DUTIES.** The duties and responsibilities of the Cemetery Sexton shall be to supervise the Cemetery Department, and his/her specific duties shall be as follows:

(A) Shall be responsible for the supervision and control of the Cemetery Clerk and shall be responsible for the supervision and control of all employees of the Cemetery, and he/she shall assign their job duties and work schedules, which may include assignment of an employee or employees to work in another department of the City or at the direction of another Superintendent if necessary.

(B) Shall coordinate the various work projects for the Cemetery Department.

(C) Shall file timely reports containing a summary of the work and activities of the Cemetery Department and any recommendations with the Mayor and the City Council on or before the first City Council meeting of each month.

(D) Shall plan for the operation of the Cemetery Department with special emphasis given to rate structure, securing price quotations and recommendations regarding employment, discipline and/or dismissal of personnel.

(E) Shall be responsible for establishing an operating and capital budget for the Cemetery Department.

(F) Shall be responsible for the general maintenance and preventive maintenance of the Cemetery Department.

(G) Shall be responsible for preparing or causing to be prepared "as built" and field drawings and maps for the City records and cause to be kept a correct plat of the Evergreen Cemetery together with a full and complete record of all persons who have purchased and own lots in the cemetery, and upon the sale of any lot, shall cause to be prepared a deed for such a lot to be executed by the City.

(H) Shall be responsible for maintenance, preparation and storage of all utility maps and records relating to the cemetery.

(I) Shall assign labor forces as needed and shall inspect any construction and maintenance within the cemetery.

(J) Shall supervise the construction and maintenance of the cemetery.

(K) Shall cause to be prepared monthly and annual reports required by the State and/or Federal authorities.

(L) Shall have the authority to make normal operating purchases for the Cemetery Department and any other purchases after authorization by the City Council.

(M) Shall check all merchandise received against all invoices and billed amounts for certification of payment in his/her department and indicate his/her approval or disapproval of the same.

(N) Shall possess sufficient expertise so as to be capable of understanding and interpreting engineering plans for the design, construction, maintenance and operation of the property within the Cemetery Department.

(O) Shall be responsible for formulating, implementing and reviewing regular annual maintenance programs.

(P) Shall provide for any required continual training of Cemetery Department personnel through seminars, conferences, literature and "on-the-job" training and be responsible for complying with all State and Federal regulations relating to the Cemetery Department and the employees of the Cemetery Department.

(Q) Shall make recommendations to the Mayor, City Council, Cemetery Board and relevant committees for the improvement of the Cemetery Department and implement any recommendations approved.

(R) Upon the presentation to him/her or by any person of a burial permit, he/she shall cause without further fee a grave to be dug as may be designated in the permit. Any grave so dug shall be dug so that the bottom of the coffin shall be at least **six (6) feet** below the surface of the ground.

(S) Shall keep the cemetery in good order, clean of all rubbish, cut all grass and weeds from the walks and passageways.

(T) Shall perform such other duties as may be assigned by the Mayor.

(U) Shall recommend to the Mayor the person who is to assume his/her duties when he/she is absent.

1-2-167 **COMPENSATION.** The Cemetery Sexton shall receive a salary established and set by the City Council. The Cemetery Clerk shall receive a salary established and set by the City Council. **(Ord. No. 1579; 06-02-14)**

1-2-168 **RESERVED.**

(Ord. No. 1460; 06-15-09)

ARTICLE III - SALARIES

1-3-1 SALARIES ESTABLISHED. The salaries of the elected City officials shall be provided as follows:

(A) **Mayor's Salary.** The Mayor, beginning with the Mayor elected as a result of the 2009 Municipal Election, shall receive a salary of **Fourteen Thousand Four Hundred Dollars (\$14,400.00)** per year beginning with the term of office commencing **May, 2009**. In addition to the salary of the Mayor, the Mayor's travel expenses shall be **Two Hundred Fifty Dollars (\$250.00)** per month. The City shall pay the cost of the Mayor's health/hospitalization insurance and dental insurance for himself/herself and his/her qualified dependents pursuant to any group health insurance plan and group dental insurance plan which the City may be a member or from time to time shall be provided. Additionally, the City shall provide life insurance for the Mayor in the same amount and under the same conditions as provided to employees of the City. **(Ord. No. 1436; 10-06-08)**

(B) **Clerk's Salary.** The City Clerk, beginning with the City Clerk elected as a result of the 2021 Municipal Election, shall receive a salary of **Sixty-Six Thousand Dollars (\$66,000.00)** per year beginning with the term of office commencing **May, 2021**. The City shall also pay the cost of the City Clerk's health/hospitalization insurance and dental insurance for himself/herself and his/her qualified dependents pursuant to any group health insurance plan and group dental insurance plan which the City may be a member of or from time to time shall be provided. Additionally, the City shall provide life insurance for the City Clerk in the same amount and under the same conditions as provided to employees of the City. **(Ord. No. 1735; 06-15-20)**

(C) **Treasurer's Salary.** The Treasurer, beginning with the Treasurer elected as a result of the 2009 Municipal Election, shall receive a salary of **Six Thousand Dollars (\$6,000.00)** per year beginning with the term of office commencing **May, 2009**. **(Ord. No. 1437; 10-06-08)**

(D) **City Council's Salary.** For each office of Alderman elected as a result of the 2009 Municipal Election, those Aldermen and their successors shall each receive a salary of **Six Thousand Dollars (\$6,000.00)** per year beginning with their term of office commencing **May, 2009**. For each office of Alderman elected as a result of the 2011 Municipal Election, those Alderman and their successors shall each receive a salary of **Six Thousand Dollars (\$6,000.00)** per year beginning with their term of office commencing **May, 2011**. **(Ord. No 1438; 10-06-08)**

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

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

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

ARTICLE IV - RESERVED

(Ord. No. 1537; 04-16-12)

ARTICLE V – RECORDING CLOSED MEETINGS

1-5-1 RECORDING CLOSED SESSIONS. The City shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the City or any subsidiary “public body” as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. **(See 5 ILCS 120/2)**

1-5-2 RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS. The City Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the City Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the City Council. Each subsidiary public body of the City shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the City Clerk with a copy of such recording. The City Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the City and all subsidiary public bodies of the City.

1-5-3 CLOSED SESSION MINUTES. In addition to the recordings of the closed and executive session as addressed in this Division, the City will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

1-5-4 PROCEDURE FOR RECORDING. At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

1-5-5 BACK-UP EQUIPMENT/PROCEDURE FOR EQUIPMENT MALFUNCTION. The City shall maintain sufficient tapes, batteries and equipment for the City to comply with this Division. The City Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

1-5-6 PROCEDURE FOR REVIEW OF CLOSED SESSION MINUTES AND RECORDINGS. At one meeting at least every **six (6) months**, the agenda shall include the item: "Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released." Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the City find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the "need for confidentiality still exists" as to those minutes. Minutes of closed sessions shall be kept indefinitely.

1-5-7 MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES. The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the City Council. Members of the corporate authorities may listen to the closed session recordings in the presence of the City Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the City Council.

1-5-8 PROCEDURE FOR DESTRUCTION OF RECORDINGS. The City Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

- (A) The corporate authorities of the City have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
- (B) More than **eighteen (18) months** have elapsed since the date of the closed session;
- (C) There is no court order requiring the preservation of such recording; and
- (D) The corporate authorities of the City have not passed a motion requiring the preservation of the verbatim recording of that meeting.

1-5-9 - 1-5-10 RESERVED.

CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

3-1-1 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 OFFICER" 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 City Council. **(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 responsible person.

"BITE" means to seize or cut with the teeth.

"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.

"DOG". Whenever "dog" is used in this Code it shall include any canine, female as well as a male dog, regardless of age.

"FIGHT" means a prearranged conflict between **two (2)** or more animals, but does not include a conflict that is not organized or accidental.

"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 subcutaneously or otherwise as approved by the Department of Agriculture of the State of Illinois of canine anti-rabic vaccine, approved by the Department of Agriculture.

"K-9 PATROL DOG OR POLICE DOG" means a professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

"LEASH" means a cord, chain, rope, strap or other such physical restraint having a tensile strength of not less than **three hundred (300) pounds**. **(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)**

"MUZZLE" means a device constructed of strong, soft material or a metal muzzle. The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

"NIP" means to pinch or squeeze with teeth with no breaking of skin or tissue.

"OWNER". For the purpose of this Code, the word "owner" means a person having a right of property in an animal or who keeps or harbors an animal, or who has an animal in his care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by him.

"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 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.

"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 (2) inches** 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". "Unowned stray dog" means any dog 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)**

"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.

3-1-2 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.

3-1-3 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.

3-1-4 DOGS AND CATS IN PUBLIC PLACES. No dog or cat shall be permitted in any cemetery or in any park, unless under the control of its owner and no dog or cat shall be permitted in any swimming areas or beaches open to the public in the City.

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 or 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 barking, 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) **Fighting Prohibited.** No person shall fight or bait, conspire to fight or bait or keep, train, or transport for the purpose of fighting or baiting any animal.

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

3-1-7 KEEPING 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 ANIMALS 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 or other livestock.

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

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

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 3-1-1.**

(B) **Limitation; Exception.**

- (1) It shall be unlawful for any person or persons to keep more than **three (3) dogs** and/or **three (3) cats** within the City, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding **five (5) months** from birth.
- (2) The provisions of this Section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

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

ARTICLE II - DOGS

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

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

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

(B) Every owner or keeper of a dog, regardless of age, shall cause the dog 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.

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

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

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

3-2-6 **EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time upon request of any member of the Police Department or City employee, the owner or keeper of any unmuzzled dog shall exhibit his certificate issued under the provisions of **Section 3-2-3**, showing the inoculation against rabies of any dog owned or controlled by him.

3-2-7 RESTRAINT OF DOGS. The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete control as defined in **Section 3-1-1.**

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

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

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

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

(D) Any impounded dog which shall not be redeemed within **seven (7) days** shall be humanely destroyed or otherwise disposed of by the poundkeeper, unless the animal can be placed for adoption or placed with a humane society licensed under the Animal Welfare Act of the State.

(E) Any such owner or keeper thereof desiring to redeem an impounded dog shall pay an impounding fee of **Ten Dollars (\$10.00)** and also the cost of keeping such dog while impounded at the rate of **Three Dollars (\$3.00)** per day beginning the first day of impoundment. **(Ord. No. 1199; 07-17-00)**

3-2-9 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT. In case of impounding and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter.

3-2-10 OBSTRUCTING POUNDMASTER. Any person(s) who shall bring any dog into the City for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the poundmaster or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any dog therefrom without having first paid the fees herein specified, or any owner or keeper of any dog who shall permit any dog to run at large within the corporate limits of the City, upon conviction of any part of this Chapter shall be fined according to **Chapter 1 - Administration** of this Code.

3-2-11 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS.

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

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

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

3-2-13 CITY POUND DESIGNATED. The City Council shall designate a City Pound.

3-2-14 DISPOSITION OF DOGS DEEMED NUISANCES. Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

3-2-15 DANGEROUS DOG - FEMALE DOG AT LARGE. It shall be unlawful for the owner or keeper of any wild, vicious, fierce or dangerous dog or of any female dog while in heat, to allow such dog to run at large within the limits of this City.

3-2-16 **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.

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 **two (2)** 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 Officer, 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 the Animal Control Warden has declared in writing that the dog is a vicious dog or

- (2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

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

(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or

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

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

(C) The owner charged with maintaining a vicious or dangerous dog may request a hearing before the City Council within **five (5) days** of being charged.

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 Officer 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 Animal Control Officer of changes of address. In the case of a sentry or guard dog, the owner shall keep the Animal Control Officer advised of the

location where such dog will be stationed. The Officer 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 Officer, 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 OF 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 Officer, 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)**

3-3-8 SIGN REQUIRED. All persons possessing any dog, which has been found to be a vicious dog, shall display in a prominent place on the premises where a vicious dog is to be kept a sign which is readable by the public from a distance of not less than **one hundred (100) feet** using the words "**Beware of Dog**". A similar sign shall be posted on any confinement structure.

3-3-9 **CONFINEMENT OF A VICIOUS DOG.** No person shall possess any vicious dog unless the vicious dog is confined in accordance with this Article.

(A) **Confinement Indoors.** No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the vicious dog to exit the structure on its own volition. No vicious dog shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the vicious dog from exiting the structure.

(B) **Confinement in an Exterior Yard.** No person shall confine a vicious dog in an exterior area unless such vicious dog is confined in an enclosure constructed and maintained in accordance with this Code, except that a vicious dog may be confined outside of an enclosure in a manner set forth as provided in paragraph (C) below.

(C) **Confinement on Leash.** No person shall permit a vicious dog to go outside a confinement structure, house, or other structure unless the vicious dog is securely restrained with a leash no longer than **three (3) feet** in length having a tensile strength of **three hundred (300) pounds** and fitted with a muzzle. No person shall permit a vicious dog to be kept on a leash unless a person is in physical control of the leash. No leash restraining any vicious dog shall be attached to any inanimate object including, but not limited to, trees, posts, stakes and buildings.

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

(See also 510 ILCS Sec. 5/24)

ARTICLE IV

PENALTIES

3-4-1 **LEGISLATIVE INTENT.** This Article is adopted pursuant to the powers granted to municipalities in **Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-1-1; 5/11-5-6 and 5/11-20-9.**

3-4-2 **PENALTIES.** Upon conviction of a violation of this **Chapter 3**, the Court shall assess a fine of not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00).**

CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I - PLANNING COMMISSION

4-1-1 **ESTABLISHED.** A Planning Commission is hereby created under authority of **Illinois Compiled Statutes, Chapter 65; Section 5/11-12-4 through 5/11-12-12.**

4-1-2 **MEMBERSHIP.** The Planning Commission shall consist of **seven (7) members**; the members to be residents of the City or reside not more than **one and one-half (1 ½) miles** beyond the corporate limits and not included within any other municipality. **(Ord. No. 1680; 06-18-18)**

4-1-3 **TERM OF OFFICE.** The members shall serve for a period of **three (3) years**. Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the Council deems it advisable, they may receive such compensation as provided by the appropriation ordinance. **(See 65 ILCS Sec. 5/11-12-6)**

4-1-4 **PROCEDURE.** The Planning Commission shall elect such officers as it may deem necessary and adopt rules and regulations or 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. **(See 65 ILCS Sec. 5/11-02-07)**

4-1-5 **POWERS AND DUTIES.** The Planning 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 Municipal Clerk shall be complied with as provided 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 Municipality and the recommended zoning classification for such land upon annexation.

(C) To recommend to the City Council of this City, 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 of 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 planning commissions and other agencies or groups to further the local planning 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 map may consist of the whole area included within the official comprehensive plan or **one (1)** or more separate geographical or functional parts and may include all or any parts of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Municipal 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.

4-1-7 IMPROVEMENTS. The City Clerk shall furnish the Planning Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Planning 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 any street, traffic-way, drive, parkway, or storm or floodwater run-off 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.

(This Article Ord. No. 541; 1962)

ARTICLE II
BOARD OF POLICE COMMISSIONERS

4-2-1 **APPOINTMENT AND TERM OF OFFICE.** The Board of Police Commissioners is hereby recognized as established in accordance with the Statutes of the State of Illinois. This Board shall consist of **three (3) members** whose terms of office shall be **three (3) years** and until their respective successors are appointed and have qualified; and **one (1) member** shall be appointed each year by the Mayor with the advice and consent of the City Council, provided that no such appointments shall be made by any Mayor within **thirty (30) days** before the expiration of his term of office. **(65 ILCS 5/10-2.1-1) (From Ch. 24; par. 10-2.1-1)**

4-2-2 **VACANCIES; QUORUM.** Vacancies on the Board of Police Commissioners shall be filled in the same manner as the original appointment. Each year the Board shall elect a Chairman at the annual meeting. A majority of the Board shall constitute a quorum for the conduct of business. **(65 ILCS 5/10-2.1-2) (From Ch. 24, par. 10-2.1-2)**

4-2-3 **OATH; BOND; REMOVAL.** The members of the Board shall be considered officers of the Municipality, and shall file an oath and a fidelity bond in the amount of **One Thousand Dollars (\$1,000.00)**, the premium of which shall be paid by the City. No person holding a lucrative office under the United States, this State, or any municipality shall be a member of the Board or the Secretary thereof. The acceptance of any such office by a member of the Board shall be treated as a resignation of his office as a member of the Board or the Secretary thereof. No person shall be appointed a member of the Board of Police Commissioners who is related, either by blood or marriage up to the degree of first cousin, to any elected official of such Municipality. No more than **two (2) members** of the Board shall belong to the same political party existing in such Municipality at the time of such appointments and as defined in **Section 10-2** of the Election Code. If only **one (1)** or no political party exists in such Municipality at the time of such appointments, then state or national political party affiliations shall be considered in making such appointments. Party affiliation shall be determined by affidavit of the person appointed as a member of the Board.

Members shall not be subject to removal, except for cause, upon written charges, and after an opportunity to be heard within **thirty (30) days** in his or her own defense, before a regular meeting of the City Council. A majority vote of the elected members of such governing body shall be required to remove any such member from office. **(65 ILCS 5/10-2.1-3) (From Ch. 24, par. 10-2.1-3)**

4-2-4 **APPOINTMENTS.** The Board shall make rules for the appointment, promotion, and removal of all full-time police officers on the basis of merit alone. The City hereby expressly reserves the power as provided by the laws of the State of Illinois to approve any and all rules adopted by the Board of Police Commissioners and no rules shall be effective unless first approved by the City Council. The Board shall investigate all charges of improper conduct, hold hearings on the same, and act in accordance with their findings and rules.

The Board of Police Commissioners shall have charge of all appointments to the Police Department excluding the Chief of Police, and shall conduct and hold all entrances and promotional examinations in the manner required by **65 ILCS 5/10-2.1.**

4-2-5 **ANNUAL REPORTS.** The Board shall submit to the Council an annual report of its activities and of the rules in force and the practical effect thereof. In this report, the Board may make suggestions which the Board believes would result in greater efficiency in the Police Department. The report shall be prepared and presented to the City Council not later than **thirty (30) days** after the expiration of the fiscal year of the City. The Board shall also submit an annual budget request to the City Council prior to **April 30th** of each year. The Mayor shall transmit the report to the City Council for review. **(Ord. No. 687; 05-16-77) (65 ILCS 5/10-2.1-19)**

4-2-6 **ADOPTION.** The City does hereby adopt by reference the provisions contained in **Chapter 65 Sec. 5/10-2.1** entitled Board of Police Commissioners of the **Illinois Compiled Statutes** as passed, approved, and amended to be controlling within the City unless otherwise provided for in this Article. **(Also See 50 ILCS Sec. 705/1 et seq. and Sec. 740/1 et seq.)**

(Ord. No. 490; 04-25-59)

ARTICLE III
POLICE PENSION FUND

4-3-1 BOARD ESTABLISHED. In accordance with the provisions of the **Illinois Compiled Statutes** the City does hereby establish a Police Pension Fund. **(See 40 ILCS Sec. 5/3-101.)**

4-3-2 DEFINITIONS. The terms used in this Article shall have the meanings ascribed to them in **Sections 5/3-103 through 5/3-108.1 in Chapter 40 of the Illinois Compiled Statutes**, except when the context otherwise requires.

4-3-3 BOARD MEMBERSHIP. A Board of **five (5) members** shall constitute the Chester Board of Trustees of the Police Pension Fund to administer the pension fund and to designate the beneficiaries thereof. **Two (2) members** of the Board shall be appointed by the Mayor. The **third (3rd)** and **fourth (4th) members** of the Board shall be elected from the active participants of the pension fund by such active participants. The **fifth (5th) member** shall be elected by and from the beneficiaries.

4-3-4 TERM. The members of the Pension Board shall serve for **two (2) years** or until their successors are appointed and have qualified. The term shall begin on the **second (2nd) Tuesday** of the **first (1st) May** after the election. **(See 40 ILCS Sec. 5/3-128)**

4-3-5 ELECTION OF BOARD MEMBERS. The election provided for in this Article for elected Board members shall be held biennially on the **third (3rd) Monday** in April at such place as shall be prescribed by the appointed members of the Board and shall be under the Australian Ballot system.

The active pension fund participants shall be entitled to vote only for the active participant members of the Board. All beneficiaries of legal age may vote only for the member chosen from among the beneficiaries. No person shall be entitled to cast more than **one (1) ballot** at such election.

Members of the Board shall neither receive nor have any right to receive any salary from the pension fund for services performed as trustees in that office. **(See 40 ILCS Sec. 5/3-128)**

4-3-6 **VACANCY.** Upon the death, resignation or inability to act of any elected board member, a successor shall be elected for the unexpired term at a special election to be called by the Board and conducted in the same manner as the regular biennial election. **(See 40 ILCS Sec. 5/3-128)**

4-3-7 **MEETINGS.** The Pension Board shall meet in regular quarterly meetings on the **second (2nd) Tuesday of July, October, January, and April**, annually, and special meetings may be called by the President. The regular July meeting shall be an organizational meeting, at which the Board shall select from its members a President, Vice-President, Secretary and Assistant Secretary, to serve for the period of **one (1) year. (#637; 07-06-71) (See 40 ILCS Sec. 5/3-130)**

4-3-8 **POWERS AND DUTIES OF BOARD.** The Board shall, in addition to the other powers and duties in this article, have the authority to:

(A) **Control and Manage the Pension Fund.** To control and manage, exclusively, the pension fund, and all money donated, paid or assessed for the pensioning of disabled and retired police officers, their surviving spouses, minor children and dependent parents. All such moneys shall be placed by the Treasurer of the Municipality to the credit of the fund, subject to the order of the Board.

(B) **Order Payments and Issue Certificates.** To order the payment of pensions and other benefits and to issue certificates signed by its President and Secretary to the beneficiaries stating the amount and purpose of the payment.

(C) **Submit Annual List of Fund Payments.** To submit annually to the City Council or Board of Trustees at the close of the Municipality's fiscal year, a list of persons entitled to payments from the fund, stating the amount of payments, and their purpose, as ordered by the Board. It shall also include items of income accrued to the fund during the fiscal year. The list shall be signed by the Secretary and President of the Board, and attested under oath. A resolution or order for the payment of money shall not be valid unless approved by a majority of the Board members, and signed by the President and Secretary of the Board.

(D) **Draw and Invest Funds.** To draw pension funds from the Treasurer, and invest any part thereof in the name of the Board in:

- (1) interest bearing bonds or tax anticipation warrants of the United States, of the State of Illinois, or of any county, township or municipal corporation of the State of Illinois;
- (2) insured withdrawable capital accounts of State chartered savings and loan associations;
- (3) insured withdrawable capital accounts of federal chartered federal savings and loan associations if the withdrawable capital accounts are insured by the Federal Savings and Loan Insurance Corporation;

- (4) insured investments in credit unions if the investments are insured by the National Credit Union Administration;
- (5) savings accounts or certificates of deposit of a national or State bank;
- (6) securities described in **Item 5.1 of Section 5/1-113 of Chapter 40 of the Illinois Compiled Statutes**, but only subject to the conditions therein set forth;
- (7) contracts and agreements supplemental thereto providing for investments in the general account of a life insurance company authorized to do business in Illinois;
- (8) separate accounts of a life insurance company authorized to do business in Illinois, comprised of common or preferred stocks, bonds, or money market instruments; and
- (9) separate accounts managed by a life insurance company authorized to do business in Illinois, comprised of real estate or loans upon real estate secured by first or second mortgages.

The total investment in such separate accounts shall not exceed **ten percent (10%)** of the aggregate book value of all investments owned by the fund. All securities shall be deposited with the Treasurer of the City, and be subject to the order of the Board. Interest on the investments shall be credited to the pension fund.

No bank or savings and loan association shall receive investment funds as permitted by this Section, unless it has complied with the requirements established pursuant to **Section 235/6 of Chapter 30 of the Illinois Compiled Statutes**, shall be applicable only at the time of investment and shall not require the liquidation of any investment at any time.

(E) **Subpoena Witnesses.** To compel witnesses to attend and testify before it upon all matters connected with the administration of this Article, in the manner provides by law for the taking of testimony in the circuit courts of this State. The President or any Board member, may administer oaths to witnesses.

(F) **Appoint Clerk.** To appoint a Clerk and define his duties. No person drawing a pension under this Article shall be employed by the Board.

(G) **Pay Expenses.** To provide for the payment from the fund of all necessary expenses, including clerk hire, printing and witness fees.

(H) **Keep Records.** To keep a public record of all its proceedings

(I) **Make Rules.** To make necessary rules and regulations in conformity with the provisions of this Article, and to publish and transmit copies from time to time to all pensioners and contributors.

(J) **Accept Donations.** To accept by gift, grant, transfer, or bequest, any money, real estate, or personal property. Such money and the proceeds from the sale of or the income from such real estate or personal property shall be paid into the pension fund. **(See 40 ILCS Sec. 5/3-130 through 5/3-140.1)**

4-3-9 **ANNUAL REPORT BY TREASURER.** On the **second (2nd) Tuesday in May** annually, the City Treasurer and all other officials of the Municipality who had the custody of any pension funds herein provided, shall make a sworn statement to the Pension Board, and to the Mayor and Council, of all moneys received and paid out by them on account of the pension fund during the year, and of the amount of funds then on hand and owing to the pension fund. All surplus then remaining with any official other than the Treasurer shall be paid to the Treasurer of the City. Upon demand of the Pension Board, any official shall furnish a statement relative to the official method of collection or handling of the pension funds. All books and records of that official shall be produced at any time by him for examination and inspection by the Board. **(See 40 ILCS Sec. 5/3-141)**

4-3-10 **PAYMENT OF BENEFITS - FUNDS INSUFFICIENT.** Any police officer and any eligible surviving spouse, child or children, or dependent parent of the officer to whom the Board has ordered benefits to be paid, shall receive a yearly benefit payable in **twelve (12)** equal monthly installments, which shall be the aggregate amount to which they are entitled. If at any time there is not sufficient money in the fund to pay the benefits under this Article the City Council or Board of Trustees of the Municipality shall make every legal effort to replenish the fund so that all beneficiaries may receive the amounts to which they are entitled. If, thereafter, there still remain insufficient funds, the beneficiaries shall be paid pro rata from the available funds, but no allowance or order of the Board shall be held to create any liability against the Municipality, but only against the pension fund. **(See 40 ILCS Sec. 5/3-142)**

4-3-11 **REPORT BY BOARD.** The Board shall report to the City Council on the condition of the pension fund. Prior to the Council meeting held for the levying of taxes for the year for which the report is made. The Board shall certify:

- (A) The assets in its custody at such time;
- (B) The estimated receipts during the next succeeding calendar year from deductions from the salaries of police officers, and from all other sources; and
- (C) The estimated amount required during the calendar year to (1) pay all pensions and other obligations provided in this Article, and (2) to meet the annual requirements of the fund as provided in **Chapter 40; Sec. 5/3-125.** **(See 40 ILCS Sec. 5/3-143)**

4-3-12 **DEDUCTIONS.** There shall hereafter be deducted from the salaries of regular police officers of the City, the sum as may be required by law in the Police Pension Fund, and there shall also be placed in the fund such amount as shall annually be levied from general taxes to provide the reserves required by law. **(See 40 ILCS Sec. 5/3-125.1)**

4-3-13 FINANCING. The City Council shall annually levy a tax upon all the taxable property of the Municipality at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to (1) the normal cost of the pension fund for the year involved, plus (2) the amount necessary to amortize the fund's unfunded accrued liabilities as provided in **Chapter 40; Sec. 5/3-127 of the Illinois Compiled Statutes**. The tax shall be levied and collected in the same manner as the general taxes of the Municipality, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the Municipality, and shall be in addition to the amount authorized to be levied for general purposes as provided by **Chapter 65; Sec. 5/8-3-1 of the Illinois Compiled Statutes**.

The police pension fund shall consist of the following moneys which shall be set apart by the Treasurer of the Municipality:

- (A) All moneys derived from the taxes levied hereunder;
- (B) Contributions by police officers under **Section 4-3-12** of this Article;
- (C) All moneys accumulated by the Municipality under any previous legislation establishing a fund for the benefit of disabled or retired police officers;
- (D) Donations, gifts or other transfers authorized by this Article. **(See 40 ILCS Sec. 5/3-125)**

(See 40 ILCS Secs. 5/3-101 through 5/3-152)

ARTICLE IV – BEAUTIFICATION AND TOURISM COMMISSION

4-4-1 **ESTABLISHED.** There is hereby created a Chester Beautification and Tourism Commission.

4-4-2 **PURPOSE.** The purpose of the Chester Beautification and Tourism Commission shall be to emphasize and recognize the natural beauty of the City, to promote a sense of pride among the citizens in their homes, yards and surroundings and to encourage tourism and attract visitors to the City.

4-4-3 **MEMBERSHIP.** The Chester Beautification and Tourism Commission shall consist of **fifteen (15) members**; the members shall be residents from the 62233 zip code; one (1) of the members shall be the Executive Director of the Chester Chamber of Commerce as long as he/she is a resident of the City, and if not then any other Director of the Chamber of Commerce may be appointed by the Mayor with the consent of the City Council to serve as a member; and the remaining members shall be appointed by the Mayor with the consent of the City Council. If a member fails to attend one-half of the meetings during the City's fiscal year, then that member shall be considered to have resigned his/her position on the Chester Beautification and Tourism Commission, a vacancy shall exist and the Mayor shall appoint someone to fill said vacancy.

4-4-4 **TERM OF OFFICE.** The members shall serve for a period of **two (2) years** and shall be appointed at the first meeting of the City Council in May. Vacancies shall be filled by appointment for the unexpired term only. All members of the Chester Beautification and Tourism Commission shall serve without compensation.

4-4-5 **PROCEDURE.** The Chester Beautification and Tourism Commission shall elect from their members a Chairman, Vice-Chairman, Secretary and Treasurer. The Chester Beautification and Tourism Commission shall hold regular meetings on the **third (3rd) Thursday** of each month at the Chester City Hall with the exception of December. Special meetings of the Chester Beautification and Tourism Commission may be called by the Chairman or the Mayor of the City. The Chester Beautification and Tourism Commission shall keep a written record of its meetings and proceedings, which shall be open at all times for and to the inspection of the public. The Chester Beautification and Tourism Commission shall file an annual report with the Mayor and City Council setting forth its transactions and recommendations. All meetings shall be open to the public, except such meetings as may be closed pursuant to the Open Meetings Act. **(Ord. No. 1651; 10-02-17)**

4-4-6 **FINANCES.** The funding of the Chester Beautification and Tourism Commission shall be provided by any fund raisers of the Commission approved by the City Council and any funds which may be allocated from time to time by the City Council. No member of the Chester Beautification and Tourism Commission shall be authorized to obligate the City or incur a debt on behalf of the City without the prior approval of the City Council. Any expenses of the Chester Beautification and Tourism Commission and costs of projects of the Commission which are to be paid for by any funds allocated by the City must have the prior approval and authorization of the City Council.

4-4-7 **PROJECTS.** Projects chosen by the Chester Beautification and Tourism Commission must be approved by the City Council.

(Ord. No. 1623; 06-06-16)

ARTICLE V - FOREIGN FIRE INSURANCE BOARD

4-5-1 BOARD ESTABLISHED. There is hereby established a Foreign Fire Insurance Board which shall consist of **three (3) members** of the Fire Department.

4-5-2 ELECTION. The members of the Fire Department shall elect annually from their membership **three (3) firemen** who shall serve as the Board of Directors. The election shall take place at the regular monthly meeting in January of each year.

4-5-3 OFFICE; TERMS. The members of the Board shall elect a President, Vice-President, and a Secretary-Treasurer at its first meeting following the election. The officers shall serve for **one (1) year** until their successors are elected and qualified.

4-5-4 TREASURER'S BOND. The Treasurer shall be bonded for a minimum of **Twenty-Five Thousand Dollars (\$25,000.00)** to be paid for by the Municipality. The bond shall be approved by the Mayor, as the case may be, conditioned upon the faithful performance by the Treasurer of his/her duties under this Article.

4-5-5 APPROPRIATION BY CITY COUNCIL. The City Council shall include in the annual budget or appropriation ordinance all revenues received from the Foreign Fire Insurance Tax as provided in **65 ILCS 5/11-10-1**. Those funds once received shall be transferred to the Foreign Fire Insurance Board's Treasurer.

4-5-6 AUDIT. The fund shall be audited whenever the municipal audit is conducted each year to verify that the purchases are for the maintenance, use and benefit of the municipal fire department.

4-5-7 DUTIES OF THE BOARD. The Board shall prepare all the necessary rules and regulations with respect to the operations of the Board and the management of the revenues appropriated to the same.

(A) The Board shall develop and maintain a listing of those items that it feels are appropriate expenditures under this Article and the Treasurer of the Board shall pay out the money upon the order of the Board for the maintenance, use and benefit of the Fire Department of the City.

(B) The Board shall report to the corporate authorities annually where the monies from this tax have been expended.

(Ord. No. 1451; 02-17-09)

CHAPTER 7

BUSINESS CODE

ARTICLE I - ADMINISTRATION

7-1-1 APPLICATIONS.

(A) Applications for all licenses and permits required by this Chapter shall be made in writing to the Municipal Clerk in the absence of provision to the contrary.

(B) Each application shall contain:

- (1) the name of the applicant;
- (2) the permit or license desired;
- (3) the location to be used, if any;
- (4) the time covered; and
- (5) the fee to be paid.

(C) Each application shall also contain the number of the Certificates of Registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act and sales tax number, if applicable. Each application shall contain such additional information as may be needed for the proper health and safety purposes and the proper guidance of the municipal officials in the issuing of the license or permit applied for.

(Ord. No. 1685; 10-01-18)

7-1-2 PERSONS SUBJECT TO LICENSE. Whenever a license or permit is required in this Code or in any municipal ordinance except for liquor license control purposes which shall be governed by our liquor control ordinance and/or state statutes, 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. The license fees listed in **Appendix "A"** shall be applicable in the City.

7-1-3 TERM AND FORM OF LICENSE. No license shall be granted for longer than a **one (1) year** term, and all licenses, unless otherwise provided by ordinance, shall expire on the last day of the next April following their issue. 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 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 corporate authorities 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 corporate authorities shall determine that the matters concerning the application are unsatisfactory, they 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 corporate authorities shall determine that the application is satisfactory, they 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 license, or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

7-1-7 BUILDING AND PREMISES. No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this Municipality and the State of Illinois.

No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Code and/or other applicable regulations of this Municipality.

7-1-8 CHANGE OF LOCATION. The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that **ten (10) days** notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with.

7-1-9 LOCATION. No license for the operation of a business or establishment in this Municipality shall be construed to permit the operation of a licensed business or establishment in more than **one (1) location** in this Municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

7-1-10 NUISANCES PROHIBITED.

7-1-10.1 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.

7-1-11 RESERVED.

7-1-12 INSPECTIONS.

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

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

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

7-1-13 SUSPENSION, REVOCATION OF LICENSE OR PERMIT.

7-1-13.1 NUISANCE. When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be

authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed **ten (10) days**.

7-1-13.2 HEARING. Within **eight (8) days** after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

7-1-13.3 REVOCATION. Licenses and permits issued in this Municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in **Subsections 7-1-13.4** and **7-1-13.5** of this Section for any of the following causes:

(A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;

(B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;

(C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

(D) Failure of the licensee or permittee to pay any fine or penalty owed to this Municipality;

(E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in **Section 7-1-12**.

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

7-1-13.4 HEARING NOTICE. Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least **five (5) days** prior to the date set for the hearing.

7-1-13.5 COUNSEL. At the hearing, the attorney for the Municipality shall present the complaint and shall represent the Municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

7-1-14 **APPEAL.** Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in **Section 7-1-4** or in connection with the revocation of a license or permit as provided in **Section 7-1-13** shall have the right to appeal to the Municipality. 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 Municipality 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 Municipality on such appeal shall be final.

7-1-15 **LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in this Municipality to keep his license posted in a prominent place on the premises used for such business at all times.

7-1-16 **BUSINESS VEHICLE STICKER.** Whenever the number of vehicles used is the basis in whole or in part for a license fee, the Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be posted or affixed in a conspicuous place on each business vehicle.

ARTICLE II - SOLICITORS

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

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

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

"SOLICITING" shall mean and include any **one (1)** or more the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character or;

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

7-2-2 **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this Municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this Municipality which have been in existence for **six (6) months** or longer shall be exempt from the provisions of this Article.

7-2-3 **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Applications for a Certificate of Registration shall be made upon a form provided by the 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 (1/3) inch** 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. (See Chapter 27-6-1 of this Code).**

7-2-9 TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **9:00 A.M.** or after **9:00 P.M.** of any weekday. Soliciting on Sundays or on a State or National holiday is strictly prohibited. **(Ord. No. 1226; 10-20-01)**

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 (16) years** of age and shall wear a high visibility vest.

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

(A) **Daily License:** **\$15.00 per person per day.**

(B) **Annual License:** **\$75.00 per person per year.**

(Ord. No. 1226; 10-20-01)

(See 65 ILCS Sec. 5/11-5-2)

ARTICLE III - PEDDLERS

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

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

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

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

7-3-4 **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

7-3-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to **9:00 A.M.** or after **9:00 P.M.** of any weekday. Peddling on Sundays or on a State or National holiday is strictly prohibited. (**Ord. No. 1226; 10-20-01**)

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) | <u>Daily License:</u> | \$15.00 per person per day. |
| (B) | <u>Annual License:</u> | \$75.00 per person per year. |
- (Ord. No. 1226; 10-20-01)**

ARTICLE IV - COIN-OPERATED MACHINES

7-4-1 **DEFINITIONS.** Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

"COIN-OPERATED AMUSEMENT DEVICE" means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pinball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features and the term shall not include video gaming terminals defined and licensed pursuant to the Video Gaming Act (**230 ILCS 40/1 et seq.**) and therefore this Article shall not apply to video gaming and video gaming terminals defined and licensed pursuant to the Video Gaming Act. (**Ord. No. 1543; 06-18-12**)

"OPERATOR" is hereby defined to be any person, firm, corporation, partnership, association or club who sets up for operation by another or leases or distributes for the purpose of operation by another, any device(s) herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income from such device or otherwise.

"PROPRIETOR" is hereby defined to be any person, firm, corporation, partnership, association or a club who, as the owner, lessee or proprietor has under his or its control any establishment, place or premises in or on which such device is placed or kept for use or play or on exhibition for the purpose of use or play.

"PERSON" is hereby defined to be any person, firm, corporation or association, which owns any such machines; the person, firm, or corporation or association in whose place of business any such machines are placed for use by the public and the person, firm, corporation, or association having control over such machine, provided, however, that the payment of such fee by an person, firm, corporation, or association enumerated herein, shall be deemed a compliance with this Section of this Chapter.

7-4-2 **LICENSE REQUIRED.** No person, shall engage in the business of an operator of coin-operated amusement devices within the corporate limits of this Municipality without having first obtained the proper license therefor.

7-4-3 **APPLICATION.** Application for license shall be verified by oath or affidavit and contain the following information:

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

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

- (C) The address of the place where the applicant proposes to operate.
- (D) A statement whether the applicant has made a similar application for a similar license on premises other than those described in the application and the disposition of such other application.
- (E) A statement that the applicant has never been convicted of a felony and is not disqualified to receive the license under this Section.

7-4-4 **PROHIBITED LICENSEES.** No license under this Section shall be issued to:

- (A) Any person who is not a citizen of the United States.
- (B) Any person who is not of good character and reputation in the community.
- (C) Any person who has been convicted of a felony under the laws of Illinois; or of being the keeper of a house of ill-fame; or of pandering or other crime or misdemeanor opposed to decency or morality.
- (D) Any person whose license issued under this Chapter has been revoked for cause.
- (E) Any partnership, unless all of the members of the partnership are qualified to obtain such license.
- (F) Any corporation if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation, would not be eligible to receive a license for any reason other than citizenship or residency within this Municipality.
- (G) Any person whose place of business is conducted by a manager or agent unless the manager or agent is of legal age and possesses the same qualifications required of the licensee.
- (H) Any person who does not own the premises for which a license is sought, or does not have a lease therefor for the full period for which the license is to be issued.

7-4-5 **LICENSE FEES.** Every applicant, before being granted a license, shall pay an annual license fee of **Twenty-Five Dollars (\$25.00)** per machine for the privilege of operating or maintaining for operation of each coin-operated machine or amusement device, as defined herein. The fee for juke boxes shall be **Fifteen Dollars (\$15.00)** per year.

The license fee shall be paid annually, in advance, on the **first (1st) day of May** of each year, excepting that for the **first (1st) year**, the license shall be obtained within **thirty (30) days** after the effective date of this Code, and if additional machines or devices are to be installed or displayed from time to time, the license shall be obtained before display or installation. The license shall expire on **April 30th** of each year. (**#731; 05-01-79**)

7-4-6 NON-ASSIGNABILITY OF LICENSE. The location of a license may be changed only upon the written permission of the Mayor. Any license issued hereunder shall be non-assignable and non-transferable.

7-4-7 PLACEMENT; GAMBLING PROHIBITED.

(A) All licensed devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

(B) Nothing in this Article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

(C) **Prizes and Awards Prohibited.** It shall be unlawful for any person receiving a license pursuant to this Article to give or award a cash prize or equivalent to any person playing any of the tables, devices or machines enumerated hereinabove under tournament, league or any other individual or competitive play.

7-4-8 DISPLAY OF LICENSE. The license herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained. Not more than **one (1) machine** shall be operated on any **one (1) license** and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him. If the licensee shall move his place of business to another location within the City, the license may be transferred to such new location within the City, the license may be transferred to such new location upon application to the City Clerk, giving the street and number of the new location. The new location shall be inspected by the Chief of Police or his designee in the same manner as provided in the previous sections of this Chapter.

7-4-9 RIGHT OF ENTRY. The Chief of Police or his designee has the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he may deem necessary for the proper enforcement of this Article.

7-4-10 PROHIBITIONS AND RESTRICTIONS. No person holding a license under this Chapter shall permit any person under the age of **eighteen (18) years** to operate any cigarette vending machine or device as herein defined.

ARTICLE V - JUNK DEALERS

7-5-1 **DEFINITIONS.**

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

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

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

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

7-5-2 **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 (15) feet** 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 (7) feet** 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.

7-5-3 **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.

7-5-4 **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.

7-5-5 **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.

7-5-6 **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.

7-5-7 **LICENSE FEE.** The annual license fee for each junk yard shall be **One Hundred Dollars (\$100.00)** 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 **Ten Dollars (\$10.00)** for each junk dealer. The fee is payable as provided in this Code.

7-5-8 **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

ARTICLE VI - RAFFLE CODE

DIVISION I - GENERALLY

7-6-1 **SHORT TITLE.** This Chapter shall be known, cited and referred to as the "Raffle Ordinance".

7-6-2 **PURPOSE.** The purpose of this Chapter is to regulate and control the conduct of raffles within the borders of the City of Chester, Illinois. Nothing in this Chapter shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

7-6-3 **DEFINITIONS.** For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BUSINESS ORGANIZATION". A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interest of the community.

"CHARITABLE ORGANIZATION". An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.

"CITY COUNCIL". The City Council of the City of Chester, Randolph County, Illinois.

"EDUCATIONAL ORGANIZATION". An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorable in this scope and intensity with the course of study presented in tax-supported schools.

"FRATERNAL ORGANIZATION". An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.

"LABOR ORGANIZATION". An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

"LICENSEE". An organization which has been issued a license by the City to operate a raffle.

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

"NON-PROFIT". A license applicant which is organized, operated, and conducted on a not-for-profit basis with no personal profit insuring to anyone as a result of the operation.

"PERSON". An individual, firm, organization, public or private corporation, government, partnership or unincorporated association.

"RAFFLE". A form of lottery as defined in Section 28-2(b) of the Criminal Code of 1961 (**S.H.A., Chapter 38, Section 28-2**), conducted by an organization licensed under this Chapter, in which:

- (1) The player pays or agrees to pay something of value for a chance represented and differentiated by a number or by a combination of numbers or by some other means, one or more of which chances is to be designated the winning chance.
- (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.
- (3) The term "Raffle" in addition to the definitions contained in (1) and (2) immediately above shall be deemed to specifically include those events commonly known as daily, weekly, monthly or annual drawings.

"RELIGIOUS ORGANIZATION". Any church, congregation, society or organization founded for the purpose of religious worship.

"VETERANS ORGANIZATION". An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

(Ord. No. 1657; 10-16-17)

7-6-4 RESERVED.

DIVISION II - LICENSE REQUIREMENTS

7-6-5 **LICENSE REQUIRED.** It shall be unlawful for any person, business, firm, organization, public or private corporation, government, partnership or unincorporated association to conduct or operate a raffle, or to sell, offer for sale, convey, issue or otherwise transfer for value a chance on a raffle, unless conducted pursuant to a license duly issued by the City and in accordance with the provisions of this Chapter. **(Ord. No. 1657; 10-16-17)**

7-6-6 **APPLICATION FOR LICENSE.**

(A) Any person seeking to conduct or operate a raffle shall file an application therefor with the City Clerk on forms provided by the City Clerk. The application shall contain the following information:

- (1) The name, age, address and type of organization.
- (2) The length of existence of the organization and, if incorporated, the date and state of incorporation.
- (3) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffle manager and any other members responsible for the conduct and operation of the raffle. **(Ord. No. 1345; 12-05-05)**
- (4) The aggregate retail value of all prizes to be awarded in the raffle.
- (5) The maximum retail value of each prize to be awarded in the raffle.
- (6) The maximum price charged for each raffle chance issued or sold.
- (7) The maximum number of raffle chances to be issued.
- (8) The area or areas in which raffle chances will be issued or sold.
- (9) The time period during which raffle chances will be issued or sold.
- (10) The date, time and location at which winning chances will be determined.
- (11) A sworn statement attesting to the not-for-profit character of the applicant organization, signed by the presiding officer and secretary of the organization.
- (12) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

7-6-7 **LICENSE QUALIFICATIONS.** Raffle licenses shall be issued only to bona fide charitable, education, fraternal, labor, religious, business and veterans organization that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** or more immediately before making application for a license and which have had during the entire **five (5) year** period a bona fide membership engaged in carrying out their objects or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The following are ineligible for any license under this Chapter.

- (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 divisions (A), (B) or (C) above has a proprietary, equitable or credit interest, or in which the person is active or employed.
- (E) Any organization in which a person defined in divisions (A), (B) or (C) above is an officer, director or employee, whether compensated or not. **(Ord. No. 1657; 10-16-17)**
- (F) Any organization in which a person defined in divisions (A), (B) or (C) above is to participate in the management or operation of a raffle as defined in this Chapter. **(Ord. No. 1657; 10-16-17)**

7-6-8 **LICENSE ISSUANCE.**

(A) The City Council shall review all raffle license applications. The City Council shall, within **thirty (30) days** from the date of application, accept or reject a raffle license application. This shall be achieved by a majority vote of City Council. If an application is accepted, the City Clerk shall forthwith issue a raffle license to the applicant. A raffle license shall be valid for a period of not more than **one (1) year** from and after its issuance.

- (B) A raffle license shall show the following:
 - (1) The area or areas in which raffle chances may be sold or issued.
 - (2) The period of time during which raffle chances may be sold or issued. (Maximum of 365 days).
 - (3) The maximum price which may be charged for each raffle chance issued or sold. (Maximum of \$100.00 per chance.)
 - (4) The date, time and location on or at which winning chances will be determined.
- (C) The license shall be prominently displayed at the time and location of the determination of the winning chances.
- (D) A license shall be valid for **one (1) raffle** only. Multiple licenses may be issued for multiple raffles to a license for up to a maximum period of **one (1) year** from the date of the issuance of the license.

7-6-9 **LICENSE FEE.** Each applicant for a raffle license shall pay to the City a fee of **Ten Dollars (\$10.00)** for the Raffle License. The license fee shall be submitted with the application. If the application is denied, the license fee shall be returned to the applicant. **(Ord. No. 1714; 06-03-19)**

DIVISION III - CONDUCT OF RAFFLES

7-6-10 **OPERATION AND CONDUCT OF RAFFLES.** The operation and conduct of raffles are subject to the following restrictions:

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

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

(C) No person may receive any remuneration or profit for participating in the management or operation of the raffle.

(D) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Chapter.

(E) Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

(F) Each raffle chance shall have printed thereon the following:

(1) The cost of the chance.

(2) The aggregate retail value of all prizes to be awarded in the raffle. (Maximum \$500,000.00 per raffle.)

(3) The date or dates, time or times, and location or locations on or at which winning chances will be determined.

However, when raffle chances are sold, conveyed, issued or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance, the fact of the raffle chance need not contain this information. **(Ord. No. 1657; 10-16-17)**

(G) No single cash prize in excess of **Five Hundred Thousand Dollars (\$500,000.00)** may be awarded. **(Ord. No. 1657; 10-16-17)**

(H) No real property, including land and any building thereon, may be the prize in a raffle unless the organization holding the raffle license owns fee simple title as to the entire subject real property.

(I) No person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years**, may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his/her parent or guardian. **(Ord. No. 1657; 10-16-17)**

(J) No chance shall be sold, offered for sale, conveyed, issued or otherwise transferred for value to or by any person under the age of **eighteen (18) years** within the permission of his/her parent or guardian.

7-6-11 RAFFLES MANAGER; BONDS.

(A) All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization.

(B) The raffles manager shall give a fidelity bond, equal in amount to the aggregate retail value of all prizes to be awarded, in favor of the licensee, conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority no less than **thirty (30) days** prior to its cancellation.

(C) The City Council may waive the aforementioned bond requirements by including a waiver provision in the license issued to an organization under this Chapter, provided that a waiver has been granted by unanimous vote of the members of the licensed organization.

7-6-12 RECORDS.

(A) Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion which winning chances are to be determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction of the purchased item or service or other reason for the 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 for the operation of raffles programs shall be segregated from other revenues of the licensee, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefore issued by the Department of Revenue of the State of Illinois, such receipts shall be placed in a separate account. Each licensee shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenue of the organization.

(C) Each licensee shall report within **thirty (30) days** after the conclusion of each raffle to its membership, and to the City Council, its gross receipts, expenses and net proceeds for raffles, and the distribution of the net proceeds itemized as required herein.

(D) Records required herein shall be preserved for **three (3) years**, and licensees shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(E) Applications for a raffle license shall be made at the office of the City Clerk on the application form hereby appended hereto and by reference made a part of this Ordinance.

7-6-13 - 7-6-14 RESERVED.

DIVISION IV - ENFORCEMENT

7-6-15 **RELATIONSHIP TO OTHER LAWS.** Whenever regulations or restrictions imposed by this Chapter are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rules or regulations, the regulations, rules or restrictions which are more restricting or which impose higher standards or requirements shall govern.

7-6-16 **ABATEMENT.** The imposition of the penalties prescribed in **Section 8-4-3** hereof shall not preclude the City from instituting appropriate legal action to prevent unlawful raffles or to restrain, enjoin, correct, or abate a violation of this Chapter or of the conditions of a raffle license issued pursuant hereto.

7-6-17 **PENALTY.** Any person violating any provision of this Chapter shall be punished by a fine of not more than **Five Hundred Dollars (\$500.00)**. Each day any violation of any provision of this Chapter shall continue shall constitute a separate offense.

(Ord. No. 1039; 03-01-93)
(See 230 ILCS Sec. 15/0.01)

ARTICLE VII - BED AND BREAKFAST CODE

7-7-1 **CODE ESTABLISHED.** The following Code is hereby made and adopted to be enforced within the corporate limits of the City of Chester, Illinois, with the cooperation of the Randolph County Public Health Department.

7-7-2 **ADOPTION OF STATUTES BY REFERENCE.** In addition to those provisions set forth in ordinance, this Code hereby adopts by reference the provisions of **Chapter 50, Section 820/1, et seq. of Illinois Compiled Statutes**, and in the event of any conflict with the provisions of this Code in said statute, the provisions of the statute shall prevail.

7-7-3 **DEFINITIONS APPLICABLE.** The following definitions shall apply to the terms used within this Code:

(A) **"BED AND BREAKFAST ESTABLISHMENT"** shall mean an operator occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, In operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

(B) **"OPERATOR"** shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Act to reside in the bed and breakfast establishment, or on contiguous property.

(C) **"GUEST ROOM"** shall mean a sleeping room intended to serve no more than **two (2) transient guests per night.**

7-7-4 **MINIMUM STANDARDS.** Bed and Breakfast establishments which serve breakfast shall comply with the following minimum standards:

(A) Food shall be clean, wholesome, free from spillage, free from adulteration and misbranding and safe for human consumption. Containers of food and food service articles shall be stored above the floor, on clean racks, shelves or other clean surfaces in such a manner as to be protected from splash or other contamination. Unopened canned and bottled foods may be stored on the floor. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited except for jams and jellies.

(B) Food shall be protected from contamination while being stored, prepared and served, and during transportation.

Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures of **45 degrees F. or below, or 140 degrees F. or above**, as appropriate, except during necessary periods of preparation and serving. Frozen food shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process, or thawed by another method approved by the local Health Department. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be thoroughly washed before use. Stuffings, poultry and pork products shall be cooked to heat all parts of the food at least **165 degrees F. before** being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food, shall be prepared from chilled products with a minimum of manual contact. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation areas.

(C) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.

(D) If the bed and breakfast operator suspects that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the Health Department immediately.

(E) All operators shall be certified. Certification shall be achieved by and through the Randolph County Health Department.

(F) Persons preparing or serving food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory, but never in the kitchen sink.

(G) No one, while preparing or serving food, may use tobacco in any form.

(H) Utensils shall be kept clean and in good repair.

(I) Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.

(J) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.

(K) Residential sinks and home-style mechanical dish washing machines are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.

(L) Immediately following either manual or mechanical washing of eating or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in one hundred parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the local Health Department. Dishpans may be used to accomplish the final sanitizing rinse. Operators shall have the means to test sanitizing solutions to assure adequate concentration.

(M) The reuse of single-service utensils is prohibited.

(N) The Randolph County Health Department shall in cooperation with the City, conduct such necessary inspections regarding food service, handling and preparation of same. Said Department shall also in cooperation with the City conduct any and all other inspections as the City, and the said County Health Department may mutually agree.

7-7-5 **LINEN.** Each person who is provided accommodations shall be provided individual soap and clean individual bath cloths and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.

7-7-6 **FIRE PREVENTION.** Bed and Breakfast establishments shall meet the State Fire Marshal's requirements for one and two-family dwellings. In addition, the following standards shall be required:

(A) Manual extinguishing equipment shall be provided on each floor in accordance with the NFPA 10 – Standards for the Installation of Portable Fire Extinguishers.

(B) All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage in or under stairways.

(C) All trash containers shall be metal.

(D) No cooking facilities shall be permitted in guest rooms.

(E) All hallways and stairways shall be adequately lighted.

(F) No portable heating devices shall be permitted in guest rooms.

(G) The operator shall submit a floor plan of the Bed and Breakfast establishment to the local Fire Department or Fire Protection District.

(H) Smoke detectors shall be provided in each guest room.

(I) Carbon monoxide detectors shall be provided.

7-7-7 **LIABILITY INSURANCE.** The Bed and Breakfast establishment shall provide proof of at least **One Hundred Thousand Dollars (\$100,000.00)** in owner's, landlord's and tenant's, including products, liability insurance and submit evidence of renewal whenever required showing coverage while the establishment is in operation.

(This Article; Ord. No. 976; 04-02-90)

ARTICLE VIII – ADULT USE LICENSING AND REGULATION

7-8-1 **PURPOSE.** The purpose of this Article is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The City recognizes that such regulation cannot effectively prohibit such uses, but can balance the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses.

7-8-2 **DEFINITIONS.**

(A) **Adult Bookstore.** An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(B) **Adult Entertainment Cabaret.** A public or private establishment which:

- (1) features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows;
- (2) not infrequently features entertainers who display "specified anatomical areas"; or
- (3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of "specified sexual activities".

(C) **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(D) **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials

based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(E) **Nudity.** Nudity means the showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state even if completely and opaquely covered or, that portion of the buttocks which would be covered by a properly worn "thong" type bikini bottom.

(F) **Public Place.** Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

(G) **Adult Use.** Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult clubs allowing nudity at regular or frequent times, adult novelty stores and other similar uses.

(H) **Employee.** Employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

(I) **Specified Sexual Activities.** For the purpose of this Article, "specified sexual activities" means:

- (1) human genitals in the state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy;
and
- (3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(J) **Specified Criminal Activity.** For the purpose of this Article, "specified anatomical areas" means:

- (1) less than completely and opaquely covered:
 - (a) human genitals;
 - (b) pubic region;
 - (c) buttocks;
 - (d) female breasts below a point immediately above the top of the areola; and
- (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(K) **Specified Criminal Activity.** Specified criminal activity means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (2) For which:
 - (a) less than **two (2) years** have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;
 - (b) less than **five (5) years** have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or
 - (c) less than **five (5) years** have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of **two (2)** or more misdemeanor offenses or combination of misdemeanor offenses occurred within any **twenty-four (24) month** period; and
- (3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

7-8-3 LICENSE REQUIRED.

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the City pursuant to this Article.

(B) An application for a license shall be made on a form provided by the City.

(C) All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the City to determine whether the applicant meets the qualifications established in this Article.

(D) If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this Article. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a **twenty percent (20%)** or greater interest in the business, including corporations, must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

- (1) If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;
- (2) If the applicant is a club, consisting of private or public membership, a copy of the by-laws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirement for club membership must be submitted.
- (3) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and
- (4) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a **twenty percent (20%)** or more stake) and the name and address of the registered corporate agent.

(F) If the applicant intends to operate the adult use business under a name other than that of the application, he/she must state:

- (1) the business' fictitious name and
- (2) submit any required registration documents.

(G) Whether the applicant has been convicted of any specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(H) Whether the applicant has had a previous license under this Article or similar ordinances from another jurisdiction denied, suspended or revoked, including the name and location of the business which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under this Article or similar ordinance in another jurisdiction and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

(I) Whether the applicant holds any other licenses under this Article or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses.

(J) A sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

7-8-4 ISSUANCE OF LICENSE.

(A) Within **thirty (30) days** after receipt of a completed adult use business license application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license unless it determines, by a preponderance of the evidence, any one or more of the following:

- (1) The applicant is under **eighteen (18) years** of age;
- (2) The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business;
- (3) The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;
- (4) The applicant has been denied a license by the City to operate an adult use business within the preceding **twelve (12) months** or whose license to operate an adult use business has been revoked within the preceding **twelve (12) months**;
- (5) The applicant has been convicted of a specified criminal activity defined in this Article.
- (6) The premises to be used for adult use business has not been inspected and approved by the Fire Department and

the Building Department as being in compliance with applicable laws and ordinances.

(7) The license fee required by this Article has not been paid.

(8) The applicant of the proposed establishment is in violation or not in compliance with all of the provisions of this Article.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C) The Fire Department and Code Enforcement Officers shall complete their inspection certification that the premises is in compliance or not in compliance with City codes within **twenty (20) days** of receipt of the application by the City.

(D) No adult use business license shall be issued unless it meets all criteria set forth in the Zoning Code. However, an adult use business license may be issued for a premises which is a legal nonconforming use which has not yet been amortized or for a premises where such amortization is being challenged by litigation.

(E) No signs, advertising or other notice to the public may be given for any premises where adult use is conducted, pursuant to this Article.

7-8-5 LIQUOR. No liquor license shall be issued to a licensee or to premises where adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted.

7-8-6 FEES. Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a **Seven Hundred Fifty Dollar (\$750.00)** non-refundable application and investigation fee. Thereafter the annual fee shall be **Seven Hundred Fifty Dollars (\$750.00)**.

7-8-7 INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other City or City designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this Article at any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-8-8 EXPIRATION OF LICENSE.

(A) Each license shall expire on the **January 1** after it was issued and may be renewed only by making application as provided in **Section 7-8-4**. Application for renewal shall be made at least **thirty (30) days** before the expiration date and when made less than **thirty (30) days** before the expiration date, the expiration of license will not be affected.

(B) If the City denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

7-8-9 SUSPENSION. The City may suspend a license for a period not to exceed **thirty (30) days** if, after a hearing, it determines that a licensee or an employee of a licensee:

- (A) violated or is not in compliance with any section of this Article;
- (B) refused to allow an inspection of the adult use business premises as authorized by this Article, or
- (C) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this Article, no hearing is necessary prior to suspension of the license.

7-8-10 REVOCAION.

(A) The City shall revoke a license if a cause of suspension in **Section 7-8-8** above occurs and the license has been suspended within the preceding **twelve (12) months** or if the licensee is convicted of any specified criminal activity.

(B) The City may revoke a license if it determines, after a hearing, that:

- (1) A licensee gave false or misleading information in the material submitted during the application process;
- (2) A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;
- (3) A licensee or management personnel has knowingly allowed prostitution on the premises;
- (4) A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee's license was suspended;
- (5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral

copulation, masturbation or other sex act to occur in or on the licensed premises;

- (6) A licensee is delinquent in payment to the City, County or State for any taxes or fees past due;
- (7) A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or
- (8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(C) If the City revokes a license, the revocation shall continue for **one (1) year** and the licensee shall not be issued an adult use business license for **one (1) year** from the date the revocation became effective. If subsequent to revocation, the City finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

7-8-11 TRANSFER OF LICENSE. A licensee shall not transfer his/her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

7-8-12 BUSINESS RECORDS. All adult uses shall file a verified report with the City showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of **two (2) years**, the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

7-8-13 LIQUOR LICENSE. No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

7-8-14 ADULT ENTERTAINMENT CABARETS – RESTRICTIONS. All dancing or other performances shall occur on a stage intended for that purpose which is raised at least **two (2) feet** from the level of the floor. No dancing or other performance shall occur closer than **ten (10) feet** to any patron. In addition, no dancer or performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any dancer or performer. No patron

shall directly pay or give any gratuity to any dancer or performer and no dancer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to dancers or performers by placing the gratuity on the stage.

7-8-15 VIDEO VIEWING BOOTHS – RESTRICTIONS. No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions or a room or individual rooms so used shall have at least **one (1) side** open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the view of the motion pictures or other offered entertainment.

7-8-16 HOURS OF OPERATION. No adult use shall be open prior to **10:00 A.M.** or after **2:00 A.M.**

7-8-17 INVESTIGATION. Any licensee hereunder shall permit law enforcement officials, free and unlimited access to the premises during hours of operation, upon reasonable request, for the purposes of investigating compliance with the provisions of this Article.

ARTICLE IX - TAXICABS

7-9-1 **DEFINITIONS.** The following words and phrases when used in this Chapter shall have the meanings set out herein:

"CERTIFICATE". A Certificate of Public Convenience and Necessity issued by the City Clerk pursuant to authority granted by the City Council, authorizing the holder thereof to conduct a taxicab business in the City.

"HOLDER". A person to whom a Certificate of Public Convenience and Necessity has been issued.

"MANIFEST". A daily record prepared by a taxicab driver of all trips made by that driver showing the time and place of origin, destination, number of passengers and the amount of fare of each trip.

"PERSON". An individual, a corporation, or other legal entity, a partnership, and any unincorporated association.

"RATE CARD". A card for display in each taxicab which contains the rates of fare then in force.

"TAXICAB". A motor vehicle regularly engaged in the business of carrying passengers for hire, carrying not more than **five (5) passengers** and not operated on a fixed route.

7-9-2 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED.** No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a Certificate of Public Convenience and Necessity from the City Clerk. No person shall be issued such Certificate unless that person is a resident of the City or maintains a manager who resides within the City.

7-9-3 **APPLICATION FOR CERTIFICATE.** An application for a Certificate shall be filed with the City Clerk upon forms provided by the City and that application shall be verified under oath and shall furnish the following information:

- (A) The name and address of the applicant.
- (B) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.
- (C) The experience of the applicant in the transportation of passengers.
- (D) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of certificate.
- (E) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.

(F) The color scheme or insignia, if any, to be used to designate the vehicle or vehicles of the applicant.

(G) Such further information as the Mayor and/or City Council may require.

7-9-4 **ISSUANCE OF CERTIFICATE.** If the Mayor and City Council find that a taxicab service in the City is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this Chapter and the rules promulgated by the Mayor and City Council, then the City Clerk shall issue a Certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the applicant shall be denied.

In making the above findings, the Mayor and City Council shall take into consideration whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant.

There shall be only **one (1)** Certificate of Public Convenience and Necessity issued pursuant to this Chapter at any **one (1) time**.

7-9-5 **CERTIFICATE FEE.** No Certificate of Public Convenience and Necessity shall be issued or continued in operation unless the holder thereof has paid a fee of **Fifty Dollars (\$50.00)** per year or any portion thereof for the right to engage in such taxicab business. Such certificate issued by the City Clerk shall be in effect for the City's fiscal year (May 1 to April 30) in which it was issued or any remainder thereof. There shall be no pro rata reduction of a fee for any applicant who is issued such a Certificate within any particular fiscal year, nor shall there be any pro rata refund made to any holder of a Certificate of Public Convenience and Necessity in the event the Certificate of Public Convenience is forfeited, suspended or revoked prior to expiration. Such Certificate shall expire at the end of the fiscal year in which it was issued.

7-9-6 **INSURANCE REQUIRED.** No Certificate of Public Convenience and Necessity under this Chapter shall be issued or continued in operation unless the holder furnishes and files with the City Clerk a Certificate of Insurance indicating a combined minimum of **Three Hundred Fifty Thousand Dollars (\$350,000.00)** liability coverage for bodily injury and property damage per occurrence. Any such holder shall also furnish to the City Clerk a Certificate certifying the existence of Workmen's Compensation Insurance. All such insurance policies must be insured by an insurance company authorized to do business within the State of Illinois.

7-9-7 TRANSFER OF CERTIFICATE. No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged or otherwise transferred without the consent of the Mayor and City Council.

7-9-8 SUSPENSION AND REVOCATION OF CERTIFICATE. A Certificate issued under the provisions of this Chapter may be revoked or suspended by the Mayor and City Council if the holder thereof has:

- (A) Violated any of the provisions of this Chapter;
- (B) Discontinued operations for more than **ten (10) days;**
- (C) Conducted operations in a way that the Mayor and City Council deem to endanger the public health, safety, and/or welfare of the community;
- (D) Violated any additional terms and conditions that might be imposed by the Mayor and City Council subsequent to the issuance of such Certificate;
- (E) Violated any law of the City or the laws of the United States or the State of Illinois.

Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

7-9-9 DRIVER'S LICENSE REQUIRED. No person shall drive or operate a taxicab for hire upon the streets of the City unless such driver or operator shall have in full force and effect the proper valid license issued by the Secretary of State of the State of Illinois. It shall also be unlawful for any holder of a Certificate of Public Convenience and Necessity to permit or authorize any of his employees or agents to operate a taxicab unless such employee or agent shall have in full force and effect the proper valid license issued by the Secretary of State of the State of Illinois.

7-9-10 COMPLIANCE WITH CITY, STATE AND FEDERAL LAWS. The holder of a Certificate of Public Convenience and Necessity issued pursuant to this Chapter or his agents or employees shall comply with all City, State, and Federal law, including but not limited to the Americans with Disabilities Act.

7-9-11 VEHICLES - MAINTENANCE.

(A) **Inspection.** Every vehicle operated pursuant to this Chapter shall be in safe and sound mechanical condition. All such vehicles are subject to inspection by the Police Department of the City at such time or times as shall be directed by the Mayor and/or Chief of Police.

(B) **Clean and Sanitary Condition.** Every vehicle operating under this Chapter shall be kept in a clean and sanitary condition.

7-9-12 **MANIFEST.** Any holder of a Certificate of Public Convenience and Necessity issued pursuant to this Chapter shall be required to maintain a manifest as defined in **Section 7-9-1**. Any holder of a Certificate of Public Convenience and Necessity issued hereunder, upon request of the Mayor for inspection, shall make the manifest records available to the Mayor and/or City Council for inspection. Any holder of such a Certificate of Public Convenience and Necessity must maintain and have available such manifest records for a period of at least **twelve (12) months** preceding the date that any such request for inspection should be made by the City Council.

7-9-13 **RATES OF FARE - RATE CARD REQUIRED.** No holder of any Certificate of Public Convenience and Necessity or any of his agents or employees shall charge a greater sum for the use of a taxicab other than what has been most recently approved by the Mayor and City Council. The Mayor and City Council shall approve all rates before they become effective and no rates may be changed prior to the express approval of the Mayor and City Council.

In the event that any holder of a Certificate of Public Convenience and Necessity shall desire to increase his rates of fare, such holder must first file with the City Clerk a rate proposal no less than **thirty (30) days** prior to the effective date that such holder wishes to raise the proposed rate increase to become effective. The Mayor and City Council shall first review the proposed rate changes and must approve any such proposed rate change before it should become effective.

Every taxicab operator under this Chapter shall have a rate card setting forth authorized rates of fare displayed in such a place as to be in full view of all passengers.

7-9-14 **HOURS OF OPERATION.** Any holder of a Certificate of Public Convenience and Necessity issued pursuant to this Chapter or any of his agents or employees shall engage in the business of carrying passengers for hire between the hours of **6:00 a.m. to 12:00 a.m., seven (7) days** a week including any and all holidays. Operation at all other times is left to the discretion of the holder.

7-9-15 **PASSENGERS.** Every taxicab operator shall accept as a passenger any person who seeks to so use the taxicab, provided such person is not intoxicated or under the influence of drugs or conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger.

7-9-16**COMPLAINT PROCEDURE.** Any holder of a Certificate of Public Convenience and Necessity issued pursuant to this Chapter shall maintain a business office and a telephone listing within the City where inquiries and complaints from customers and the general public can be registered. The holder shall investigate all complaints within **five (5) days** of their receipt and shall in good faith attempt to resolve them swiftly and equitably. The holder shall report any and all unresolved complaints to the Mayor and City Council within **thirty (30) days** of their receipt.

[Ord. No. 1095; 11-06-95]

ARTICLE X - TRANSIENT MERCHANTS AND/OR VENDORS

7-10-1 **LICENSE REQUIRED.** It shall be unlawful for any person as principal, agent, or employee to conduct business as a Transient Merchant or Vendor within the City without having first obtained a license therefor for each such person who will be conducting such business in the City.

7-10-2 **CERTIFICATE OF REGISTRATION.** It shall be unlawful for any person as principal or agent, to conduct business as a Transient Merchant or Vendor within the City without first complying with the requirements of Section 2a of the Retailer's Occupation Tax Act, **35 ILCS 120/2a**, by obtaining a certificate of registration and without having obtained a license hereunder.

7-10-3 **DEFINITION; TRANSIENT MERCHANT/VENDOR.** Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in the City and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, vacant lot, or parcel of property. However, this does not apply to any person selling goods, wares or merchandise which are raised, produced or manufactured by him/her, to any person selling vegetables, fruit or perishable farm products at an established City market, to any person operating a stand or booth on or adjacent to property owned by him/her or upon which he/she resides, to any person operating a booth at a City sponsored event, or to any person selling goods or merchandise as part of a valid fund raising activity.

7-10-4 **APPLICATION.** The applicant for a license under this Article shall file with the City Clerk a sworn application for such license.

7-10-5 **INVESTIGATION.** Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

7-10-6 **SALES TAX.** The collection of sales tax for all sales is required to ensure that the local City government receives the due funds for the sales.

7-10-7 **EXEMPTIONS.** The following persons or groups shall not be required to obtain a license under this Article or to pay the established fees:

- (A) Garage and yard sales.
- (B) Concessions - sales incidental to sporting events, concerts, performances or presentations where said sales are conducted by the person producing the event.
- (C) Delivery carriers - any person delivering newspapers, fuel or food products to regular customers.
- (D) Estate sales and auctions.
- (E) Mobile vendors of food products, dispensing their products from motorized units.
- (F) Artisans who produce their own art or craft work and are invited to exhibit and sell their art and craft work as a part of an event sponsored by the City or an organization within the City.

7-10-8 FEES. The license fees to be charged for Transient Merchant and/or Vendor licenses in the City, each payable in advance, are hereby fixed and established as follows:

- | | | |
|-----|-------------------------------|-----------------|
| (A) | <u>Daily License.</u> | \$25.00 |
| (B) | <u>Annual License.</u> | \$100.00 |

ARTICLE XI – GAMBLING

7-11-1 GAMBLING ACTS PROHIBITED.

(A) **Gambling Prohibited.** No person shall play for money, or other valuable thing or equivalent, any game with cards, dice, checks, billiards, or any device, instrument or machine whatsoever, which may be used for the purpose of playing a game of chance, betting or winning or losing money or any other thing or article of value nor shall any person bet on any game of any type involving gambling unless such gambling is allowed pursuant to the laws or the Statutes of Illinois and any all licenses required are obtained for such game of chance.

(B) **Possession of Unlawful Gaming Device.** No person shall possess any gambling device or paraphernalia, as defined under and prohibited under the laws or the Statutes of Illinois, with the intent to use the same for any unlawful purpose, and any such device or paraphernalia kept with such intent may be confiscated by the City Police Department.

(C) **Gambling Establishment Prohibition.** No person shall keep a common gaming house; or in any building, yard, garden or booth, by him or his agent used and occupied, procure or permit any person or persons to frequent, or come together to play for money or other valuable thing, at any game; or keep or suffer to be kept any tables or other apparatus for the purpose or intent of playing any game, for money or any other valuable thing; or knowingly rent any such place for such purposes, except those establishments or acts which are authorized and legal under the laws and Statutes of Illinois.

(D) **Gambling Advertisement Prohibition.** It is unlawful to advertise any illegal gambling house or illegal gambling resort, as defined under and prohibited under the laws or the Statutes of Illinois, in any street, alley or public place within the City.

(E) **Authorized Gambling.** Nothing in this Section shall prohibit the authorized, legal wagering, or gambling or any acts, that are allowed by the laws or the Statutes of Illinois. Video Gaming and Video Gaming Terminals are permitted when licensed by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act (**230 ILCS 40/1 et seq.**) and operated in accordance with the Video Gaming Act.

7-11-2 LICENSING AND FEES. Gambling of any type may be allowed within the City so long as the same is legal within the State of Illinois and as long as the operator of said gambling or games of chance or any machinery or devices associated therewith has obtained any and all licenses or permits required by the State of Illinois and required by the City. Effective **May 1, 2022**, each operator of a Video Gaming Terminal shall pay to the City a license fee of **Two Hundred Fifty Dollars (\$250.00)** per year for each Video Gaming Terminal within their establishment for the privilege of operating such terminal. Upon payment of the license fee to the City, a license shall be issued by the City to the operator for the operation of Video Gaming Terminals within their establishment. No Video Gaming Terminals may be operated within an establishment until the operator obtains all licenses and permits required by the State of Illinois, and the operator pays the fee required by the City and obtains the license from the City. The **Two Hundred Fifty Dollar (\$250.00)** fee shall be paid annually in advance on the **first (1st) day of May** of each year, and the license from the City shall expire on **April 30th** of each year unless sooner terminated or surrendered. There shall be no more than **twelve (12)** establishments with Video Gaming Terminals and no more than **seventy-two (72)** Video Gaming Terminals within the City. (**Ord. No. 1768; 02-07-22**)

7-11-3 PENALTIES FOR VIOLATION. Any person, firm or corporation violating any provision of this Article shall be fined no more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 1543; 06-18-12)

ARTICLE XII – LICENSING AND REGULATION OF OTHER BUSINESSES

7-12-1 BUSINESS LICENSE REQUIREMENT. After the effective date of this Article, any and all persons, firms, companies and corporations seeking to engage in any business or occupation from a location or locations within the City limits and not otherwise licensed or regulated under the provisions of the Revised Code of Ordinances of the City, are required to procure a license to conduct said business or occupation. Persons, firms, companies and corporations engaged in any business or occupation on or before the effective date of this Article shall not be required to pay the fees set forth below but shall complete the application and obtain the permit referred to herein.

7-12-2 FEE. The fee for a business license issued under this Article shall be as set forth in **Appendix "A"**. Said amount shall be submitted with the completed application. Said fee shall be non-refundable and shall be utilized for the administration of the provisions set forth in this Article. All licenses shall be for the entire period of time that the business is operating, and the fee for obtaining such license shall be a one-time fee.

7-12-3 SUSPENSION; REVOCATION AND APPEAL.

(A) The Mayor is hereby authorized to suspend or revoke a business license, hereby causing the cessation of a business, when:

- (1) The business operation constitutes a clear and present danger to the public safety, health or general welfare; or
- (2) The registration application information is fraudulent, false or deceptive.

(B) If a license is suspended or revoked, the business shall be notified immediately by an officer of the City. Notice shall furthermore be forwarded by certified mail to the mailing address as set forth on the business license application. The notification shall include the reason or reasons for the suspension or revocation. A suspension or revocation shall remain in place until rescinded by the Mayor or by a successful appeal to the City Council.

(C) An appeal of the suspension or revocation must be requested by the licensee at the next regular schedule meeting of the City Council.

(D) At the appeal, the City Attorney shall present the complaint against the business and represent the City. The license holder has the right to retain his or her own counsel, to submit evidence and cross-examine witnesses. A simple majority vote of the City Council is required to rescind the suspension or revocation.

(E) Revocation of a business license shall not preclude or imposition of other penalties for the violation of the City's Code of Ordinances.

7-12-4 POSTING OF LICENSE. It shall be the duty of any person conducting a licensed business under this Article to post said license in a prominent place in the business premises at all times.

7-12-5 **EXEMPTIONS.** The following shall be exempt from the requirements of this Article:

- (A) Governmental entities;
- (B) Fraternal organizations;
- (C) Religious institutions;
- (D) Healthcare facilities, including nursing homes, supportive living facilities/assisted living facilities; and
- (E) Not-for-profit corporations.

7-12-6 **PENALTY.** Any person, firm or corporation violating any provision of this Article shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. Each day that any such violation or failure continues shall be considered as a separate and distinct offense and shall be punishable as such.

(Ord. No. 1686; 10-01-18)

APPENDIX "A"

BUSINESS LICENSES

The fee for businesses or activities listed below shall be:

- (A) **Bowling Alleys:** \$7.00 per lane; annual fee.
- (B) **Billiard and Pool Tables:** \$25.00 per table; annual fee.
- (C) **Other Business Licenses:** \$50.00; one-time fee.

(Ord. No. 1687; 10-01-18)

CHAPTER 8

CABLE TELEVISION

ARTICLE I – FRANCHISE AGREEMENT

8-1-1 **DEFINITIONS.** Except as otherwise provided herein, the definitions and word usage set forth in **Section 8-1-2** of this Code are incorporated herein and shall apply in this Franchise Agreement. In addition, the following definitions shall apply:

- (A) **Cable Ordinance.** Ordinance 1641 as it may be amended from time to time.
- (B) **Franchise Agreement or Agreement.** This contract and any amendments, exhibits or appendices hereto.
- (C) **Franchisee.** Cable One, LLC d/b/a NewWave Communications, a Missouri limited liability.

8-1-2 **GRANT OF AUTHORITY; LIMITS AND RESERVATIONS.**

(A) **Grant of Authority.** The Franchise issued to the Franchisee is subject to the terms and conditions of this Franchise Agreement and to the provisions of the Cable Ordinance as enacted. The Franchise grants the Franchisee the right to construct, operate, and maintain a Cable System along the public rights-of-way within the Franchise Area, for the purpose of providing cable service (including broadband service). No privilege or power of eminent domain is bestowed by this grant; nor is such a privilege or power bestowed by this Agreement. This Agreement does not confer any rights other than as expressly provided herein or as mandated by federal, state, or local law.

(B) **Franchise Area.** The Franchise is issued for the entire present territorial limits of the City of Chester, Illinois.

(C) **Term.** The Franchise and this Franchise Agreement shall expire at **12:01 A.M. on July 7, 2027**, unless the Franchise is earlier revoked or its term extended or shortened as provided herein or in the Cable Ordinance.

(D) **Grant Not Exclusive.** The Franchise and the right it grants to use and occupy the public rights-of-way are not exclusive and do not explicitly or implicitly preclude the issuance of other franchises to operate Cable Systems or other communications systems within the City, affect the City's right to authorize use of public rights-of-way by other persons to operate Cable Systems or other communications systems or for other purposes as it determines appropriate, or affect the City's right to itself construct, operate or maintain a Cable System or other communications system, with or without a Franchise.

(E) **Franchise Agreement Subject to Other Laws.** This Franchise Agreement is subject to and shall be governed by all terms, conditions and provisions of the Cable Ordinance as enacted and any applicable provision of federal, state, and local law. However, the Franchise Agreement will be the prevailing document in the event of conflicts or inconsistencies between this Agreement and the City's Cable Ordinance. In the event of any conflicts between the requirements contained within this Franchise or the local Cable Ordinance and the requirements of federal law, rules, and/or administrative agency rulings, the requirements contained in federal law shall prevail and a Franchisee shall not be held in non-compliance when its actions are consistent with the prevailing requirements.

(F) **Franchise Agreement Subject to Exercise of Police Powers.** All rights and privileges granted herein are subject to the police powers of the City and its rights under applicable laws to regulate the Franchisee and the construction, operation, and maintenance of the Franchisee's Cable System, including, but not limited to, the right to adopt and enforce additional ordinances and regulations as the City shall find reasonably necessary in the exercise of its police powers, the right to adopt and enforce generally applicable zoning, building, permitting, and safety ordinances and regulations, the right to adopt and enforce generally applicable ordinances and regulations relating to equal employment opportunities, and the right to adopt and enforce ordinances and regulations containing right-of-way, telecommunications, utility, cable television consumer protection, service standards, or rate regulation provisions, consistent with federal and state law.

(G) **Incorporation of Cable Ordinance by Reference.** By acceptance of the Franchise, the Franchisee agrees to meet all requirements of the Cable Ordinance as enacted, which is hereby incorporated by reference into and made a part of this Franchise Agreement.

(H) **Approval and Effective Date.** This Franchise Agreement shall be effective as of **April 17, 2017**, upon its approval by the City Council and execution by the City and NewWave.

(I) **Effect of Acceptance.** By accepting the Franchise and executing this Franchise Agreement, the Franchisee:

- (1) acknowledges and accepts the City's legal right to grant the Franchise, to enter into this Franchise Agreement and to enact and enforce ordinances and regulations related to the Franchise;
- (2) agrees that it will not oppose participation by the City in any legal proceeding affecting the Franchisee's Cable System;
- (3) accepts and agrees to comply with each provision of this Agreement; and
- (4) agrees that the Franchise was granted pursuant to processes and procedures consistent with applicable law, and that it will not raise any claim to the contrary.

(J) **Claims Related to Prior Franchise.** The Prior Franchise is hereby terminated and superseded prospectively.

(K) **Franchisee Bears Its Own Costs.** Unless otherwise expressly provided in this Franchise Agreement, all acts that the Franchisee is required to perform under the Cable Ordinance enacted, this Agreement or applicable law shall be performed at the Franchisee's own cost and expense, without reimbursement by the City.

(L) **No Waiver.**

- (1) The failure of the City on one or more occasions to exercise a right or to require compliance or performance under this Franchise Agreement, the Cable Ordinance, or any other applicable law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by the Franchisee, unless such right or such compliance or performance has been specifically waived in writing.
- (2) Waiver of a breach of this Agreement shall not be a waiver of any other breach, whether similar to or different from that waived. Neither the granting of the Franchise, nor any provision herein, nor any action by the City hereunder shall constitute a waiver of or a bar to the exercise of any governmental right or power of the City, including without limitation the power of eminent domain.

(M) **No Recourse.** The Franchisee and Guarantors shall have no recourse against the City for any loss, cost, expense, claim, liability or damage arising out of any action undertaken or not undertaken by Franchisee pursuant to the Franchise, this Franchise Agreement or the Cable Ordinance, whether or not such action or non-action was required by the Franchise, the Agreement or the Cable Ordinance, arising out of the enforcement or non-enforcement by the City of any provision or requirement of this Agreement or the Cable Ordinance, or otherwise arising out of the Franchise, the Agreement or the Cable Ordinance, except as otherwise expressly permitted by federal law or this Agreement.

(N) **Construction of Franchise Agreement.** The provisions of this Franchise Agreement shall be liberally construed in accordance with generally accepted rules of contract construction and to promote the public interest. The express provisions of the Franchise Agreement constitute a valid and enforceable contract between the parties. In the event of a clear conflict between the Cable Ordinance and this Agreement, the Agreement shall prevail, except where the conflict arises from the lawful exercise of the City's police power.

(O) **Amendment of Franchise Agreement.** The City shall liberally amend this Franchise Agreement upon the application of the Franchisee whenever necessary to enable the Franchisee to take advantage of developments in the field of cable communications, which, in the City's opinion, will afford the Franchisee an opportunity to serve its Subscribers more efficiently, effectively, and

economically. Such amendments shall be subject to such conditions as the City determines are reasonably necessary to protect the public interest.

(P)

Periodic Review.

- (1) If the term is extended pursuant to **Section 8-1-5(B)**, the City shall conduct a review of the Cable System during the **six (6) month** period that begins **thirty-six (36) months** prior to the expiration date of this Agreement. Such review shall be completed during such **six (6) month** period, and in sufficient time to allow the City to exercise its options hereunder. Such review shall be conducted to enable the City to determine whether the Cable System should be upgraded or rebuilt. The determination under this paragraph shall be based upon the reasonable cable-related needs and interests of the community, considering all relevant factors including the costs to the Franchisee of meeting those needs and interests.
- (2) To assist in the City's review, the Franchisee may submit a report to the City describing advances in cable technology nationwide, the results of any testing of such technology by Franchisee or its Affiliates, the potential benefits and disadvantages of those advances for the system and its subscribers and potential subscribers, and its plan and timetable for instituting any such advances in technology. Additionally, upon request by the City, the Franchisee may testify before the City or provide oral analysis of Franchisee's review of the status of local cable competition.
- (3) The review may be conducted by the City Council or by such person(s) as it may designate. The review may be conducted in conjunction with other franchise authorities. If the City Council designates reviewers, such reviewers shall provide a written report to the City Council in sufficient time to allow the City Council to exercise its options hereunder.
- (4) After conducting such a review, unless the provisions of subparagraph (5) apply, the City Council may select one of the following courses of action:
 - (a) After complying with the Cable Ordinance provisions on franchise modification, extend the term of this Agreement by a period of time no less than **one (1) year**, and no more than **four (4) years**, unless the Franchisee gives written notice that it objects to such an extension. A written renewal notice from the Franchisee submitted during the aforesaid **six (6) month** period requesting commencement of a renewal proceeding under 47 USC § 546(a) shall not constitute an objection to extension unless it contains an express statement of such objection, but in the event of an extension, such renewal notice shall continue in effect through all additional extension cycles. In the event of such an extension, the City shall conduct another review of the cable system pursuant to this subsection (p) on a schedule based on the expiration date of this Agreement as extended. Such cycle of reviews and extensions may be repeated as often as deemed appropriate by the City subject to the terms of this Agreement and the Cable Ordinance. No extension shall affect the obligations of the Guarantors hereunder. No extension shall require payment of renewal fees by the Franchisee.
 - (b) Commence a franchise renewal proceeding under 47 USC § 546(a).
 - (c) Conduct informal franchise renewal negotiations under 47 USC § 546(h).
 - (d) Conclude the review process (except the City shall comply with the Cable Act if the Franchisee submits a timely written renewal notice that is not withdrawn).

- (5) If the Franchisee submits an informal request for renewal of this Franchise on substantially the same terms and provisions but including a commitment to upgrade its cable system within the City so as to increase system channel capacity to a level acceptable to the City as of the commencement of the renewal term of the Franchise and thereafter, then the City and the Franchisee shall, after complying with the Cable Ordinance provisions on informal franchise renewal, enter into such franchise renewal agreement for a minimum term of **seven (7) additional years** (or longer if reasonably necessary to enable the Franchisee to obtain the financing required to make the upgrade) commencing on the expiration of this Franchise, which agreement shall include the foregoing commitment by the Franchisee to upgrade its cable system and such revisions as may be agreed upon by the City and the Franchisee. No renewal fee shall be required for such a renewal request.
- (6) This review process shall not override any remedies of the City, including but not limited to remedies of revocation or term reduction.

(Q) **Regional Equity.** In the event Franchisee or any of its Affiliates shall enter into any other cable franchise with any political subdivision in the County where City is located or any adjoining County in which Franchisee or its Affiliate commits to make service improvements or upgrades not currently available in the City, Franchisee shall upon written request, meet with City officials to review the technological capabilities of the City system in comparison to the other systems in question and to review its future plans for future service offerings in the City. If the City believes there is sufficient disparity between the services or technology being provided, the City may request the Franchisee to engage in informal negotiations to provide comparable services within a reasonable period of time. Upon such a request, Franchisee agrees to make a good faith effort to reach a mutually acceptable agreement with the City. In considering such matters, the City shall take into account the cable TV related needs and interests of the City, and the financial impact of implementing the services, as well as the potential impact on monthly rates to cable subscribers. The parties acknowledge that the Franchisee will be entitled to an extension of its existing Franchise of sufficient duration to permit it to recoup its costs and earn a reasonable return on its total investment.

8-1-3 REGULATION AND OVERSIGHT.

(A) **Severability.** In the event that a court or agency of competent jurisdiction declares by final decision that any provision of this Franchise Agreement is unenforceable according to its terms or is otherwise void, said provision shall be considered a separate, distinct and independent part of this Agreement, and such declaration shall not affect the validity and enforceability of all other provisions of this Agreement. Alternatively, the City may modify any such provisions to the reasonable extent necessary to make such provision enforceable if such modifications are consistent with the full intent and purposes of this Agreement.

(B) **Preemption.** In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Agreement, then subject to the City's rights under the foregoing subsection, the provision shall be read to be preempted to the extent and for the time, but only to the extent and for the time, required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the City.

(C) **Notice.** As soon as reasonably practicable following knowledge thereof, the Franchisee shall notify the City of any point of conflict believed to exist between the Cable Ordinance or this Agreement and any other provisions of law. By executing this Agreement, Franchisee represents that it is not aware of any such conflict at the time of such execution.

8-1-4 **PROVISION OF CABLE SERVICE.**

(A) The Franchisee shall make cable service available to all persons within the Franchise Area who request service, so long as their financial and other obligations to the Franchisee are satisfied, and subject to reasonable construction standards and schedules and subject to availability of legal access to the location. Franchisee shall extend its system as required by the Cable Ordinance.

(B) Free cable service and discounted broadband services shall be provided to the locations listed on **Exhibit A.**

8-1-5 **SYSTEM FACILITIES, EQUIPMENT AND SERVICES.**

(A) **System.** The Franchisee's cable system shall at all times meet or exceed its capacity and quality as of the last day of the Prior Franchise and shall meet or exceed the following requirements by **July 1, 2009**:

- (1) The System shall have a capacity of at least 750 MHz activated with video programming options that will be available to all Subscribers.
- (2) The System should utilize fiber-optic cable as necessary to improve signal reliability and performance.
- (3) If fiber optic cable is deployed, there shall be no more than **ten (10)** active components in a cascade measured from the headend to the Subscriber.
- (4) The Franchisee shall provide, and install the necessary equipment for amplification, conversion, receiving, transmitting, switching and headend processing of signals to deliver one designated access channel for educational, government and public use.
- (5) The System shall be capable of continuous **twenty-four (24) hour** daily operation without severe material degradation of signal except during extremely inclement weather or immediately following extraordinary storms that adversely affect utility services or damage major system components.
- (6) The System shall be capable of operating in temperatures as required by Federal Law or Federal standards.
- (7) The System shall meet all specifications as set forth herein or in the Cable Ordinance and any applicable Federal standards.
- (8) The System shall be operated in such a manner as to avoid causing interference with the reception of off-air signals by a Subscriber.
- (9) The upstream capacity of the System shall be such that there is only normal signal deterioration in the signal quality from the point of origin through the headend and Public, Educational, and Governmental production facilities.
- (10) The System shall use equipment generally used in high-quality, reliable, modern systems of similar design, including but not limited to, back-up power supplied capable of providing power for **two (2) hours** in the event of an electrical outage, plus adequate portable generators to cover longer outages. The obligation to provide back-up power supplies requires Franchisee to provide back-up power supplies at the headend and other relevant locations throughout the system. The obligation to provide backup power supplies requires the Franchisee to install equipment that will:
 - (a) cut in automatically on failure of commercial utility AC power;
 - (b) revert automatically to commercial power when it is restored; and
 - (c) prevent the standby power source from powering a "dead" utility line.In addition, the design and construction of the System shall include modulators, antennae, amplifiers and other electronics that permit and

are capable of passing through the signals received at the headend without substantial alteration or deterioration.

- (11) The headend shall be capable of providing at least 74 channels in full configuration and shall develop signals of high quality throughout the service area, and the headend shall have adequate ventilation and space to be able to meet or exceed applicable design and technical requirements.
- (12) The System shall allow delivery of Internet, High Definition, DVR, and telephone type services.
- (13) The System shall allow all unscrambled channels on all service tiers to be received by cable-ready television sets, and shall minimize, to the maximum extent feasible, interference with consumer electronic equipment. This Section may no longer apply when the industry goes "all digital".
- (14) The capability must exist for non-subscribers to be able to block out audio and video at least on all premium and pay-per-view channels and video on all channels.
- (15) All closed-caption programming retransmitted by the System shall include the closed-caption signal.
- (16) All System connectors, external waterproofing, system expansion loops, and grounding shall be in compliance with the applicable NEC and NESC codes. Any variations in place from construction under the Prior Franchise shall be corrected during routine maintenance and replacement.

8-1-6 CHANNELS AND FACILITIES FOR PUBLIC, EDUCATIONAL AND GOVERNMENTAL USE.

(A) Access Channels.

- (1) The Franchisee shall continue to provide and maintain channels, facilities, personnel, and financial support for Public, Educational, and Governmental (PEG) use at least to the same extent as was being provided on the last day of the Prior Franchise, and existing studios and equipment and additionally within **one (1) year** of the effective date of this Franchise, Franchisee shall to the extent funds are available provide funding for equipment purchases for PEG use.
- (2) In the event Franchisee increases the channel capacity of its System beyond the minimum required hereunder, in addition to the requirements of subsection (a)(1), the City may require the Franchisee to make available **one (1)** additional standard (6 MHz) video channel for public, educational, or governmental programming, provided the City requests such channel within **ninety (90) days** of written notice from Franchisee of the capacity increase.
- (3) The Franchisee shall provide upstream channels for PEG use. Any reference to an upstream or downstream channel for PEG use refers to a 6 MHz channel; an access channel may be used to provide **one (1)** or more channels of service.

(B) Equipment Repairs and Replacement. Throughout the Franchise term, the Franchisee shall provide for the timely repair and replacement of all of its access equipment being used by the City, the School District serving the community, or any of their designated providers, in producing or providing public, educational or governmental programming, including equipment provided under or used during the Prior Franchise.

(C) Access and Program Support. The Franchisee shall provide sufficient staff support to provide to interested members of the public and City and School District personnel training in the use of PEG access equipment and assistance in the production of PEG programming, to provide

community education and outreach, to maintain all PEG access equipment, to provide for the check-in and check-out of PEG access equipment, to schedule the use of the Franchisee's facilities by persons producing PEG programs, and to perform related matters.

(D) **Management of Channels.** The City may designate **one (1)** or more entities, including a non-profit access management corporation, to manage the use of all or part of the public, educational, and governmental access channels.

(E) **Governmental Programming Services.** Franchisee will work with the City and School District to explore alternatives to efficiently expand and better utilize PEG access. Possible enhancements might include cablecasting of City, School Board, and other key meetings, technical expertise to aid the City or School District in this regard, development of new programming on local issues, or the provision of a dedicated channel based on utilization and demand.

(F) **Costs and Payments Not Franchise Fees.** The parties for purposes of this Agreement agree that any costs to the Franchisee associated with the provision of support for public, educational or governmental access pursuant to this Franchise Agreement do not constitute and are not part of a franchise fee, and fall within **one (1)** or more of the exceptions to 47 U.S.C. § 542.

(G) **Editorial Control.** Except as expressly permitted by federal law, the Franchisee shall not exercise any editorial control over the content of programming on the designated access channels (except for Franchisee's own programming cablecast on those channels).

8-1-7 FRANCHISE FEE.

(A) **Payment of Franchise Fee.** The Grantee shall pay a Franchise fee for the use of the City's right-of-way and compensate the City for all costs associated with administering and regulating the cable system. The amount of the Franchise fee shall be **three percent (3%)** of the Grantee's annual Gross Revenues and such fee shall be paid on a calendar quarterly basis within **seventy-five (75) days** after the end of the quarter.

(B) **Reporting and Auditing of Fee Payments.**

- (1) The Grantee shall provide the Grantor with a revenue statement clearly showing the Gross Revenues covering the Franchise reporting period, and the amount of the Franchise fee due to the City for the calendar quarter within **seventy-five (75) days** after the end of the quarter.
- (2) Every year of the Franchise, the Grantee shall file with the City Clerk within **one hundred twenty (120) days** of the close of the Grantee's fiscal year, an annual report prepared and certified by an officer of the company, clearly showing the annual Gross Revenues attributable to the Chester Cable System. Extension of annual reporting requirement of such period up to **thirty (30) additional days** may be granted by the City Clerk.
- (3) The City shall have the right to audit the Grantee's financial records at the location where such records are maintained, for the purpose of re-computing any amounts to be payable to the City under this Code, provided, however, that such inspection shall take place within **thirty-six (36) months** following the receipt of such payment. Any audit made by the City shall be paid within **thirty (30) days** following written notice to the Grantee by the City of the amount due, and such notice shall include a copy of the audit report. The cost of said audit shall be borne by the Grantee, if an additional amount in excess of **five percent (5%)** of the Franchise fees due for the audit period are found to be due to the City.

8-1-8 INSURANCE, INDEMNIFICATION.

(A) **Insurance Required.** Franchisee shall maintain throughout the entire length of the Franchise period, at least the following liability insurance coverage insuring the City and the Franchisee: worker's compensation and employer liability insurance to meet all requirements of Illinois

law and comprehensive general liability insurance with respect to the construction, operation, and maintenance of the Cable System, and the conduct of the Franchisee's business in the City, in the minimum amounts of:

- (1) **One Million Dollars (\$1,000,000.00)** for property damage resulting from any **one (1) accident**;
- (2) **Two Million Dollars (\$2,000,000.00)** for personal bodily injury or death resulting from any **one (1) accident**; and
- (3) **Two Million Dollars (\$2,000,000.00)** for all other types of liability.

Neither the provisions of this Section nor any damages recovered by the City shall be construed to limit the liability of Franchisee for damages under the Franchise.

(B) **Qualifications of Sureties.** All insurance policies shall be with sureties qualified to do business in the State of Illinois, with a B+7 or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition, and in a form approved by the City.

(C) **Policies Available for Review.** All insurance policies shall be available for review by the City, and Franchisee shall keep on file with the City certificates of insurance.

(D) **Additional Insureds; Prior Notice of Policy Cancellation.** All general liability insurance policies shall name the City, its officers, boards, board members, commissions, commissioners, agents, and employees as additional insured and shall further provide that any cancellation or reduction in coverage shall not be effective unless **thirty (30) days** prior written notice thereof has been given to the City Clerk. Franchisee shall not cancel any required insurance policy without submission of proof that the Franchisee has obtained alternative insurance reasonably satisfactory to the City Council which complies with the Cable Ordinance and this Franchise Agreement.

(E) **Failure Constitutes Material Violation.** Failure to comply with the insurance requirements set forth in this Section shall constitute a material violation of the Franchise.

(F) **Indemnification.**

- (1) Franchisee shall, at its sole cost and expense, indemnify, hold harmless, and defend the City, its officials, boards, board members, commissions, commissioners, agents, and employees, against any and all claims, suits, causes of action, proceedings, and judgment for damages or equitable relief arising out of the construction, maintenance, or operation of its Cable System; copyright infringements or a failure by the Franchisee to secure consents from the owners, authorized distributors, or licensees of programs to be delivered by the Cable System; the conduct of the Franchisee's business in the City; or in any way arising out of the granting of the Franchise or Franchisee's enjoyment or exercise of this Franchise, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by the Cable Ordinance or this Franchise Agreement.
- (2) Specifically, but not by way of limitation on the scope of (1) above, Franchisee shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the City, and in their capacity as such, the officers, agents, and employees thereof, from and against any and all claims, suits, actions, liability, and judgments for damages or otherwise subject to Section 638 of the Cable Act, 47 U.S.C. § 558, arising out of or alleged to arise out of the installation, construction, operation, or maintenance of its System, including but not limited to any claim against the Franchisee for invasion of the right of privacy, defamation of any Person, or the violation or infringement of any copyright, trade mark, trade name, service mark, or patent, or of any other similar right of any Person. This indemnity does not apply to programming carried on any channel set aside for public, educational, or government use, or channels leased pursuant to 47 USC § 532, unless the Franchisee was in any respect engaged in determining the editorial content of the program, or prescreened the programming for the purported purpose of banning or regulating indecent or obscene programming.

- (3) The indemnity provision includes, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim, suit, or proceeding prior to Franchisee assuming such defense. The City shall notify Franchisee of claims and suits as soon as practicable, but failure to give such notice shall not relieve Franchisee of its obligations hereunder. Once Franchisee assumes such defense, the City may at its option continue to participate in the defense at its own expense.
- (4) Notwithstanding anything to the contrary contained in this Agreement, the City shall not be so indemnified or reimbursed in relation to any amounts attributable to the City's own negligence, willful misconduct, intentional or criminal acts, including in the performance of its obligations under the Cable Ordinance or this Franchise Agreement.

8-1-9 MISCELLANEOUS PROVISIONS.

(A) **Governing Law.** This Franchise Agreement was made in and shall be governed in all respects by the law of the State of Illinois.

(B) **Notices.** Unless otherwise expressly stated herein, notices required under this Franchise Agreement shall be mailed first class, postage prepaid, to the addressees below. Each party may change its designee by providing written notice to the other party, but each party may only designate one entity to receive notice.

- (1) Notices to the Franchisee shall be mailed to:

NewWave Communications
Attn: Andrew Paluga
One Montgomery Plaza, 4th Floor
Sikeston, MO 63801

- (2) Notices to the City shall be mailed to:

City Clerk
City of Chester
1330 Swanwick Street
Chester, IL 62233

(C) **Time of Essence.** In determining whether the Franchisee has substantially complied with this Franchise Agreement, the parties agree that time is of the essence.

(D) **Captions.** The captions and headings of this Agreement are for convenience and reference purposes only, and shall not affect in any way the meaning and interpretation of any provisions of this Agreement.

(E) **Integration.** This Agreement set forth the entire agreement between the parties respecting the subject matter hereof. No other agreements, covenants, representations or warranties, express or implied, oral or written, have been made by any party to another with respect to the subject matter of this Agreement. All prior and contemporaneous conversations, negotiations, possible and alleged agreements, representations, covenants and warranties with respect to the subject matter hereof are waived, merged herein and therein and superseded hereby and thereby.

AGREED TO THIS 17TH DAY OF APRIL, 2017.

CITY OF CHESTER, ILLINOIS

CABLE ONE
D/B/A NEWWAVE COMMUNICATIONS

By: _____
Mayor

By: _____

Name: _____

ATTEST:

Title: _____

City Clerk

(Ord. No. 1641; 04-17-17)

**ARTICLE II - CABLE/VIDEO SERVICE PROVIDER FEE
AND PEG ACCESS FEE**

8-2-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

(A) **"Cable Service"** means that term as defined in 47 U.S.C. § 522(6).
(B) **"Commission"** means the Illinois Commerce Commission.
(C) **"Gross Revenues"** means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the City.

- (1) Gross revenues shall include the following:
 - (a) Recurring charges for cable or video service.
 - (b) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
 - (c) Rental of set top boxes and other cable service or video service equipment.
 - (d) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.
 - (e) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
 - (f) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
 - (g) A *pro rata* portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the City. The allocation shall be based on the number of subscribers in the City divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.
 - (h) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (i).
 - (i) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
 - (j) The service provider fee permitted by 220 ILCS 5/21-801(b).
- (2) Gross revenues do not include any of the following:
 - (a) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).
 - (b) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-

issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.

- (c) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.
 - (d) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the City and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.
 - (e) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, state, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.
 - (f) Security deposits collected from subscribers.
 - (g) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.
- (3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

(D) **"Holder"** means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(E) **"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.

(F) **"Service Provider Fee"** means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to a City for the service areas within its territorial jurisdiction.

(G) **"Video Service"** means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

8-2-2 CABLE/VIDEO SERVICE PROVIDER FEE IMPOSED.

(A) **Fee Imposed.** A fee is hereby imposed on any holder providing cable service or video service in the City.

(B) **Amount of Fee.** The amount of the fee imposed hereby shall be **three percent (3%)** 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 116.02(b).

8-2-3 PEG ACCESS SUPPORT FEE IMPOSED.

(A) **PEG Fee Imposed.** A PEG access support fee is hereby imposed on any holder providing cable service or video service in the City in addition to the fee imposed pursuant to **Section 8-2-2(B).**

(B) **Amount of Fee.** The amount of the PEG access support fee imposed hereby shall be **one percent (1%)** of the holder's gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the City or its designee for PEG access support in the City.

(C) **Payment.** The holder shall pay the PEG access support fee to the City or to the entity designated by the City to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in **Section 8-2-2(D).**

(D) **Payment Due.** The payment of the PEG access support fee shall be due on a quarterly basis, **forty-five (45) days** after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(E) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to **220 ILCS 5/21-301(c)** shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that the operator owed under **Section 8-2-3(B).**

8-2-4 APPLICABLE PRINCIPLES. All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

8-2-5 NO IMPACT ON OTHER TAXES DUE FROM HOLDER. Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the City, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the City's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

8-2-6 AUDITS OF CABLE/VIDEO SERVICE PROVIDER.

(A) **Audit Requirement.** The City will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the City imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recomputed any amounts determined to be payable under the requirements of the City. If all local franchises between the City and cable operator terminate, the audit requirements shall be those adopted by the City pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.* found in Chapter 36. No acceptance of amounts remitted should be construed as an accord that the amounts are correct. **(See Chapter 36 - Taxation)**

(B) **Additional Payments.** Any additional amount due after an audit shall be paid within **thirty (30) days** after the municipality's submission of an invoice for the sum.

8-2-7 LATE FEES/PAYMENTS. All fees due and payments which are past due shall be governed by ordinances adopted by this municipality pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*

(See 220 ILCS 5/21-801)

ARTICLE III - CABLE AND VIDEO CUSTOMER PROTECTION LAW

8-3-1 **CUSTOMER SERVICE AND PRIVACY PROTECTION LAW.**

(A) **Adoption.** The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and may be applicable to the cable or video providers offering services within the City's boundaries.

(B) **Amendments.** Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Article shall be incorporated into this Article by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the City.

8-3-2 **ENFORCEMENT.** The City does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the City.

8-3-3 **CUSTOMER CREDITS.** The City hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

8-3-4 **PENALTIES.** The City, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed **Seven Hundred Fifty Dollars (\$750.00)** for each day of the material breach, and shall not exceed **Twenty-Five Thousand Dollars (\$25,000.00)** for each occurrence of a material breach per customer.

(A) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.

(B) The City shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least **thirty (30) days** from the receipt of the notice to remedy the specified material breach.

(C) A material breach, for the purposes of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (B).

EXHIBIT A

Chester Community Grade School
Chester High School
St. John Lutheran School
St. Mary's Catholic School
Memorial Hospital of Chester
Western Egyptian Nutrition Site of Chester
Chester City Hall/Police Department
Chester Public Library
Chester Water Plant
Chester Fire Department
Chester Welcome Center

(Ord. No. 1641; 04-17-17)

CHAPTER 9

CEMETERY BOARD

ARTICLE I - GENERALLY

9-1-1 **DEPARTMENT ESTABLISHED.** There is hereby established a department of municipal government which shall be known as the Cemetery Department. It shall consist of the Cemetery and Finance Committee, the Cemetery Board, the Cemetery Sexton, the Cemetery Clerk and the cemetery employees. **(65 ILCS 5/11-52.1-2, 5/11-52.2-1) (Ord. No. 1460; 06-15-09)**

9-1-2 **BOARD ESTABLISHED.** There is hereby created a Cemetery Board, which shall have the control, supervision and direction of the City Cemetery of this City, subject to the direction or approval of the City Council. **(#558; 11-4-63)**

9-1-3 **APPOINTMENT.** The Mayor, with the advice and consent of the City Council, shall appoint a Board of **three (3) persons** who shall be known as the Cemetery Board of Managers, who shall hold their offices for a period of **two (2) years**, or until their successors are appointed.

9-1-4 **ORGANIZATION; BOND.** The Board of Managers shall meet and organize by selecting **one (1)** of their number to be President and another of their number to be Clerk of the Board, and also to select a Treasurer of such Board, who may or may not be one of their number, and who, before entering upon his duties as such, shall execute a bond to the People of the State of Illinois for the use of the Board of Managers, in a penal sum not less than double the value of the money or property coming into his hands as such Treasurer, conditioned for the faithful performance of his duties and for the faithful accounting for all property which, by virtue of his office, comes into his hands, and to be in such form and with such sureties as may be approved by the City Council, to be approved and preserved in the same manner as is the bond of the Treasurer of such City.

9-1-5 **TREASURER CUSTODIAN OF FUNDS.** 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, and shall quarterly make a report in writing 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 which report shall be

audited by the Board, and if found to be correct, shall be transmitted to the City Council at the same time that the City Treasurer is required by law to make reports. (**#558; 11-463**)

9-1-6 **INVESTMENTS.** The Board of Managers in making investment of any such funds as authorized to be invested by the Board shall not invest in securities other than bonds of the United States, or of Federal Loan Banks, or Municipal bonds of this State, or bonds, stock or debentures issued by Building and Loan Associations organized pursuant to the laws of this State, or in mortgages on improved and productive real estate in this State, being first liens thereon; and such real estate being worth at least twice the amount loaned thereon. (**#558; 11-4-63**)

9-1-7 **GIFTS & BEQUESTS.** The Board of Managers are authorized and empowered to receive in trust from the proprietors or owners of any lot or lots in the Cemetery, or from any person interested in the maintenance of the Cemetery, any gift, devise or bequest of any money or property, which may be donated to the Board of Managers for the use and maintenance of the Cemetery. The Board of Managers shall have the right to convert any devise or bequest of property, real or personal, into money and invest the same as in this Code provided and apply the income thereof perpetually for the care of the Cemetery or the care and maintenance of the Cemetery as shall be specified in the gift, bequest or devise, and as may be provided by this Code. (**#558; 11-4-63**)

9-1-8 **VESTING.** Every gift, bequest or devise for any of the purposes mentioned in this Code made to the Cemetery, by its name having a Board of Managers, appointed by law, shall vest in such Board of Managers, and take effect to all intents and purposes as if made to such Board; and shall not fail because such Cemetery may not be incorporated. (**#558; 11-4-63**)

9-1-9 **PERMANENT RECORDS; REMOVAL OF OFFICERS.** The Clerk of the Board of Managers, in a book provided for such purpose, shall keep a permanent record of the proceedings of the Board, signed by the President and attested to by the Clerk, 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 quarterly make a report in writing, under oath, to the City Council, stating therein, substantially the same matter required to be reported by the Treasurer of the Board; which report, if found to be correct, shall be approved and preserved by the City Council.

The City Council 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. **(Ord. No. 558; 11-04-63)**

9-1-10 ADDITIONAL DUTIES. The Cemetery Board shall have the powers vested in it by **Chapter 760, Section 100/1, et seq.**, and such other powers and duties as may be delegated to it from time to time by the City Council.

9-1-11 RECOMMENDATIONS. The Cemetery Board shall make recommendations to the City Council, or its committee, from time to time as to the policies to be pursued and laws necessary for the efficient operation of the City Cemetery.

9-1-12 COUNCIL DELEGATE. In addition to the Cemetery Board, the Mayor shall annually appoint **three (3) Aldermen** (Cemetery and Finance Committee), as non-voting members of the Board. They shall meet with the Cemetery Board and shall keep the City Council informed as to all matters coming before the Board.

9-1-13 CEMETERY SEXTON AND CEMETERY CLERK. There is hereby created the offices of Cemetery Sexton and Cemetery Clerk. The Cemetery Sexton shall be appointed for a term of **one (1) year** by the Mayor with the advice and consent of the City Council at the first meeting in May. The Cemetery Sexton shall receive a salary established and set by the City Council. The Cemetery Clerk shall be appointed for a term of **one (1) year** by the Mayor with the advice and consent of the City Council at the first meeting in May. The Cemetery Clerk shall receive a salary established and set by the City Council. **(Ord. No. 1460; 06-15-09)**

(See 760 ILCS 100/1 through 100/24; 65 ILCS Sec. 5/11-52.1)

ARTICLE II - REGULATIONS

9-2-1 **NAMED.** All of that tract of land heretofore and now used as a cemetery and the addition thereto in the City of Chester which has been dedicated as a cemetery, is hereby rededicated for that purpose, and shall continue to be known as "Evergreen Cemetery" and shall be used only for that purpose and subject to such rules and regulations as may be hereafter passed by the Council.

9-2-2 **CEMETERY CLERK – PLAT AND RECORDS.** It shall be the duty of the Cemetery Clerk to keep a correct plat of the Evergreen Cemetery together with a full and complete record of all persons who have purchased and own lots in the cemetery, and upon the sale of any lot, shall cause to be prepared a deed for such a lot to be executed by the City. The Cemetery Clerk shall be under the direction of the Cemetery Sexton and shall perform such other duties as may be assigned by the Cemetery Sexton. **(Ord. No. 1460; 06-15-09)**

9-2-3 **CEMETERY SEXTON - CONTROL OF CEMETERY.** The Cemetery Sexton shall have control of the Cemetery under the direction of the Mayor and the general supervision of the Cemetery and Finance Committee and the Cemetery Board and shall keep the Cemetery in good order, clean of all rubbish, cut all grass and weeds from the walks and passage ways and perform such other duties as may be assigned by the Mayor. **(Ord. No. 1460; 06-15-09)**

9-2-4 **DIG GRAVES.** Upon the presentation to the Cemetery Sexton by any person of a burial permit, he/she shall, without further fee, dig such grave as may be designated in the permit. Any grave so dug by him/her shall be dug so that the bottom of the coffin shall be at least **six (6) feet** below the surface of the ground. **(Ord. No. 1460; 06-15-09)**

9-2-5 **DAMAGE TO PROPERTY.** 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 Evergreen Cemetery, or willfully disturb the contents of any vault or tomb or grave.

9-2-6 **RIDING ON GRASS.** No person shall ride any horse or drive upon any private lot in the Evergreen Cemetery.

9-2-7 **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.

9-2-8 **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 in the Evergreen Cemetery at any time. (**#627; 3-1-71**)

9-2-9 **BURNING IN CEMETERY.** It shall be unlawful to burn any refuse, such as papers, boxes, waste building materials or any other waste substances and materials in the Evergreen Cemetery without first securing a permit from the City Clerk. (**#627; 3-1-71**)

9-2-10 **FEES.** The City shall charge a fee in an amount equal to the Perpetual Care Fee, plus the regular cost of opening a grave in any plot in the Cemetery. The fees shall be determined and set by the Cemetery Board. (**#608; 12-2-68**)

9-2-11 **BURIALS.** No deceased body shall be buried within the limits of the City, at any other place than in the Evergreen Cemetery or an addition thereto or a designated cemetery. With each burial in the Evergreen Cemetery, the Cemetery Clerk shall issue a deed for that plot.

9-2-12 **RECORDS.** The Cemetery Clerk shall cause to be kept a record in a well bound book 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. (**Ord. No. 1460; 06-15-09**)

9-2-13 **GRAVE DECORATIONS.** 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 **six (6) months**. Decorations that interfere with cemetery maintenance, or become unsightly, will be removed at the discretion of the Cemetery Sexton.

9-2-14 **HOURS CEMETERY OPEN TO PUBLIC.** The Evergreen Cemetery shall be open to the public from sunrise to sunset of the same day. Anyone who is present in the Evergreen Cemetery from sunset to sunrise of the following day without the permission of the Mayor or Cemetery Sexton shall be guilty of trespass. (**Ord. No. 1787; 02-22-23**)

(See 65 ILCS 5/11-52.1-2 and 5/11-52.2-2)

CHAPTER 11

EMPLOYEES

ARTICLE I - PERSONNEL CODE

11-1-1 **DEFINITIONS.** The following terms as used in this Article shall have the meanings indicated:

(A) **"DEPARTMENT HEAD OR SUPERINTENDENT"**. Any appointed person who has direct supervision and responsibility for personnel, records, funds, maintenance and service to be performed by a municipal department.

(B) **"FULL-TIME EMPLOYEE"**. Any person who works **forty (40) hours** per week unless otherwise provided for.

(C) **"PART-TIME EMPLOYEE"**. Any person who works less than **forty (40) hours** per week unless otherwise provided for. Part-time employees are paid by the hour for all hours worked and are not eligible for sick leave, vacation leave, holiday pay, etc.

(D) **"TEMPORARY EMPLOYEE"**. Any person who is hired on temporary or seasonal basis (less than **six (6) months**). Temporary employees are paid by the hour for all hours worked and are not eligible for sick leave, vacation leave, holiday pay, etc. Notwithstanding any other provisions of this Chapter, temporary employees shall not be required to reside within the City limits. **(Ord. No. 1284; 02-02-04)**

11-1-2 **APPLICABILITY.** The provisions of this Article will apply to all employees, (except elected officials) including full-time, part-time and temporary employees unless stated otherwise. **(Ord. No. 1284; 02-02-04)**

11-1-3 **APPOINTMENT OF OFFICIALS AND SUPERVISORY PERSONNEL.** The Mayor, with the advice and consent of the City Council, shall appoint all personnel with departmental supervisory or official capacity. **(See Chapter I; Article II of this Code) (Ord. No. 1284; 02-02-04)**

11-1-4 **EMPLOYMENT OF PERSONNEL.**

(A) **Full-Time Employees.** Upon recommendation by a Department Superintendent, if applicable, and upon completion of all application requirements, including but not limited to a criminal background check and possession of a valid Illinois Driver's License, full-time, non-police employees shall be hired by the Mayor with the advice and consent of the City Council. Police appointments shall be made pursuant to the Board of Fire and Police Commissioners Act. The Municipal Clerk shall appoint the various clerks and subordinates in his or her office pursuant to **65 ILCS 5/3.1-10-45** and with the advice and consent of the City Council. **(Ord. No. 1603; 05-18-15)**

(B) **Part-Time/Temporary Employees.** Part-time and temporary employees shall be hired by the Mayor and City Council and shall possess a valid Illinois Driver's License. Temporary employees shall have a start and end date specified at the time of hire. Any extensions to this schedule shall be approved by the Mayor and City Council. **(Ord. No. 1603; 05-18-15)**

(C) **Utility Pool of Employees.** All employees of the various utilities of the City (Water Department consisting of the Water Plant and the Water Distribution System, Sewer Department, Gas Department, Street Department, Park Department and Cemetery Department) shall be considered to be in a Utility Pool of Employees so that any employee whether he/she be full-time or part-time, including the Recreational Director, Cemetery Sexton and Cemetery Clerk, may be assigned to work in another department different from the department in which he/she normally works or at the direction of another Superintendent if necessary. An employee who is assigned to work in a different department than he/she normally works or at the direction of another Superintendent shall receive the same salary that he/she normally receives. **(Ord. No. 1460; 06-15-09)**

11-1-5 PHYSICAL EXAMINATION. Applicants who have received a conditional offer of employment will be required to take a physical examination and drug test by a physician of the City's choosing before starting work. The examination will be given in order to determine whether or not the employee is physically able to perform the essential functions of the job. The physician's examination fee shall be paid for by the City. The results of the physical examination shall be maintained in a separate file and be treated as confidential information and shall not be disclosed except as allowed by law. 42 U.S.C. § 1212(d)(3). Further, if it is determined by the examining physician that the employee is unable to perform the essential functions of the job, the City will attempt to reasonably accommodate the employee pursuant to ADA requirements. **(Ord. No. 1036; 02-16-93) (Ord. No. 1284; 02-02-04)**

11-1-6 PROHIBITION AGAINST DISCRIMINATION. The City does not discriminate against any employee on the basis of race, sex, creed, religion, color, marital or parental status, age, national origin, political affiliation and/or beliefs, mental and/or physical handicap or disability, or any other characteristic that is currently protected by applicable law. **(Ord. No. 1284; 02-02-04)**

11-1-7 RESIDENCE REQUIREMENT. Personnel hereafter employed by the City must be bona fide residents of the City, except at the time of appointment or employment, when they need not be residents of the City, but shall establish residence in the City within **six (6) months**. Failure to maintain residency within the City shall be grounds for dismissal. This provision does not apply to temporary employees, volunteer Fire Department members, (whose residency is governed by Chapter 30, Section 30-5-5 of this Code), part-time police officers and part-time dispatchers (whose residency is governed by Chapter 30, Section 30-2-12(C)(6) of this Code), and Police Union Members whose residency is governed by their current contract with the City. Personnel shall maintain an up-to-date record of residence address with the City Clerk. **(Ord. No. 1606; 07-06-15)**

11-1-8 RETIREMENT FUND. The City is a member of the Illinois Municipal Retirement Fund. All permanent, full-time employees (except police

officers who have their own pension fund) must join this retirement fund and pay a portion of their salary through payroll deductions. The City excludes from participation in the Illinois Municipal Retirement Fund all officials and employees in positions normally requiring performance of duty for less than **one thousand (1,000) hours** per year. Employees in positions normally requiring performance of duty for **one thousand (1,000)** or more hours per year (except police officers who have their own pension fund) must join this retirement fund and pay a portion of their salary through payroll deductions. The City also participates in contributing to the retirement system. Each participating employee receives credits for purpose of determining the amount of annuity or benefits to which he/she is entitled. The fund also pays disability benefits. **(Ord. No. 1308; 10-04-04)**

11-1-9 **HEALTH INSURANCE.** The City may provide health and dental insurance for all full-time employees. The City may from time to time at its discretion adjust the portion of the health and/or dental insurance premium which the City pays. The length of time one must work prior to health insurance eligibility shall be governed by the City's current health insurance contract. Payroll deductions can be made for dependent coverage if requested by the employee. **(Ord. No. 1284; 02-02-04)**

11-1-10 **ACCIDENT REPORTS.** Personnel involved in or having knowledge of any accident in which any person employed by the City or any property or equipment owned by the City is involved shall immediately report the accident and pertinent information to the Department Superintendent who shall forward such information to the office of the Risk Management Coordinator. The coordinator shall record the information on **three (3) copies** of the applicable accident form, **one (1) copy** to be forwarded to the insurance carrier, **one (1) copy** to the City Attorney, and **one (1) copy** retained on file. **(Ord. No. 1284; 02-02-04)**

11-1-11 **DISMISSAL/DISCIPLINE.** All non-police, non-union employees of the City shall be employed at the will of the City and may be dismissed by the Mayor with the advice and consent of the City Council at any time with or without cause. The Personnel Code is not a promise of employment or continued employment, is not a contract and may be altered or deleted at any time, with or without notice. This Section shall not apply to any police or union employees nor to the City Clerk's employees whose dismissal shall be made by the City Clerk with the advice and consent of the City Council.

In addition to the foregoing, the Mayor and/or the Mayor's designee in his absence shall have the authority to discipline employees including the power to impose reprimands and suspensions. Any suspension imposed shall not exceed **thirty (30) days**. All disciplinary actions shall be subject to review by the City Council at the request of the employee. The employee's request shall be in writing and submitted to the Mayor within **ten (10) days** from the date the disciplinary action was taken. If no request for review is received by the Mayor within the stated time period, the disciplinary action shall be deemed final. **(Ord. No. 1284; 02-02-04)**

11-1-12 **APPOINTED OFFICIALS.** Except where otherwise provided by statute, the Mayor may remove any officer appointed by the Mayor under this Code, on any written charge, whenever the Mayor is of the opinion that the interests of the City demand removal. The Mayor shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than **five (5) days** nor more than **ten (10) days** after the removal. If the Mayor fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities by a **two-thirds (2/3) vote** of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas and nays, which shall be entered upon the journal of the corporate authorities. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. **(65 ILCS 5/3.1-35-10) (Ord. No. 1284; 02-02-04)**

11-1-13 **OUTSIDE EMPLOYMENT.** No municipal employee shall be engaged in any outside employment which will impair the performance of his or her duties or be detrimental to the municipal service. **(Ord. No. 1284; 02-02-04)**

11-1-14 **DUES AND CHECKOFF.** Employees may authorize the payroll clerk to deduct or checkoff from their paycheck, the amount of their dues to a labor union, organization or association, to which the employee belongs so long as such labor union, organization or association shall have a minimum of **six (6) employees** of the City, authorizing such deduction, or provided that more than **fifty percent (50%)** of the eligible members of any given municipal department authorize such deduction. Any employee desiring such deduction shall sign an authorization card which shall be effective until the end of the municipal fiscal year in which that card is submitted to the payroll clerk. If any employee desires to revoke the authorization during the fiscal year, he/she shall so notify the payroll clerk, in writing, at least **thirty (30) days** prior to the date he/she wishes to revoke the authorization. **(Ord. No. 1284; 02-02-04)**

11-1-15 **GRIEVANCE.** Employees with any grievance arising out of their employment by the City, except requests for a general wage increase, shall have the right of appeal to their immediate department supervisor. Appeal shall be made in writing and may be presented by the employee individually, or by the employee's selected representative. In the event the grievance cannot be settled between the department supervisor and the employee, or his/her selected representative, the department supervisor shall submit a report in writing, **one (1) copy** to the Chairman of the Department's Committee, and **one (1) copy** to the Mayor. The Mayor shall have the final decision with the exception of a grievance for a dismissal which shall be made by both the Mayor and the City Council and disciplinary actions which are appealable to the City Council per **Section 11-1-11. (Ord. No. 1284; 02-02-04)**

11-1-16 EMPLOYEE ORGANIZATIONS. Employees of the City may fully and freely associate themselves in organizations of their own choosing for their mutual benefit. No employee shall be required by the City to join any such organization as a condition of employment or continuation thereof. The right of an employee with or without such an organization to petition the Mayor and the City Council is hereby recognized. Employees of the City shall have the right to organize and designate representatives of their own choosing from among themselves for the purpose of collective bargaining and the right of such representative to meet with designees of the Mayor and City Council is hereby recognized. Employees shall have the right to negotiate with the designees of the Mayor and City Council without representation, if they see fit to do so. Such collective bargaining or negotiation shall be conducted at a designated time and place as is agreed upon by the employees and their representatives and the designees of the Mayor and City Council. Nothing shall be construed herein by anyone that the City waives any rights, recourse or remedies available to it under the Illinois Public Labor Relations Act nor shall this be construed to be a grant of recognition to any person or group as a bargaining agent for any employee of the City. **(Ord. No. 1284; 02-02-04)**

11-1-17 POLITICAL ACTIVITY. No City employee shall be required to contribute any money or anything of value to any candidate for nomination or election to any office or to any campaign or political committee or take part in any political campaign except to cast his/her vote and to express his/her personal opinion. **(Ord. No. 1284; 02-02-04)**

11-1-18 MILITARY LEAVE. The City will comply with all applicable laws relating to employees' military obligations, including but not limited to the Uniformed Services Employment and Re-employment Rights Act, 38 U.S.C. § 4301 et seq. and the Public Employee Armed Services Rights Act, 5 ILCS 330/1 et seq. **(Ord. No. 1284; 02-02-04)**

11-1-19 ATTENDANCE IN COURT. Any employee called for jury duty or subpoenaed by a legislative, judicial, or administrative tribunal, shall be allowed time away from work with pay, except in matters of non-work related personal litigation, for such purposes. Upon receiving the sum paid for jury service or witness fees, the employee shall submit the warrant, or its equivalent, to the agency to be returned to the fund in the City Treasury from which the original payroll warrant was drawn. If an employee is reimbursed for mileage, he/she is entitled to keep this amount. Provided, however, an employee may elect to fulfill such call or subpoena on accrued time off and retain the full amount received for such service. An employee called for reasons contained herein shall have such days considered as days worked for the purpose of scheduling. In addition, an employee shall be given an equal amount of days off from work on his or her next pay period for any days which

he/she would otherwise not have worked. On any day when such employee is excused from jury duty, he/she will be expected to report for duty at the regular place of work if within reasonable commuting distance or be charged annual leave for the time excused from jury duty. Likewise, any period of time for which an employee is excused from jury duty because of illness shall be charged against sick leave. **(Ord. No. 1284; 02-02-04)**

11-1-20 **LEAVE OF ABSENCE.** Leave of absence without pay may be granted for a period not to exceed **six (6) months** when the granting of such leave is in the mutual interests of the City and the employee. Such leave shall require approval of the Department Superintendent and the Mayor. The employee shall not accrue employee benefits while on leave without pay. However, premiums for insurance programs provided by the City may be paid by the employee during this period.

11-1-21 **ABSENCE WITHOUT LEAVE.** No employee may absent himself from duty without permission of his department head. Absence without leave shall be sufficient cause of forfeiture of all rights and privileges earned while employed. Any employee absent for **three (3) consecutive working days** without notice and without sufficient reason shall be considered to have resigned.

11-1-22 **SPECIAL LEAVE.** Employees or officials on special leave for official City business, special education, or training, upon authorization by the City Council, shall receive a regular pay during the period of the leave. It is further provided that the Council may authorize that all necessary expenses be paid by the City.

11-1-23 **TRAVELING EXPENSE.** Request for travel expense funds for official City business, special education or training shall be submitted for Council approval. An employee is expected to show good judgment and an appreciation for economy when incurring travel expenses. Staff vehicles are to be used only for activities directly related to the conduct of business. Under no circumstances are the vehicles to be used for personal activities. Reimbursement is provided for the use of employee's private vehicles for official business at the rate designated by the State of Illinois for actual mileage traveled. Private vehicles will only be used when Department vehicles are not available and prior approval is given by the Mayor. Use of staff vehicles is restricted to employees who have a valid driver's license with current liability insurance. Employees are not permitted to use vehicles without the knowledge of their supervisor or Superintendent.

11-1-24 **RESIGNATION.** All benefits cease at midnight on the date of termination with the exception of insurance benefits that will cease at the end of the month of the termination. Employees may elect to continue participation in the City's insurance plan on a self-pay basis as provided by federal statutes. The employee will be paid for all accrued and unused time as provided elsewhere in Chapter 11 of this Code. Monies accumulated in the employee's retirement account may be refundable according to IMRF rules. Forms required to request this refund are available from the City Clerk's office.

11-1-25 **WORK DAYS AND WORK WEEK.** Unless otherwise agreed upon or provided for and except in cases of emergency, as determined by the Department Supervisor or Mayor, the municipal work week shall be **forty (40) hours** per week. There shall be provided at least **eight (8) hours** rest in each **twenty-four (24) hour** period. Department Supervisors shall establish a normal work day specifically designating the starting time, the quitting time, and the lunch period. Employees shall be at their places of work according to these departmental regulations. All departments shall maintain a daily attendance record of employees, and file a daily report with the payroll clerk.

11-1-26 **OVERTIME.** Overtime work is work in addition to the established schedule of hours of work per week and shall be kept to a minimum. Overtime shall be paid at the rate of **time and one-half (1 1/2) times** the rate for each hour of overtime put in by the employee.

11-1-27 **LAYOFF AND RECALL.** The Mayor and City Council shall authorize the lay off of employees when necessary due to changes in duties or lack of work or funds.

In the event it becomes necessary to lay off employees for any reason, employees will be laid off based on the following criteria: Employee's knowledge, skills, and abilities in relation to positions available, lack of work, lack of funds, the employee's length of service, the employee's work record including commendations as well as disciplinary action, the employee's attitude and relations with other employees as well as other agencies and change in duties of the department. The employee shall receive **two (2) weeks'** notice.

11-1-28 **HOLIDAYS.** Holidays to be observed with pay are: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Friday following Thanksgiving Day, Christmas Eve, Christmas Day, General Election Day (on which members of the House of Representatives are elected). When any such holiday falls on Sunday, the Monday next following shall be held and considered such holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday.

When a holiday falls on an employee's scheduled day off or an employee works on a holiday, equivalent time off shall be granted within the following **twelve (12) month** period. It shall be granted on the day requested by the employee unless to do so would interfere with the employer's operations, in which event the employee's next requested day off shall be given. A holiday earned must be used within **one (1) year** of the date the holiday was earned. When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, the employee will be charged with that holiday and retain the vacation day.

To be eligible for holiday pay, the employee shall work the employee's last scheduled work day before the holiday and first scheduled work day after the holiday, unless absence on either or both of these work days is for good cause and approved by the employee's Direct Supervisor or Mayor. **(Ord. No. 1283; 01-20-04)**

11-1-29 VACATION. All full-time municipal employees shall be eligible and earn vacation time in accordance with the following schedule:

(A) From the date of hire until the completion of **five (5) years** of continuous service: **ten (10) work days** per year of employment. **(.83/mo.)**

(B) From the completion of **five (5) years** of continuous service until the completion of **nine (9) years** of continuous service: **fifteen (15) work days** per year of employment. **(1.25/mo.)**

(C) From the completion of **nine (9) years** of continuous service until the completion of **fourteen (14) years** of continuous service: **seventeen (17) work days** per year of employment. **(1.42/mo.)**

(D) From the completion of **fourteen (14) years** of continuous service until the completion of **nineteen (19) years** of continuous service: **twenty (20) work days** per year of employment. **(1.67/mo.)**

(E) From the completion of **nineteen (19) years** of continuous service until the completion of **twenty-five (25) years** of continuous service: **twenty-two (22) work days** per year of employment. **(1.83/mo.)**

(F) From the completion of **twenty-five (25) years** of continuous service: **twenty-five (25) work days** per year of employment. **(2.08/mo.)**

When the beginning date of employment is between the **first (1st)** and **fifteenth (15th) day** of the month, vacation will be earned during that month. When employment begins after the **fifteenth (15th) day** of the month, accumulation will begin the following month. An employee may begin using vacation time after he/she has been employed for a period of **six (6) months**.

No employee of the City, while on leave of absence, may earn vacation time during such period or periods of leave of absence.

Vacation time may be taken in increments of not less than **one (1) hour** increments at a time and may be taken any time after it is earned. Vacation time shall not be accumulated for more than **twenty-four (24) months** after the end of the calendar year in which it is earned.

Vacation time earned shall be computed in work days. After an employee's earned vacation time has been so computed, if there remains a fractional balance of **one-half (1/2)** of a work day or less, the employee shall be deemed to have earned vacation time of **one-half (1/2)** of a work day in lieu of the fractional balance; if there remains a fractional balance of more than **one-half (1/2)** of a work day, the employee shall be deemed to have earned a full work day of vacation time in lieu of a fractional balance.

Such rounding off of fractional balances shall only be done upon an employee's request for vacation days in increments of **five (5) days** or more. However, no employee shall accumulate more than **one (1) day** per calendar year by rounding off under this Section.

If because of operating needs the employer cannot grant an employee's request for vacation time within the **twenty-four (24) month** period after the expiration of the calendar year such time was earned, such vacation time shall be liquidated in cash at straight time provided the employee has made at least **three (3) requests** for such time within the calendar year preceding liquidation.

Upon termination of an employee for any reason, the employee or the employee's estate shall receive pay for all unused accrued vacation days. Such shall be computed by multiplying the employee's daily rate by the number of days accrued vacation time.

(Ord. No. 1678; 05-21-18)

11-1-30 SICK LEAVE. All full-time employees, except for police officers who are covered by collective bargaining, shall accumulate earned paid sick leave at the rate of **one (1) day** for each month's service. When beginning date of employment is between the **first (1st)** and **fifteenth (15th) day** of the month, accrual will begin that month. When after the **fifteenth (15th)**, accrual will begin the following month. Probationary employees are eligible to use sick time. Sick time may be taken in increments of no less than **one (1) hour** at a time.

Sick leave may be used for illness, disability or injury of the employee, appointments with doctor, dentist or other professional medical practitioner, and not more than **thirty (30) days** in **one (1) calendar year** in the event of illness, disability, injury or death of a member of any employee's immediate family or household. For purposes of definition, this shall mean the husband, wife, mother, father, brother, sister, children, or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such person is financially and emotionally dependent on the employee and where the presence of the employee is needed. Sick leave may also be used in the event of death of grandrelations and parent-and-child-in-laws.

The operating agency or the Mayor may require evidence to substantiate that such leave days were used for the purposes herein set forth. The abuse of sick leave is grounds for dismissal.

Daily notification of sickness to the employee's supervisor is required and a request for time off sheet must be completed. The department head may require a doctor's certificate if absence becomes either excessive or questionable.

Present employees shall be allowed to accrue and carry over from year to year of continuous service any unused sick leave. Upon termination of employment for any reason, the employee will be entitled to receive payment for **one-half (1/2)** of the accumulated sick leave or **three hundred sixty (360) hours (forty-five (45) days)**, whichever is less. Remaining unused, unpaid sick time may be used for IMRF purposes in accordance with the rules and regulations of IMRF.

Any current employee with an accumulation of sick time of more than **seven hundred twenty (720) hours** as of **March 1, 2007**, will be entitled to receive payment for a maximum of **one-half (1/2)** of that accumulated sick time which remains unused upon termination of employment. Any remaining unused, unpaid sick time may be used for IMRF purposes in accordance with the rules and regulations of IMRF.

Any employee hired after the effective date of this Chapter shall be allowed to accrue and carry over from year to year of continuous service any unused sick leave, but such employee shall only be allowed to earn and accumulate up to a maximum of

seven hundred twenty (720) hours of sick leave. Upon termination of such employee for any reason, the employee will be entitled to receive payment for **one-half (1/2)** of the accumulated sick leave or **three hundred sixty (360) hours (forty-five (45) days)**, whichever is less. Remaining unused, unpaid sick time may be used for IMRF purposes in accordance with the rules and regulations of IMRF.

An employee who sustains an injury arising out of and during the course of his/her employment or who contracts an occupational disease, shall be allowed full pay during the first **three (3) calendar work days** that he/she is unable to work on account of same without utilization of any accumulated sick leave or other accumulated benefits. Thereafter, the employee shall be afforded such benefits as he/she may be entitled to in accordance with the Illinois Workers' Compensation Act or the Illinois Occupational Disease Act. If the employee is paid under the Workers' Compensation Act or the Occupational Disease Act for the first **three (3) calendar days** that he/she is unable to work, the City shall be reimbursed by the employee for these **three (3) days**. In the event such service-connected injury or illness becomes the subject of an award by the Industrial Commission, the employee shall restore to the City the dollar equivalent which duplicates payment received as sick leave days, and the employee's sick leave account shall be credited with the number of sick leave days used. **(Ord. No. 1390; 02-05-07)**

11-1-31 **MATERNITY.** Maternity leave shall be treated like any other sickness and disability.

ARTICLE II - DRUG FREE WORKPLACE

11-2-1 DEFINITIONS.

(A) **"Drug Free Workplace"** means any place for the performance of work for or on behalf of the City, done by an employee of the City, or an employee of a contractor or subcontractor performing work for the City.

(B) **"Employee"** as used within the meaning of this Article, means an employee of the City as well as an employee of a contractor or subcontractor performing work for the City.

(C) **"Controlled Substance"** means a controlled substance as defined in the Illinois Controlled Substance Act, **720 ILCS Sec. 570/100 et seq.** (1992 State Bar Edition) or Cannabis as defined in the Cannabis Control Act, **720 ILCS Sec. 550/1 et seq.** (1992 State Bar Edition).

(D) **"Conviction"** means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with determining violations of the Federal or State criminal drug statutes.

(E) **"Criminal Drug Statute"** means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

(F) **"State"** means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative, or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; or administrative units or corporate outgrowths, of the State government which are created by or pursuant to statute.

11-2-2 REQUIREMENTS FOR CITY. The City shall provide a drug free workplace by:

(A) **Publishing a Statement.**

- (1) Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis, is prohibited in the workplace.
- (2) Specifying the actions that will be taken against employees for violations of such prohibition.
- (3) Notifying employee that, as a condition of employment, the employee will:
 - (a) abide by the terms of the statement; and
 - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than **five (5) days** after such conviction.

(B) Establishing a drug free awareness program to be administered by a person appointed by the Mayor to inform employees about:

- (1) the dangers of drug abuse in the workplace;
- (2) the City's policy of maintaining a drug free workplace;
- (3) any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) the penalties that may be imposed upon employees for drug violations.

(C) A copy of the statement required by Subsection (A) above shall be given to each employee and posted in a prominent place in the workplace.

(D) If the City receives a grant from the State or Contract for the procurement of any property or services from the State, then the City shall notify the contracting or granting agency within **ten (10) days** after receiving notice under part (b) of paragraph (3) of Subsection (A) from an employee or otherwise receiving actual notice of such conviction.

(E) Within **thirty (30) days** from receiving notice from an employee of a conviction of a violation of a criminal drug statute occurring in the workplace, the Mayor shall take action against such employee as may be appropriate as determined by the Mayor and which may include but is not limited to reprimand; suspension for any length of time with or without pay; termination from employment; and/or a requirement to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

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

(G) Making a good faith effort to continue to maintain a drug free workplace through implementation of this Section.

(Ord. No. 1061; 06-20-94)

(See 30 ILCS Sec. 580/1 et seq.)

ARTICLE III – DRUG/ALCOHOL TESTING POLICY AND PROCEDURE

11-3-1 DRUG AND ALCOHOL FREE WORKPLACE POLICY. The City of Chester is committed to maintaining a drug free workplace pursuant to the federal and state Drug Free Workplace Acts, 41 U.S.C.A. § 701 *et seq.*, **30 ILCS 580/1 *et seq.*** It is the policy of the City that the public has the reasonable right to expect persons employed by the City to be free from the effects of alcohol and drugs. The City, as the employer, has the right to expect its employees to report for work fit and able for duty. This policy is intended to ensure that City employees are not impaired in their ability to perform assigned duties in a safe, healthy and productive manner and to protect any such employee and the public from the risks associated with the adverse effects of drugs and alcohol. Accordingly, the unlawful manufacture, distribution, possession, or use of a controlled substance, including cannabis and alcohol, is prohibited in the workplace or while acting on behalf of the City. Employees are required to sign a release and consent/authorization form, a copy of which is included with this policy, at the time the policy is distributed to the employee.

11-3-2 DEFINITIONS. For purposes of this policy, the following definitions apply:

(A) **“Abuse of alcohol” or “being under the influence of alcohol”** means the consumption of any beverage, mixture or preparation, including any medication containing alcohol, which results in an employee being intoxicated. Intoxicated or a positive test for alcohol shall mean a test result which shows an alcohol concentration of .02 or more for all persons covered by Federal DOT regulations and .08 or more for all persons not covered by Federal DOT regulations.

(B) **“Abuse of any drug”** means the use of any illegal drug, the use of any prescription drug which has not been legally prescribed and dispensed, or the misuse of any legally prescribed drug.

(C) **“Drug”** means any controlled substances listed in the Federal Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, or the Illinois Controlled Substances Act, **720 ILCS 570/100 *et seq.***, and cannabis as defined in the state Cannabis Controlled Act, **720 ILCS 550 *et seq.***

11-3-3 PROHIBITED ACTIONS. Employees shall be prohibited from:

(A) Manufacture, distribution, dispensation, possession, use, sale, purchase, abuse of alcohol or being under the influence of alcohol at any time during the course of the employee’s workday or anywhere on or in any City-owned property, including City buildings and City-owned vehicles.

(B) Manufacture, distribution, dispensation, possession, use, sale, purchase, being under the influence of or abuse of any drug at any time and at any place.

(C) Failure to immediately disclose to his or her Department Head or immediate supervisor any drug or other medication-related work restrictions, or failure to disclose the taking of any drug or medication whose container has warnings that such drug or medication may affect any such employee's ability to perform his or her job, or to drive or operate machinery.

(D) Testing positive for any drug or for the abuse of alcohol or being under the influence of any drug and/or alcohol during working hours.

(E) Failure to comply with this policy.

(F) Refusal to submit to any drug or alcohol test under this policy, which shall also include, but not be limited to, any attempt to tamper with or substitute any sample to be used in connection with any such test.

11-3-4 APPLICABILITY. This Drug/Alcohol Testing Policy and Procedure is not intended to replace the Drug Free Workplace Programs but to define and clarify, who will be tested, when the employees will be tested and where employees will be tested. The following five employee categories define under which category each full time, part time/temporary and volunteer employee will be tested:

(A) Any employee who drives a City vehicle, tractor, tractor mower or similar motor powered equipment that moves under its own power will be tested under the Federal DOT testing standards.

(B) All employees who are responsible for the supply and maintenance of the City Natural Gas System will be tested under the current City Gas Utility Anti-Drug Program Policy of 2010.

(C) Testing for employees of the Police Department shall be controlled by the provisions set forth in their union contract.

(D) All other City employees who are not included within the three categories listed above in (A), (B) or (C) will be subject to testing to comply with the requirements necessary to establish a Drug Free Workplace within the City.

(E) Part time/temporary employees and volunteer employees of the City will remain exempt from pre-employment and random testing as defined in this testing program but they can be included for testing if reasonable suspicion should arise, or an accident should occur during the tenure of their part time/temporary or volunteer employment. After reasonable suspicion of abuse of drugs or alcohol has been established or an accident should occur, the decision to request a drug and alcohol test for the employee must be deemed necessary and reasonable by the Mayor and/or the supervisor of the employee.

11-3-5 TESTING PROCEDURE. In conducting any drug testing under this policy, the City shall:

(A) Use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory and Blood Bank Act, **210 ILCS 25/101 et**

seq., that has been or is capable of being accredited by the National Institute of Drug Abuse ("NIDA").

(B) Insure that the laboratory or facility selected conforms to all NIDA standards.

(C) Follow all Federal DOT guidelines for the collection, testing and reporting procedures.

(D) In conducting any alcohol testing under this policy, the City shall use a facility that:

(1) Ensures that all technicians are trained and equipment is calibrated.

(2) Conducts breath test to detect the presence of alcohol or blood tests if circumstances require.

(E) The fees for drug/alcohol testing shall be paid as follows:

(1) Pre-employment testing will be paid by the City.

(2) Post accident tests shall be paid by the City.

(3) Reasonable suspicion testing will be paid by the City.

(4) Random testing will be paid by the City.

(5) Retesting at the request of the employee after a positive drug or alcohol test shall be at the employee's sole expense.

(6) Drug/Alcohol test for renewal of CDL Driver's License shall be paid by the City.

11-3-6

SCREENING AND TESTING.

(A) Pre-Employment Testing.

(1) All employee applicants shall be advised of the City Drug/Alcohol testing requirements at the time of interview. After having successfully completed the interview process, the selected prospective full time employee shall then be required to successfully complete the City's drug screening test, as part of his/her background investigation.

(2) All applicants for full time employment shall sign a release and consent/authorization form for Drug/Alcohol testing.

(3) An applicant will not be employed or considered for employment if:

the test results confirm POSITIVE;

he/she refuses to complete the test;

he/she tampers with, or adulterates the specimen;

he/she fails to cooperate in the testing process (including executing all required documentation).

(B) **Testing Based on Reasonable Suspicion.** If there is a reasonable suspicion that any City employee, paid or volunteer, has violated any of the prohibited actions covered by this policy, such employee may be required to undergo drug and/or alcohol testing. Reasonable suspicion exists if the facts and circumstances

warrant a rational inference that an employee has violated any of the acts prohibited by this policy. Reasonable suspicion shall be based upon the following:

- (1) Observable phenomena, such as direct observation of use or the verifiable physical symptoms resulting from the abuse of drugs or being under the influence of alcohol which may include by way of example but is not limited to a pattern of abnormal conduct or erratic behavior, a dramatic decline in work performance, excessive sick leave usage, difficulty in walking, slurred speech, needle marks, glazed stare, and possession of alcohol, or unauthorized banned substance or drug paraphernalia at work.
- (2) Information provided by an identifiable, reliable and credible third party that an employee has committed any of the acts prohibited by this policy.

In the event reasonable suspicion exists, the City shall arrange for a drug and/or alcohol test. When testing is ordered, the employee may be temporarily reassigned or relieved from duty and placed on leave with pay pending the receipt of the test results by the City. The City shall also provide the employee with written notice setting forth the objective facts and reasonable inferences to be drawn from those facts which form the basis of the reasonable suspicion.

The employee will then be escorted to the testing facility or collection facility by a designated supervisor immediately.

After completing the test, the employee will be escorted to his/her residence or at the option of his/her supervisor to another location to await the test results, and the employee shall be off work with pay pending the results of the tests. Under no circumstances shall the employee be allowed to leave the work site or the test site driving his/her own vehicle or a City vehicle.

Employees who test positive for either drugs or alcohol will be subject to disciplinary action, up to and including termination.

(C) **Random Testing.** Random drug testing shall be conducted during working hours. Employees will be selected at random for a drug test by a random drawing/lottery. The testing times and dates are unannounced and are with unpredictable frequency throughout the year.

When testing is ordered, the employee will be directed to the testing facility or collection facility within a reasonable period of time.

After completing the test, the employee will return to work pending the results of the test.

Employees who test positive for drugs will be subject to disciplinary action, up to and including termination.

(D) **Post Accident Testing.** Post accident drug/alcohol testing is required immediately following any accident involving a City employee, paid or volunteer, who operates City equipment or operates a City vehicle where an injury to a person has occurred or where damage to equipment, or property has occurred and that

damage exceeds **One Hundred Dollars (\$100.00)**, based on actual cost or reliable estimates of damage.

When testing is ordered, the employee will be escorted to the testing facility or collection facility by a designated supervisor within a reasonable period of time following the accident.

Employees who test positive for either drugs or alcohol will be subject to disciplinary action, up to and including termination.

(E) **Testing Required for Position Required to Have a CDL.** In addition to the provisions of this policy, any employee who is appointed to a position required to have a commercial driver's license ("CDL") shall be subject to drug and/or alcohol screening following any work related accident. Mandatory drug screening shall also be required of all applicants chosen to be hired for positions requiring a CDL. Those who fail the pre-employment drug screening shall not be hired for those positions.

(F) **Testing Required for Positions Performing a Pipeline Function.** In addition to the provisions of this policy, any employee who is appointed to a position having any duty to perform on a pipeline any operating, maintenance or emergency response ("Gas/Pipeline Utility") function regulated by Parts 192, 193, or 195 of Title 49 of the Code of Federal Regulations, including any applicant chosen to be hired for employment to any position having any duty to perform such function, shall be subject to a pre-employment drug and alcohol screening as well as random testing as provided in the City Gas Utility Anti-Drug Program Policy of 2010, which is incorporated herein by reference.

11-3-7 CONFIDENTIALITY OF TEST RESULTS. Any employee subject to a drug and/or alcohol test under this policy will be provided a copy of all information and reports received by the City in connection with any drug and/or alcohol test and any results thereof under this policy. Any results of drug and alcohol test will be disclosed to any employee tested, the applicable supervisor, City Attorney and those permitted by law.

11-3-8 CONSEQUENCES OF POSITIVE TEST RESULT OR REFUSAL TO COOPERATE. Any employee who refuses to cooperate in testing or who fails a test or violates the Drug and Alcohol Policy shall be subject to disciplinary action, up to and including termination.

(Ord. No. 1407; 08-20-07)

ARTICLE IV – RESERVED

ARTICLE V

SEXUAL MISCONDUCT POLICY

11-5-1 PURPOSE OF POLICY. The City will not tolerate and will seek to eradicate any behavior by its employees which constitutes sexual misconduct toward another employee, volunteer, intern, or member of the public. "Sexual misconduct" means any actual, attempted or alleged sexual molestation, assault, abuse, sexual exploitation or sexual injury. "Sexual misconduct" does not include "sexual harassment".

11-5-2 REPORTING PROCEDURES AND DESIGNATED SEXUAL MISCONDUCT COORDINATOR. It is the express policy of the City to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The City shall designate a Sexual Misconduct Coordinator who shall remain accountable for the implementation and monitoring of this policy. The identity of the Sexual Misconduct Coordinator shall remain on file with the City. In order to conduct an immediate investigation, any incident of sexual misconduct shall be reported as quickly as possible in confidence pursuant to this Article.

11-5-3 EMPLOYEES. Employees are required to report any known or suspected incidents of sexual misconduct. They shall report to their supervisor or the Sexual Misconduct Coordinator. If the person to whom an employee is directed to report is the offending person, the report should be made to the next higher level of administration or supervision.

11-5-4 INVESTIGATION AND CONFIDENTIALITY. All formal complaints shall be given a full, impartial and timely investigation. During such investigation, every effort shall be made to protect the privacy rights of all parties although confidentiality cannot be guaranteed.

11-5-5 DISCIPLINE. Any City employee who is determined, after an investigation, to have engaged in sexual misconduct in violation of this policy shall be subject to disciplinary action up to and including discharge.

11-5-6 FALSE ACCUSATIONS. False accusations regarding sexual misconduct shall not be tolerated, and any person knowingly making a false accusation shall likewise be subject to disciplinary action up to and including discharge.

11-5-7 RETALIATION AGAINST ACCUSER. The City shall discipline any individual who retaliates against any person who reports alleged sexual misconduct or who retaliates against any person who testifies, assists or participated in an investigation, a proceeding or a hearing relating to a sexual misconduct complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

11-5-8 CHILD ABUSE INCIDENT REPORTING AND FOLLOW-UP.

(A) Sexual child abuse as used in this Article is defined as: Child for the purposes of child abuse is defined as a person under **eighteen (18) years** of age, who prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage. Abuse means any one of the following acts which seriously endanger the physical, mental or emotional health of a child.

- (1) The infliction, attempted infliction, or as a result of inadequate supervision the allowance of the infliction of physical or mental injury upon a child by a parent or any other person.
- (2) The exploitation or overwork of a child by a parent or any other person.
- (3) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or caretaker of the child's sexual involvement with any other person or the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this State.

Sexual abuse of a minor is a crime.

(B) Any case of known or suspected child abuse of a minor shall be reported immediately in compliance with Illinois mandatory reporting guidelines and to the Sexual Misconduct Coordinator, the City Attorney's Office, and Police Department.

(C) In the event that the Sexual Misconduct Coordinator is first notified of an incident of known or suspected child abuse, the Sexual Misconduct Coordinator shall immediately notify the child's parent or legal guardian as the case may be and the appropriate legal authorities as required by the state or local law. The Sexual Misconduct Coordinator shall prepare a Suspected Child Abuse Standard Report and immediately follow-up to investigate the incident and to ascertain the condition of the child. The Sexual Misconduct Coordinator shall consult and communicate with the City Attorney as necessary.

(D) Any employee involved in a reported incident of sexual misconduct and/or child abuse shall be immediately relieved of responsibilities that involve interaction with minors or shall be suspended as determined by the employee's supervisor. Reinstatement of employees involved in a reported incident of child abuse shall occur only after all allegations of child abuse have been fully investigated and resolved by the City.

11-5-9 MAINTENANCE OF RECORDS AND DOCUMENTS. The Sexual Misconduct Coordinator shall maintain all records and documentation required by law or otherwise required by this and other such related policies of the City including all documents related to procedures for hiring-screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting follow-up and disciplinary action.

11-5-10 EMPLOYEE ACKNOWLEDGEMENT OF POLICY. This policy is to be reviewed and signed by all employees and volunteers.

CHAPTER 14

FLOOD PLAIN CODE

14-1-1 PURPOSE. This Article 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 purpose of this Article, 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 to be 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, re-surfacing 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": A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

"Flood Insurance Study": An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain and Special Flood Hazard Area (SFHA)": These two terms are synonymous. Those lands within the jurisdiction of the City, the extraterritorial jurisdiction of the 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 numbers 340, 345 and 350 of the countywide Flood Insurance Rate Map of **Randolph County** prepared by the Federal Emergency Management Agency and dated **November 5, 2008**. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated **Randolph County** that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for **Randolph County** by the Federal Emergency Management Agency and dated **November 5, 2008**.

"Floodproofing": Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

"Floodproofing Certificate": A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

"Flood Protection Elevation (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 floodway for the floodplains of the **Mississippi River** shall be as delineated on the countywide Flood Insurance Rate Map of **Randolph County** prepared by FEMA and dated **November 5, 2008**. The floodways for each of the remaining floodplains of the City shall be according to the best data available from Federal, State, or other sources.

"Freeboard": An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

"Historic Structure": Any structure that is:

(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.

(D) 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.

"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** of this Code.

"Manufactured Home": A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

"Manufactured Home Park or Subdivision": A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

"New Construction": Structures for which the start of construction commenced on 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 (2)** separate occasions during a **ten (10) year** period for which the cost of repairs at the time of each such flood event on the average equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

"SFHA": See definition of floodplain.

"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 **"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. The 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 state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(B) Any alteration of a structure listed on the National Register of Historic Places or the 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. 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 any development of the site.

(A) The base flood elevation for the floodplains of **Mississippi River** shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of **Randolph County** prepared by the Federal Emergency Management Agency and dated **November 5, 2008**.

(B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of **Randolph County**.

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of **Randolph County** shall be according to the best data available from federal, state or other

sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated **Randolph 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 in the Flood Insurance Study of **Randolph County** prepared by the Federal Emergency Management Agency and dated **November 5, 2008**.

14-1-4 DUTIES OF THE ZONING ADMINISTRATOR. The Zoning Administrator shall be responsible for the general administration of this Chapter and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this Chapter. 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 subdivision 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 IDNR/OWR and/or submitting information to FEMA within **six (6) months** whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

14-1-5 DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Code.

- (A) 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** of this Code; 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 a development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this Code. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this Code.

The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

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 Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in **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 following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;
 - (a) The crossing will not result in an increase in water surface profile elevation in excess of **one (1) foot**.
 - (b) The crossing will not result in an increase in water surface profile elevation in excess of **one-half (1/2) foot** at a point **one thousand (1,000) feet** upstream of the proposed structure.
 - (c) There are no buildings in the area impacted by the increases in water surface profile.
 - (d) The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.
 - (e) The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.
 - (f) The design must be certified by a second licensed professional engineer.
- (2) Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit No. 3;
 - (a) The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
- (3) Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit No. 4;
 - (a) The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
 - (b) A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
 - (c) No supporting towers or poles shall be located in a river, lake or stream.
 - (d) Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
 - (e) All disturbed areas shall be returned to pre-construction grades and re-vegetated.
 - (f) All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
- (4) Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit No. 5;

- (a) The boat dock must not extend more than **fifty (50) feet** into a waterway and no more than **one-quarter (1/4)** of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
 - (b) The width of the boat dock shall not be more than **ten (10) feet**.
 - (c) For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed **fifty percent (50%)** of the landowner's shoreline frontage nor **fifty (50) feet**.
 - (d) Docks must be aligned so as not to cross the projection of property lines into the waterway or come within **ten (10) feet** of the projected property line.
 - (e) Dock posts must be marked by reflective devices.
 - (f) The boat dock must be securely anchored to prevent detachment during times of high wind or water.
 - (g) Metal drums or containers may not be used as buoyancy units unless they are filled with flotation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
 - (h) This permit does not authorize any other related construction activity such as shore protection or fill.
 - (i) Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
 - (j) At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers.
- (5) Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit No. 6;
- (a) The following activities (not involving fill or positive change in grade) are covered by this permit:
 - (i) The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.
 - (ii) The construction of light poles, sign posts, and similar structures.
 - (iii) The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
 - (iv) The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports.

- (v) The placement of properly anchored buildings not exceeding **seventy (70) square feet** in size, nor **ten (10) square feet** in any dimension. Only one such building on a property is authorized by this statewide permit.
 - (vi) The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.
- (6) Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit No. 7;
 - (a) Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.
 - (b) The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
 - (c) Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
 - (d) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
- (7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
 - (a) In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of **three (3) feet** of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
 - (b) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
 - (c) Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (**415 ILCS 5**), shall be provided with

shut-off valves on each side of the body of water to be crossed.

- (d) If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least **ten (10) days** prior to the blasting date to allow monitoring of any related fish kills.
- (8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- (a) Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within **ten (10) years**. (The Department should be consulted if there is a question of whether or not an area is considered urban).
 - (b) In addition to the materials listed in **Section 14-1-6(A)(8)(a)**, other materials (e.g. tire revertments) may be utilized in rural areas provided all other conditions of this permit are met.
 - (c) The following materials shall **not** be used in any case: auto bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (**415 ILCS 5**).
 - (d) The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, **one thousand (1,000) feet**.
 - (e) All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
 - (f) Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
 - (g) Materials shall not be placed higher than the existing top of the bank.
 - (h) Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the

natural channel upstream and downstream of the site.

For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than **ten percent (10%)** nor the volume of material placed exceed **two (2) cubic yards** per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.

- (i) If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
 - (j) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
 - (k) In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
 - (i) It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
 - (ii) The volume of material placed, including the structure, would not exceed **two (2) cubic yards** per lineal foot.
 - (l) Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.
- (9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (a) The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
 - (b) The principle structure to which the project is being added must have been in existence on the effective date of this permit **(July 25, 1988)**.
 - (c) The accessory structure or addition must not exceed **five hundred (500) square feet** in size and must not deflect floodwaters onto another property.
 - (d) Must not involve the placement of any fill material.

- (e) No construction shall be undertaken in, or within **fifty (50) feet** of the bank of the stream channel.
 - (f) The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
 - (g) Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
 - (h) Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
- (10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit No. 11:
- (a) The affected length of the stream shall not either singularly or cumulatively exceed **one thousand (1,000) feet**.
 - (b) The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel.
 - (c) The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and down stream of the site.
 - (d) Dredged or spoil material shall not be disposed of in a wetland and shall be either:
 - (i) removed from the floodway;
 - (ii) used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than **ten percent (10%)**, nor the volume of material placed exceed **two (2) cubic yards** per lineal foot of streambank;
 - (iii) used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
 - (iv) used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed;

- (v) placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or
 - (vi) used for beach nourishment, provided the material meets all applicable water quality standards.
 - (e) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.
- (11) Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit No. 12:
- (a) A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
 - (i) No buildings or structures have been impacted by the backwater induced by the existing structure, and
 - (ii) There is no record of complaints of flood damages associated with the existing structure.
 - (b) A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
 - (c) The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
 - (d) The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, Channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).

- (e) The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.
- (12) Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit No. 13:
- (a) No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.
 - (b) The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within **one (1) year** of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.
 - (c) The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
 - (d) This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
 - (e) No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
 - (f) The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.

- (g) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
 - (h) Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (**415 ILCS 5**).
 - (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 **Section 14-1-6(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 FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

14-1-7 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of **Section 14-1-6**, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building 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. These repairs 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.

- (4) Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
- (5) Installing a travel trailer or recreational vehicle on a site for more than **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 flood protection elevation.
 - (b) The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **ten (10) feet** beyond the foundation before sloping below the flood protection elevation.
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - (d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials, and
 - (e) shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basins shall be incorporated.
- (2) The building may be elevated on solid walls in accordance with the following:
 - (a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
 - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than **one (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 base flood elevation, 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 flood protection elevation 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 flood protection elevation provided they are waterproofed.
 - (iii) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
 - (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 flood protection elevation provided that the following conditions are met:
 - (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one 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 flood protection elevation 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 foundations 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 flood protection elevation must be constructed with materials resistant to flood damage, and
- (g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(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 flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
- (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
- (3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- (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 flood protection elevation 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 vehicles 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 out of the floodplain.
- (8) Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
- (9) The vehicle must be licensed and titled as a recreational vehicle or park model.
- (10) The vehicle must be either (a) entirely supported by jacks, or (b) have a hitch jack permanently mounted, have the tires touching the ground and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(F) **Garages, Sheds or Other Minor Accessory Structures** constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

- (1) The garage or shed must be non-habitable.
- (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
- (3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
- (4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.
- (5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
- (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
- (7) The garage or shed must have at least **one (1)** permanent opening on each wall no more than **one (1) foot** above grade with **one (1) square inch** of opening for every square foot of floor area.
- (8) The garage or shed must be less than **Ten Thousand Dollars (\$10,000.00)** in market value or replacement cost whichever is greater or less than **five hundred (500) square feet.**
- (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 flood protection elevation.
- (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** of this Code. Any proposal for such development shall include the following data:

- (1) The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
- (2) The boundary of the floodway when available; 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)**.

(B) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

14-1-9 **PUBLIC HEALTH AND OTHER STANDARDS.**

(A) Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 14-1-6** and **14-1-7**, the following standards apply:

- (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of **Section 14-1-7** of this Code.
- (2) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage.
- (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during

flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

- (5) 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 base flood elevation shall be provided to all critical facilities.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

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 state and federal permits have been obtained.
- (B) The City Council 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) Variances to the building protection requirements of **Section 14-1-7** of this Code requested in connection with the reconstruction, repair or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of **Section 14-1-6** and **14-1-7** of this Code subject to the conditions that:
- (1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 - (2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

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 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 Zoning Administrator may determine that a violation of the minimum standards of this Code exists. The Zoning Administrator shall notify the owner in writing of such violation.

- (A) If such owner fails, after **ten (10) days'** notice, to correct the violation:

- (1) The City may 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; and
- (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 Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Zoning Administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

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 to fulfill the requirements of the National Flood Insurance Program including any prior ordinance. 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.

14-1-15 **SEVERABILITY.** The provisions and sections of this Code shall be deemed separable and the invalidity of any portion of this Code shall not affect the validity of the remainder.

(Ord. No. 1432; 10-06-08)

(See 65 ILCS 5/1-2-1; 5/11-12-12; 5/11-30-2; 5/11-30-8 and 5/11-31-2)

CHAPTER 15

FRANCHISES

ARTICLE I – ELECTRIC FRANCHISE

15-1-1 **ELECTRIC UTILITY FRANCHISE.** The City does hereby grant an electric franchise to Ameren Illinois as follows in Exhibit "A".

(Ord. No. 1624; 06-06-16)

FRANCHISES EXHIBIT "A"

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMEREN ILLINOIS, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPEATE AN ELECTRIC UTILITY SYSTEM IN THE CITY OF CHESTER, COUNTY OF RANDOLPH AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTER, COUNTY OF RANDOLPH, AND THE STATE OF ILLINOIS, AS FOLLOWS:

Section 1. It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to Ameren Illinois, its successors and assigns, to construct, operate and maintain a utility system within the City as originally authorized by **Ordinance No. 569** approved on **August 2, 1965**. The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of electric energy and other purposes within the City for the benefit of its citizens and residents as well as other consumers of electric energy located within its corporate limits. For purposes of construing the terms, rights and obligations of the parties this authorization is granted pursuant to Section 14 of the Electric Supplier Act, **220 ILCS 30/14**, and the Illinois Municipal Code, **65 ILCS 5/1-1-1, et seq.**

Section 2. There is hereby given and granted to Ameren Illinois, its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the City of Chester (hereinafter referred to as "Municipality"), an electric utility system for the transmission, distribution and/or sale of electric energy and other purposes (the "System"), together with the right, privilege and authority to erect, construct, install, operate and/or maintain all poles, conductors, wires, cables, conduits, equipment and/or other apparatus as may be necessary or convenient for the System, in, upon, along, over, under, through and/or across each and all of the streets, avenues, alleys, bridges, easements, rights of way and/or other public places.

Section 3. All poles and other equipment placed or installed under this Ordinance in streets, alleys, avenues, public places, or right-of-way, shall be so placed as not to interfere unnecessarily with travel on such streets, alleys, avenues, public places, or right-of-way. All poles and other equipment placed or installed under this Ordinance shall be so located as not to injure unnecessarily any pipes, conduits, sewers, drains, pavement or other like public improvements, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof and in default thereof said Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Company. All facilities of Company in said Municipality shall be installed and maintained in accordance with the application rules and regulations of the Illinois Commerce Commission.

When any roadway within a right-of-way shall be graded, curbed, paved or otherwise changed or when there is a relocation of such right-of-way, so as to make the resetting or relocation of any poles or other equipment placed or installed under this Ordinance necessary, the Company shall make such resetting or relocation, at the Company's cost and expense. Municipality shall provide the Company with a suitable location for the resetting or relocation of such poles or other equipment, and the Company's obligation shall be limited to resetting or relocating poles or other equipment of the same type and configuration as the displaced poles or other equipment. Company shall make such resetting or relocation within a reasonable time after receiving written notice of the need for the same from the authorized representative of the Municipality, and the establishment by the Municipality of the permanent grade at the new location. Except as expressly stated, nothing in this Section requires the Company to bear responsibility for any costs or expenses to relocate its poles or other equipment for any other reason or cause.

Section 4. In order for Company to render efficient, safe, and continuous services, it will be necessary for Company to conduct vegetation management activities, including the trimming or pruning and cutting down of the trunks and branches of trees and/or vines and shrubs along or over the streets, sidewalks, alleys, avenues, squares, bridges and other public places in said Municipality, and areas dedicated to the Municipality for public utility use, wherever the same are likely to interfere with its equipment; therefore, Company is hereby granted the right to conduct such vegetation management activities so as to enable it to erect, operate and maintain its equipment in a regular and consistent form and manner and to enable it to provide the most efficient, safe, and continuous service that the circumstances will permit; provided, however, that Company shall exercise proper care and discretion in its vegetation management activities. Company shall conduct its vegetation management activities in accordance with applicable law, including without limitation, **220 ILCS 5/8-505.1**, and any amendments thereto. Notwithstanding the foregoing, to the extent applicable law may be superseded or modified by an agreement between Municipality and Company, Municipality and Company reserve the right to enter into such an agreement.

Section 5. The rates to be charged by the Company for electric service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

Section 6. As a further consideration for the rights, privileges and authorities granted by this Ordinance, the Company shall, in Year 1 of the agreement, furnish Municipality compensation in the amount of \$46,310, beginning within **thirty (30) days** of the acceptance of this Ordinance by the Municipality. In subsequent years payment will be made, after the anniversary date, on the following graduated scale: Year 2 - \$39,980; Year 3 - \$33,650; Year 4 - \$27,320; and Year 5 and all remaining years - \$21,000. Municipality may request a revision to the compensation amount after **five (5) years** from the date of passage of this Ordinance if Municipality has a reasonable belief that its population has increased or decreased by **three percent (3%)** or more. Municipality must request the revision at least **sixty (60) days** prior to the next anniversary date. If Company confirms that the number of customers served by the System within Municipality's corporate limits has increased or decreased by **three percent (3%)** or more, the compensation amount will be revised by that percentage for the next and succeeding payments. Municipality may request similar revisions to compensation amounts under these criteria in additional **five (5) year** periods throughout the term of this Ordinance.

Section 7. If, at any time, during the term of this contract, Municipality permits another entity or person to provide electric distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Alternatively, if Municipality reasonably believes the other entity or person grants Municipality more favorable treatment, terms, or conditions, then Municipality shall notify Company of such treatment, terms, or conditions. Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this Ordinance to provide Company or Municipality such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and the entity or person receiving the more favorable or less favorable treatment, terms, or conditions.

Section 8. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all poles, conductors, wires, cables, conduits, equipment and other apparatus placed in the streets, alleys, avenues, bridges, easements, rights of way or other public places within the corporate limits of Municipality.

Section 9. The Company shall indemnify and save harmless the Municipality and all contractors, officers, employees and representatives thereof from all claims, demands, causes of action, liability, judgments, costs and expenses or losses for injury or death to persons or damage to property owned by, and Worker's Compensation claims against any parties indemnified herein, arising out of, caused by, or as a result of the Company's construction, erection, maintenance, use or presence of, or removal of any poles,

wires, lines, cables, conduit, appurtenances thereto, or equipment or attachments thereto. The foregoing indemnification shall not apply to the extent any such claim, demand, cause of action, liability, judgment, cost, expense or loss arises out of, is caused by, or results from the negligent or wrongful willful act or omission of the Municipality or any contractor, officer, employee or representative thereof.

Section 10. The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

Section 11. This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within **ninety (90) days** after due notice to the Company of the enactment of this Ordinance, file with the City Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of **ninety (90) days**, all rights, privileges, and authority herein granted shall become null and void.

Section 12. All rights, privileges and authority given and granted by this Ordinance are granted for a term of **twenty (20) years** from and after the acceptance of this Ordinance as hereinafter provided (the "Initial Term"), and thereafter on a year-to-year basis (each a "Subsequent Term") unless either the Company or Municipality notifies the other in writing of its desire to terminate this Ordinance at least **six (6) months** prior to the expiration of the Initial Term or any Subsequent Term.

Section 13. The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any streets, avenues, alleys, easements, rights of way, bridges or other public places during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and authority herein given and granted to the Company in, upon, along, over, and across each and all of such vacated premises which are at that time in use by the Company.

Section 14. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

Section 15. This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of facilities within the streets thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its constructed facilities. Company shall provide notice of excavation hereunder in accordance with the Illinois Underground Utility Damage Prevent Act (**220 ILCS 50/1 et seq.**).

Section 16. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 17. Any conflict between the Franchise Ordinance and the provisions contained in the Electric Service Customer Choice and Rate Relief Law of 1997 (Public Act 90-561) will be resolved by giving the state statute mandatory priority over any contrary language contained in the Franchise Ordinance.

Section 18. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the City Clerk according to the terms prescribed herein and as provided for in Section 12 and in **35 ILCS 645/5-4**. This Ordinance shall be in full force from and after its passage, approval and **ten (10) day** period of publication in the manner provided by law.

(Ord. No. 1624; 06-06-16)

CHAPTER 17

GAS SYSTEM

ARTICLE I - DEPARTMENT

17-1-1 **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government which shall be known as the Gas Department. The Gas Department shall consist of the Gas Superintendent, employees of the Gas Department, including the Gas and Public Property Committee and the Gas System's Engineer.

17-1-2 **GAS AND PUBLIC PROPERTY COMMITTEE.** The City Council Standing Committee on Gas shall exercise a general supervision over the Gas System. It shall determine the needs thereof and shall, from time to time, report its findings to the Mayor and City Council so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Department. Prior to the adoption of the appropriation ordinance, the Committee and the Gas Superintendent shall prepare and submit an estimate of the receipts and expenditures of the system for the fiscal year. The Gas Superintendent shall report to the Gas and Public Property Committee with his/her recommendations relating to the operations of the Gas Department to enable the Gas and Public Property Committee to make decisions regarding the operation and efficiency of the Gas Department.

17-1-3 **GAS SUPERINTENDENT.** It shall be the duty of the Gas Superintendent to supervise all employees of the Gas Department and manage and control all aspects of the day-to-day operation of the Gas System and recommend to the Mayor and Gas and Public Property Committee the needs of the Gas System, and he/she shall have the duties and responsibilities set forth in **Section 1-2-152** of **Division XVIII** of **Article II** of **Chapter 1** of the Revised Code of Ordinances of the City of Chester, Illinois.

17-1-4 **REFERENCES.** When reference is made throughout this **Chapter 17** to Superintendent, it shall mean the Gas Superintendent.

ARTICLE II - GAS RATES AND FEES

17-2-1 APPLICATION FOR SERVICE CONNECTIONS. Any person, firm or corporation desiring to make a gas tap or service connection with the Natural Gas System of the City shall file a written application in the office of the City Clerk.

In the event such application is made by an agent for the owner, then such application shall also be accompanied by the written authority of the owner to the agent for the making of the application. Where service lines are laid on private property, an easement shall be executed 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.

17-2-2 METER DEPOSIT.

(A) Each application for gas service by any person who is not an owner of record of the premises, shall be accompanied by a deposit of **One Hundred Fifty Dollars (\$150.00)** to be known as a Gas Meter Deposit Charge.

(B) This Meter Deposit Charge shall be deposited in the Natural Gas Meter Deposit Fund and in the event any customer discontinues service and has paid in full all amounts due for gas or service charges, then the full amount of the deposit shall be refunded. However, in the event that any amounts are due from the customer, either for gas or other service charges, then such amounts shall be deducted from the deposit and the balance shall be refunded to the customer.

17-2-3 COST OF GAS SERVICE CONNECTIONS. All connections to the City gas service shall be made by the City. A connection charge of **Five Hundred Dollars (\$500.00)** shall be paid by the customer prior to connection. The connection charge will include installation of a **three-fourths (3/4) inch** service line up to **eighty (80) feet** in length, a meter with a capacity of **two hundred seventy-five (275) cubic feet** or less per hour, and all materials necessary to provide gas service to the customer.

Additional costs for labor, larger meters, larger materials and any distance greater than **eighty (80) feet** shall be paid by the customer on a time and material basis. The costs for a welder shall be paid by the customer for all taps in to a steel main.

In addition to the cost of a gas tap and service connection, the owner(s) of the property for which the utility service is to benefit shall be required to pay any costs the City incurs for damage to its streets or sidewalks as a result of the installation, repair, or maintenance related to said tap-in. A **Five Hundred Dollar (\$500.00)** security deposit shall be required at the time of application for a gas tap and service connection. If the City incurs less than **Five Hundred Dollars (\$500.00)** in related expenses, any overpayment will be refunded to the owner. If the City incurs more than **Five Hundred Dollars (\$500.00)** in related expenses, the owner will be responsible for the remaining balance owed to the City.

17-2-4 GAS RATE. The rates and charges for the use and services of the municipal gas utility of the City are hereby established. Such rates and charges shall be made

and collected against each customer who shall directly or indirectly receive gas from the municipal utility. The charges for each customer shall be computed on a monthly basis.

(A) Each gas customer shall pay monthly for the quantity of gas used as measured by the gas meter according to the following rates and charges:

Residential, Commercial and Industrial: **Effective July 1, 2009** the rates shall be: Unit cost of gas to City Gate per 1,000 cubic feet charged by the City's gas supplier plus \$2.20 per 1,000 cubic feet.

Non-Residents of the City of Chester: **Effective July 1, 2009**, the rates shall be: Unit cost of gas to City Gate per 1,000 cubic feet charged by the City's gas supplier plus \$3.20 per 1,000 cubic feet.

(B) In addition to the rates and charges set forth above for the quantity of gas used by each customer effective **August 1, 2023**, there shall also be charged to each gas customer for each gas meter on the premises the following monthly charge:

Residential:	\$11.00 per month
Commercial:	\$16.00 per month
Industrial:	\$31.00 per month

The terms used above shall be defined as follows:

Residential:	Personal, family household and churches
Commercial:	Business, retail establishments and educational facilities
Industrial:	Manufacturing, production and warehousing

(Ord. No. 1803; 07-18-23)

(C) The gas meter charges immediately set forth above shall become effective **June 1, 2016**, and until then the previous meter charges shall remain in effect.

(D) The above rates and charges shall not apply to Menard Correctional Center and Chester Mental Health Center, nor does it apply to the rates and charges set forth in any intergovernmental agreement with any federal, state or local governmental unit, which the City now has or may in the future enter into.

(E) The City Council reserves the right to make special charges and agreements for gas service supplied to customers if it deems necessary.

(F) All statements not paid within **fifteen (15) days** after date of rendition shall bear an additional **ten percent (10%)** charge.

(G) All bills are subject to and shall include the Illinois Gas Utility Tax rates. Currently the tax is added to each customer bill and is **five percent (5%)** of gross receipts received from every customer or **2.4¢** per therm used by a customer, whichever is less. A therm is hereby defined as **one hundred (100) cubic feet** of gas as delivered to the customer.

(H) Anyone delinquent with the City for unpaid utilities shall not be entitled to utility service at a different location until such indebtedness is satisfied.

(I) Any increase in cost of gas from the City's gas supplier, shall be passed on directly to the customer through customer billing without any future change or modification or amendment to this Ordinance and without further public notice required.
(Ord. No. 1622; 05-02-16)

17-2-5 **SPECIAL RATES; NO FREE SERVICE.** No free service of the gas utility shall be furnished to any person, firm, organization or corporation, public or private, and all rates and charges shall be non-discriminatory, provided that the City Council reserves the right to impose special rates and charges in cases where particular circumstances render the regular rate inadequate or unjust. If the City should elect to supply itself with gas for any purpose, regular rates therefore shall be charged against the City and payment made from the funds thereof to the Gas Fund.

17-2-6 **GAS CONTRACT.** The provisions of **Section 38-2-1, 38-2-2, and 38-2-3** of the Revised Code of Ordinances of the City, are hereby adopted and incorporated as part of this **Section 17-2-6** to the same extent as if same were set forth verbatim. The provisions thereof shall be controlling on applicants for gas service.

17-2-7 **RECEIPT OF FUNDS.** It shall be the duty of the City Treasurer to set up and maintain a proper system of accounts and records separate from all other accounts and records, showing the amount of revenues and all financial transactions in connection therewith. Such accounts shall annually be audited properly by an independent public accountant as provided by **Ordinance #469**; and as provided by the Illinois Municipal Accounting Act.

17-2-8 **RESERVED.**

ARTICLE III - REGULATIONS

17-3-1 **SPECIFICATIONS FOR REGULAR GAS SERVICE CONNECTIONS.**

All gas service connections made to the gas mains of the City of Chester shall be made subject to the conditions, requirements and approval of the Gas Superintendent and comply with the Operations and Maintenance Manual of the City of Chester Gas Department and the National Fuel Gas Code and the standards set forth by the National Fire Protection Association and the American Gas Association. **(Ord. No. 1581; 07-21-14)**

17-3-2 **ALL SERVICE SHALL BE METERED.** All gas service shall be metered with a meter of adequate size to measure the amount of gas consumed. Meters shall be of the positive type and shall be American Gas Association approved.

All meters shall be so placed and installed subject to the conditions, requirements and approval of the Gas Superintendent as to render the same accessible at all times for the purposes of reading and repairing. All meters shall be set outside of the buildings wherever practical. Indoor installation must be vented with an adequate vent extending to the outside.

17-3-3 **METERS OPEN TO INSPECTIONS.** At all reasonable hours, meters, regulators, fittings, fixtures and appurtenances connected with the system and located on private property shall be open to inspection by the proper officers and employees of the City. Any part found to be defective or not in compliance with the provisions of this Code shall be immediately repaired or corrected. Service may be discontinued at any time when conditions of the privately owned facilities create danger or a hazard.

17-3-4 **METER READING CONCLUSIVE.** All gas customers shall be liable for the gas consumption as shown by the meter. Waste, leakage, or other causes not the liability of the City shall be the responsibility of the customer. The meter reading shall be conclusive provided that whenever the City shall find any meter not registering, then an average bill may be rendered based at the option of the City, on either the nearest previous **three (3) months** average use when the meter was in good order, or based on the same month or months of the preceding year. Whenever the City shall have reason to believe that a meter is not registering correctly, then an average bill as stated above may be rendered and the meter removed for testing. If such average bill should prove to be incorrectly estimated, either by actual testing or by actual gas consumption after being replaced by a corrected meter, then such bill shall be compared to the actual test results or actual consumption and adjusted accordingly.

17-3-5 **TEST OF METERS.** Any consumer may request the City to make a test of the accuracy of the meter then in use on their premises. If the Gas Superintendent determines such test is reasonable and warranted, then the consumer shall be required to deposit with the City the sum of **Fifty Dollars (\$50.00)** prior to making the test to cover the cost of removing, testing and replacing such meter.

In the event such meter is found by testing to register incorrectly at full capacity by more than **two percent (2%)**, then another accurate meter shall be substituted and the test deposit shall be refunded. Past gas bills shall be adjusted by refund or credit of such percentage of the amount of gas bills (excluding the monthly meter charge) for a period of not more than **two (2) months** previous to such test.

In the event that the meter is found to be registering correctly, the consumer shall forfeit the test deposit and such funds shall be deposited in the gas operating funds of the City.

17-3-6 SEPARATE METERS FOR EACH DISTINCT PREMISES. No person, firm or corporation shall connect any gas service pipe or transmit gas supplied by the Natural Gas System of the City into **two (2)** distinct premises from **one (1) meter**. Apartment buildings having separate dwelling units may be served from a single meter. Duplex dwellings shall be serviced from individual meters.

17-3-7 CITY NOT LIABLE FOR AN INTERRUPTION OF SERVICE OR SUPPLY. 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 after any shut off or discontinuance of service; however, the City shall not be liable for any direct or resultant damages to any person, company or customer.

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. The cost of purging the lines, relighting pilots, and checking automatic controls will be borne by the City and the customer will not be liable. Where the nature of the customers operations are such that an interruption of service might create a hazard or large economic loss, such customer shall be provided facilities for standby service.

Whenever mains, pipes, service connections or other facilities of the gas system are taken up, shut off or interfered with by reasons of any City street improvement, 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 to 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.

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, accidents, fire, strikes, riots, or any other causes.

17-3-8 CONNECTION WITH PRIVATE LINES - GENERAL RULES AND REGULATIONS. Whenever a connection is made with a private line, such service shall be metered at the point of such connection and the customer 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 and approval of the City prior to making the necessary service connections.

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.

All person, 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. All questions and complaints shall be made to the Gas Superintendent who shall be responsible for the proper investigation. The department shall be required to make a full report to the customer in all such cases, a copy of which shall be filed with the City Clerk and reported by him/her to the City Council at the next regular meeting. Any disrespectful or unwarranted acts of the City employees shall be reported immediately. All employees of the City are strictly forbidden to demand or accept any tips, gratuity, or other personal compensation for any services whatsoever rendered during working hours.

17-3-9 REGULATIONS RELATIVE TO CUSTOMER'S PIPING. All gas piping, connections, venting, appliances, furnaces, fixtures, equipment and machinery in any residence, building or structure or on any property shall be subject to the conditions, requirements and approval of the Gas Superintendent and comply with the Operations and Maintenance Manual of the City of Chester Gas Department and the National Fuel Gas Code and the standards set forth by the National Fire Protection Association and the American Gas Association.

(A) The City shall make all connections to gas mains, install all service lines, and provide the meter and all labor and materials (at the property owner's expense as set forth in **Section 17-2-3**) necessary for said installations. Service line installations shall be completed in a workmanlike manner.

(B) The final tie-in for the gas line to the outlet side of the meter shall be the property owner's responsibility and must be completed in accordance with the guidelines set forth in the National Fire Protection Association's most recent edition of NFPA 54: National Fuel Gas Code, which is incorporated by reference and made a part hereof to the same extent as if fully set forth herein.

(C) All customer piping and necessary venting of appliances shall be in accordance with guidelines set forth in the National Fire Protection Association's most recent edition of NFPA 54: National Fuel Gas Code, as incorporated and made a part of subsection B above.

(Ord. No. 1581; 07-21-14)

17-3-10 RULES TO BECOME PART OF CONTRACT. All the 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.

17-3-11 EXTENSIONS OF GAS MAINS AND SERVICE. The City shall not be obligated to extend gas service unless the customer pays the tap on fee and agrees to pay the charges set forth above and the installation of gas service can be completed in a safe manner and the service can be maintained in a safe and reliable manner. Gas main extensions shall be made with the approval of and subject to the conditions of the City Council.

17-3-12 TAMPERING WITH METER. It shall be unlawful for any person, firm, corporation or customer to break the seal of any meter or in any manner to make any alterations, changes or repairs on the same, or to open any mains, laterals, service pipes, stop cocks, 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. 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 prescribed by this Code.

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.

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. (75 ILCS 5/4-1)**

Trustees of the Library Board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from library funds. **(75 ILCS 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 **Chapter 1, Article III of this Code. (75 ILCS 5/4-1.1)**

20-1-4 **VACANCIES.** Vacancies shall be declared in the office of a trustee by the Board when the trustee declines or is unable to serve, or is absent without cause from all regular board meetings for a period of **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. **(75 ILCS 5/4-4)**

20-1-5 **OATH OF OFFICE; ORGANIZATION; MEETINGS.**

(A) Within **sixty (60) days** after their appointment, the new trustees shall take their oath of office and meet to organize the Board. The oath shall consist of the following:

"I, _____, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of trustee according to the best of my ability."

(B) The first action taken at the organizational meeting of the Board shall be the election of a President and a Secretary and such other officers as the Board may deem necessary, and the Board shall further provide in the bylaws of the Board as to the length of the terms in office. The trustees shall determine the time and place of all official meetings of the Board at which any legal action may be taken and shall post notice thereof at the public library maintained by the Board and at not less than **one (1)** public place within the corporate confines of the area of library service one day in advance thereof. **(75 ILCS 5/4-6)**

20-1-6 CUSTODIAN OF FUNDS. A Treasurer shall be appointed by the Library Trustees and shall be the custodian of all funds. 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. Each trustee of the City Library Board 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 Board, but these powers are subject to **Division I of Article 10 of the Illinois Municipal Code** in municipalities in which that Division is in force. The Board may also retain counsel and professional consultants as needed; **(65 ILCS 5/10-1-1)**

(H) To contract with any public or private corporation or entity for the purpose of providing or receiving library service or of performing any and all other acts necessary and proper to carry out the responsibilities and the provisions of this Chapter. This power includes, but is not limited to participation in interstate library compacts and library systems, and to contract to supply library services and for the expenditure of any Federal or State funds made available to any county, municipality, township, or to the State of Illinois for library purposes;

(I) To join with the Board or boards of any **one (1)** 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 of Chester,"** 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;

(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, 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.**

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; (50 ILCS 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. (75 ILCS 5/4-7.1)**

20-1-9 **SELECTION AND USE OF LIBRARY MATERIALS.** The Board of Library Trustees may 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. **(75 ILCS 5/4-7.2)**

20-1-10 USE. 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. **(75 ILCS 5/4-7)**

20-1-11 ANNUAL REPORT. Within **thirty (30) days** after the expiration of each fiscal year of the Municipality, the Library Board of Trustees shall make a report of the condition of their trust on the last day of the fiscal year to the City Council. This report shall be made in writing and shall be verified under oath by the Secretary or some other responsible officer of the Library Board of Trustees. The report shall contain the following:

(A) An itemized statement of the various sums of money received from the Library Fund and from other sources;

(B) An itemized statement of the objects and purposes for which those sums of money have been expended;

(C) A statement of the number of books and periodicals available for use and the number and character thereof circulated;

(D) A statement of the real and personal property acquired by legacy, purchase, gift or otherwise;

(E) A statement of the character of any extensions of library service which have been undertaken;

(F) A statement of the financial requirements of the library for the ensuing fiscal year for inclusion in the appropriation of the corporate authority and of the amount of money which, in the judgment of the Library Board of Trustees, it will be necessary to levy for library purposes in the next annual tax levy ordinance;

(G) A statement as to the amount of accumulations and the reasons 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**. **(75 ILCS 5/4-10)**

20-1-12 DONATIONS. Any person desiring to make donations of money, personal property or real estate for the benefit of such library shall have the right to vest the title of the money or real estate so donated in the Library Board of Trustees to be held and controlled by the Board when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the Board of Trustees shall be held and considered as special trustees. **(75 ILCS 5/1-6)**

20-1-13 **DISTURBANCE PROHIBITED - PENALTY.** Any person who shall create any disturbance while in the rooms of the Public Library, or who shall be guilty of any conduct calculated to annoy or disturb others in said library and who shall not cease said conduct when requested to do so by the Librarian or other person in charge, shall be subject to arrest under the provisions of this Chapter.

20-1-14 **INJURY TO OR FAILURE TO RETURN MATERIAL - PENALTY.** No person shall maliciously cut, injure, deface, tear, or destroy any material belonging to the Public Library. No person shall fail to return any material taken from the Library at the time when, by the rules of the Library, the same should be returned. The person shall promptly pay the fine provided for by the rules and regulations governing the Library, as the same have been or may be established by the Library Board of Trustees.

20-1-15 **REFERENCE.** The City Council does hereby include by reference, all provisions of **Chapter 75; Paragraph 5/4, et seq. of the Illinois Compiled Statutes** applicable to the City Library that are not provided heretofore.

CHAPTER 21

LIQUOR

ARTICLE I - GENERALLY

21-1-1 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol. **(See 235 ILCS Sec. 5/1-3.01)**

"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)**

"BREW PUB" means a person who manufactures beer only at a designated premise to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises provided that a new brew pub licensee shall not sell for off-premises consumption more than **fifty thousand (50,000) gallons** per year. A person who holds a brew pub license may simultaneously hold a craft brewer license if he or she otherwise qualifies for the craft brewer license and the craft brewer license is for a location separate from the brew pub's licensed premises. **(Ord. No. 1672; 04-02-18)**

"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)**

"CITY" means the City of Chester, Illinois.

"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 Mayor of the City of Chester, Illinois, who shall be 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 11; Subtitle A; Chapter 1, Part 1; Section 100.5 et seq. of the Illinois Administration Code.]

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 the City of Chester without having a license to do so, issued by the Mayor of the City of Chester in the manner hereinafter provided, and a valid license for such purpose issued by the **Illinois Liquor Control Commissioner of the State of Illinois.**

A similar valid license issued by the Mayor of the City of Chester 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 City Clerk, with the seal of his/her 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 **two (2) members** 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 or have a beneficial interest in 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 unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act. **(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** from **May 1** to the following **April 30** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. Each such license shall terminate on **April 30th** next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

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 Local Liquor Control Commissioner as hereinbefore provided. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the City General Fund. The application for a license shall be filed with the City 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 **LICENSE CLASSIFICATION.** There shall be **five (5) classes** of licenses that shall be referred to as:

(A) **Class "A" Licenses** shall authorize retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be **Four Hundred Seventy-Five Dollars (\$475.00)**.

(B) **Class "B" Licenses** shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. The annual fee for such license shall be **Five Hundred Twenty-Five Dollars (\$525.00)**.

(C) **Class "C" Licenses** may be issued to a Club, which shall authorize the retail sale on the premises specified as alcoholic liquor for consumption on the premises, as well as other retail sales of such liquor; said liquor sales to be made to club members only. The annual fee for such licenses shall be **Four Hundred Seventy-Five Dollars (\$475.00)**.

(D) **Class "D" - Special Event License.** A license may be obtained for the sale of alcoholic liquors in case of any special function or at any function in the City Park. Application therefor must be submitted to the Mayor and approved by the City Council. The number of nights or days for which the applicant desires the license, shall be stated in the application and there shall accompany the application the sum of **One Dollar (\$1.00)** for each day or night that the applicant operates under the license.

(E) **Class "E" Licenses – Brew Pubs.** There is hereby created a Class "E" license which shall authorize the manufacture of beer on the premises, the sale of beer on and off premises as permitted by Illinois law and sale of alcoholic liquor from the licensed premises. The annual fee for such license shall be **Four Hundred Seventy-Five Dollars (\$475.00)**.

(Ord. No. 1672; 04-02-18)

21-2-7 **NUMBER OF LICENSES.** There shall be issued in the City no more than **thirteen (13)** Class "A" liquor licenses; no more than **three (3)** Class "B" liquor licenses; no more than **six (6)** "Club" licenses; and no more than **one (1)** Class "E" liquor license, to be in effect at any time within the City. Licenses in the aggregate to be in effect at any time, including Class "A", Class "B", "Club" and Class "E" licenses shall not exceed a total of **twenty-three (23)** in number. **(Ord. No. 1778; 08-02-22)**

21-2-8 **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)**

21-2-9 **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 shall remain effective until their expiration; 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)**

21-2-10 **DRAMSHOP INSURANCE.** Prior to the issuance of a liquor license, the applicant shall provide to the Mayor evidence that the applicant has obtained Dramshop Insurance for at least the term of the license and for the amounts set forth in **235 ILCS 5/6-21**.

21-2-11 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)**

21-2-12 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)**

ARTICLE III - REGULATIONS

21-3-1 **CLOSING HOURS.** It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the City between the hours of **1:00 A.M. and 6:00 A.M.** in the morning of any day or before **12:00 Noon** on Sunday, except as provided in **Section 21-3-2** of this Chapter, provided that upon written application to the Mayor by a licensee authorized to sell alcoholic liquor for consumption on the premises, the Mayor may grant to said licensee permission to sell alcoholic liquor for consumption on the premises for an extended hour until **2:00 A.M.** on Thanksgiving Day and/or **2:00 A.M.** on New Year's Day; and

Further excepting that the holder of any Class "B" license shall be authorized to sell at retail alcoholic liquor, but not for consumption on the premises where sold in the City, and in addition to the aforesaid hours shall have the authority to sell such liquor from **6:00 A.M.** each Sunday morning; therefore, Class "B" license holder shall have authority to sell liquor at any time on any day of the week, except for any time between the hours of **1:00 A.M. and 6:00 A.M.**

It shall be unlawful to keep open for business or to admit the public to any premises in or which alcoholic liquor is sold at retail during the hours within which the sale of alcoholic liquor is prohibited.

(Ord. No. 1661; 11-20-17)

21-3-2 **SPECIAL PERMIT FOR THE SALE OF ALCOHOLIC LIQUOR IN THE CITY ON SUNDAYS BY CLUB LICENSEES.** It shall be unlawful for a club liquor licensee to sell at retail any alcoholic liquor in the City between the hours of **1:00 A.M. and 12:00 Noon on Sunday** unless any such licensee has been issued a special event permit by the Local Liquor Control Commissioner of the City.

Any club licensee must first make application for a special event permit on a form to be furnished to the applicant by the City Clerk. The application must be verified by oath or affidavit, and shall contain the following information and statements:

(A) Name of the not-for-profit corporation, address, where the event will be held, when the event will be held, and such application shall be made and signed by at least **two (2) officers** of the applicant. The application shall also state the nature and purpose of the special event.

(B) Nothing herein shall be construed to permit any licensee to sell alcohol at retail prior to **12:00 Noon on Sundays** without first having the special license permit.

(C) The Local Liquor Control Commissioner of the City shall have the sole and absolute discretion in determining the issuance of the permits provided for herein.

21-3-3 **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 one person, except conducting product sampling pursuant to paragraphs (A) and (B) below or selling or delivering wine by the bottle or carafe;
- (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 licensed 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 of 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)**

21-3-4 PROHIBITED LOCATIONS. No license shall be issued for the sale at retail of any alcoholic liquor within **one hundred (100) feet** 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; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within **one hundred (100) feet** of any church or school where such church or school has been established within such **one hundred (100) feet** since the issuance of the original license. In the case of a church, the distance of **one hundred (100) feet** 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) (Ord. No. 1520; 09-19-11)**

21-3-5 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)**

21-3-6 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)**

21-3-7 DRINKING ON PUBLIC WAYS. It shall be unlawful to drink any alcoholic liquor on any public streets, alleys, sidewalks and other public ways in the City unless authorized by the Mayor and City Council at a regular or special meeting of the corporate authorities. **(235 ILCS 5/6-16)**

21-3-8 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.

21-3-9 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**".

21-3-10 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.**

21-3-11 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)**

21-3-12 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.

21-3-13 UNLAWFUL ACTS. It shall be unlawful for any person to do or commit any of the following acts within the Municipality, to-wit:

(A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted pursuant to **Section 21-3-7**.

(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.

21-3-14 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.

21-3-15 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.)**

21-3-16 **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 650/10)**

21-3-17 **HEALTH PERMIT.** Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards.

21-3-18 **PEDDLING.** It shall be unlawful to peddle alcoholic liquor in this municipality. **(See 235 ILCS 5/4-1)**

21-3-19 **GAMBLING ACTS PROHIBITED.**

(A) **Gambling Prohibited.** No person shall play for money, or other valuable thing or equivalent, any game with cards, dice, checks, billiards, or any device, instrument or machine whatsoever, which may be used for the purpose of playing a game of chance, betting or winning or losing money or any other thing or article of value nor shall any person bet on any game of any type involving gambling unless such gambling is allowed pursuant to the laws or the Statutes of Illinois and any all licenses required are obtained for such game of chance.

(B) **Possession of Unlawful Gaming Device.** No person shall possess any gambling device or paraphernalia, as defined under and prohibited under the laws or the Statutes of Illinois, with the intent to use the same for any unlawful purpose, and any such device or paraphernalia kept with such intent may be confiscated by the City Police Department.

(C) **Gambling Establishment Prohibition.** No person shall keep a common gaming house; or in any building, yard, garden or booth, by him or his agent used and occupied, procure or permit any person or persons to frequent, or come together to play for money or other valuable thing, at any game; or keep or suffer to be kept any tables or other apparatus for the purpose or intent of playing any game, for money or any other valuable thing; or knowingly rent any such place for such purposes, except those establishments or acts which are authorized and legal under the laws and Statutes of Illinois.

(D) **Gambling Advertisement Prohibition.** It is unlawful to advertise any illegal gambling house or illegal gambling resort, as defined under and prohibited under the laws or the Statutes of Illinois, in any street, alley or public place within the City.

(E) **Authorized Gambling.** Nothing in this Section shall prohibit the authorized, legal wagering, or gambling or any acts, that are allowed by the laws or the Statutes of Illinois. Video Gaming and Video Gaming Terminals are permitted when licensed by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act **(230 ILCS 40/1 et seq.)** and operated in accordance with the Video Gaming Act.

(F) **General Licensing and Fees.** Gambling of any type may be allowed within the City so long as the same is legal within the State of Illinois and as long as the operator of said gambling or games of chance or any machinery or devices associated therewith has obtained any and all licenses or permits required by the State of Illinois and required by the City. Effective **May 1, 2022**, each operator of a Video Gaming Terminal shall pay to the City a license fee of **Two Hundred Fifty Dollars (\$250.00)** per year for each Video Gaming Terminal within their establishment for the privilege of operating such terminal. Upon payment of the license fee to the City, a license shall be issued by the City to the operator for the operation of Video Gaming Terminals within their establishment. No Video Gaming Terminals may be operated within an establishment until the operator obtains all licenses and permits required by the State of Illinois, and the operator pays the fee required by the City and obtains the license from the City. The **Two Hundred Fifty Dollar (\$250.00)** fee shall be paid annually in advance on the **first (1st) day of May** of each year, and the license from the City shall expire on **April 30th** of each year unless sooner terminated or surrendered. There shall be no more than **twelve (12)** establishments with Video Gaming Terminals and no more than **seventy-two (72)** Video Gaming Terminals within the City. **(Ord. No. 1768; 02-07-22)**

(G) **Penalties for Violation.** Any person, firm or corporation violating any provision of this Section shall be fined no more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. **(Ord. No. 1543; 06-18-12)**

21-3-20 **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)**

21-3-21 **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, mentally ill or mentally deficient or in need of mental treatment. 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)**

21-3-22 **PERSONS SELLING LIQUOR.** It shall be unlawful for any person under the age of **eighteen (18) years** to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises. **(See 235 ILCS Sec. 5/4-1)**

21-3-23 **UNDERAGED; ENTRY ON LICENSED PREMISES.** It shall be unlawful for any holder of a retail liquor dealers license or his agent or employee to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises are located, provided that this paragraph shall not apply to any minor who is employed by the establishment or who is accompanied by his parent or guardian, or who has the specific permission of his parent or guardian, or any licensed premises which derives its principle business from the sale of services or other commodities other than alcoholic liquor. **(See 235 ILCS Sec- 5/4-1)**

21-3-3 **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)**

21-3-25 **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)**

21-3-26 **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)**

21-3-27 **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 \$75 - \$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."

21-3-28 EXCLUSIONARY PROVISION. The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Chapter. **(See 235 ILCS Sec. 5/6-20)**

21-3-29 INSPECTIONS. It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Chief of Police, any police officer, the Zoning Administrator or the Liquor Commissioner or any member of the corporate authorities, for the purpose of making an inspection of such premises or any part thereof. **(See 235 ILCS Sec- 5/4-4)**

21-3-30 BOOKS AND RECORDS---AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS. It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Mayor having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. **(See 235 ILCS Sec. 5/6-10)**

21-3-31 RESTRICTIONS ON LICENSEE. In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) It is unlawful for any 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.

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. **(See 235 ILCS Sec. 5/6-22)**

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. **(See 235 ILCS Sec. 5/6-15)**

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of nonuse. **(See Goode V. Thomas 31 Ill. App. 3d 674, 1975)**

21-3-32 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)**

21-3-33 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)**

21-3-34 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)**

21-3-35 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)**

21-3-36 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 REVOCAION 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 REVOCAION 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 SUSPENSION/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 REVOCAION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING. The Liquor Commissioner may fine any licensee and may revoke or suspend any license issued by him if he determines that the licensee, licensee's agent, service or employee 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 the suspension, the Local Liquor Control Commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed **One Thousand Dollars (\$1,000.00)** for a first violation within a twelve (12) month period, **One Thousand Five Hundred Dollars (\$1,500.00)** for a second violation within a twelve (12) month period, and **Two Thousand Five Hundred Dollars (\$2,500.00)** for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than **Fifteen Thousand Dollars (\$15,000.00)** 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. **(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.

The service of such notice may be made by delivering said notice to the licensee personally or by leaving a copy of such notice at the place of business of such licensee with some person over the age of **eighteen (18) years**, and informing such person of the contents of such notice. The return of the person making service as to the manner of service shall be sufficient. On the day set for hearing, if such licensee does not appear at the time and place designated in such notice, the Local Liquor Control Commissioner may proceed to hear said case the same as if said licensee was present and may render a decision on the merits of the case.

(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 and state the amount of the fine, the period of suspension, or that the license has been revoked and/or that the licensee should be fined, shall serve a copy of such order within the **five (5) days** upon the licensee. 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 be 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)

21-4-14 **FINES.** Except for the fines otherwise specifically provided for herein, anyone found to have violated any provisions of this Chapter/ordinance in addition to any revocations or suspensions provided for herein may be fined up to **Seven Hundred Fifty Dollars (\$750.00)** for such violation.

**CITY OF CHESTER, ILLINOIS
RANDOLPH COUNTY**

**APPLICATION FOR LICENSE FOR
RETAIL SALE OF ALCOHOLIC BEVERAGES**

within the city limits of the City of Chester, Illinois and for the period of _____ from ____
_____ to _____.

I, _____, do hereby make application to the Local Liquor Commission for
license to sell alcoholic beverages at retail at (address) _____
in Chester, Illinois. My age is _____ years.

I certify that the name of the company or concern making this application is _____
_____. It is a _____
(individual, partnership, company, or club)
organized for the purpose of _____. This organization was incorporated on
_____, 20_____.

The names and address of the persons who will share in the profits from such sales are:

I certify that I am a citizen of the United States, or was naturalized at _____
_____ on _____, _____.

I certify that the character of this business is _____
That I have been in this type of business since _____
(in case of corporation date of charter)

I certify that I have \$_____ worth of goods on hand this date.

I have made application for another liquor license for _____
_____ (address).

I certify that I have never been convicted of any felony, and I am not disqualified to receive a
license by reason of any provision of the city ordinances of the City of Chester or any laws of the State of
Illinois.

I certify that I have never had a previous license for handling liquor revoked by any State or
Municipality.

I certify that I will not violate any National, State or Local liquor control laws, or any ordinance of
the City of Chester in the operation of this business. I hereby agree to familiarize myself with these laws.

Firm Name _____
By _____

Signed and dated at Chester, this _____ day of _____, 20_____.

Application acted upon and approved (rejected) this ____ day of _____, 20_____.

Liquor Commissioner

CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT PREVENTION POLICY

22-1-1 **COMPLIANCE WITH FEDERAL LAW.** The City is committed to comply with the Federal Fair and Accurate Credit Transactions Act of 2003, as well as provide customers, particularly customers with utility accounts, the maximum identity theft protection possible. Situations that lead to identity theft would hurt and inconvenience the City's customers, while at the same time damage the City's reputation and place the City at risk for losses. The City developed this Identity Theft Prevention Policy with the oversight and approval of the City Council after considering the size and complexity of the City's operations and account systems and the nature and scope of the City's activities.

(A) **Examples of Identity Theft.**

- (1) An identity thief uses another person's social security number to open a utility account.
- (2) An identity thief uses a victim's information to obtain unauthorized services from the City.
- (3) An identity thief opens a utility account using a victim's name and good credit.
- (4) An identity thief files for bankruptcy using a victim's name.
- (5) An identity thief gives a victim's name as his/her own when arrested by police.

22-1-2 **RISK ASSESSMENT/IDENTIFYING RELEVANT RED FLAGS.**

While the overall risk of identity theft involving the City appears low, the City will focus on detection and prevention from identity theft on the following covered accounts: accounts to individual customers; all of the City's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial; any account the City offers or maintains primarily for personal, family or household purposes that involves multiple payments or transactions; and any other account for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from Identity Theft, as well as automatic deposits to the accounts of the City employees. There will be a periodic review to determine if the covered accounts are still accurate due to any changes such as changes of address or other changes which may occur relating to an account.

Each type of covered account will be examined and reviewed for relevant Red Flags in part by considering:

- (A) The methods provided to open covered accounts;
- (B) The methods provided to access covered accounts; and

(C) Previous experiences with identity theft.

As part of the process, the City will consider the relevant Red Flags provided by the regulatory guidance, as well as incidents of identity theft that the City and/or the City customers have experienced and applicable supervisory guidance.

22-1-3 DETECTED RED FLAGS. The City is committed to detecting situations in which identity theft might occur or may have occurred.

A "Red Flag" is a pattern, practice or specific activity that indicates the possible existence of Identity Theft. In order to identify relevant Red Flags, the City considered risk factors such as the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts and its previous experiences with Identity Theft.

Identity Theft will be combated by detecting Red Flags in connection with the opening of covered accounts and existing covered accounts, such as by:

(A) Obtaining identifying information about, and verifying the identity of a person opening a covered account.

(B) Authenticating customers' transactions, including photo ID if necessary, plus possible additional verification methods such as a user ID and password.

(C) Monitoring transactions with emphasis on a change of address closely followed by a new service request or a material change in a customer's credit use.

(D) Verifying the validity of change of address requests, in the case of existing covered accounts in order to monitor the diversion of statements as a prelude to possible account manipulation.

22-1-4 PREVENTING AND MITIGATING IDENTITY THEFT. In order to prevent and mitigate Identity Theft, the City will provide appropriate responses to the following Red Flags:

(A) **Alerts, Notifications or Warnings from a Consumer Reporting Agency.**

(1) A fraud or active duty alert is included with a credit report.

(2) A credit reporting agency provides a notice of credit freeze in response to a request for a credit report.

(3) A credit reporting agency provides a notice of address discrepancy.

(4) Receiving a report of fraud with a credit report.

(5) Receiving indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

(B) **Suspicious Documents.**

(1) Documents provided for identification appear to have been altered, forged or unauthentic.

- (2) The photograph or physical description on the identification is not consistent with the appearance of the applicant or person presenting the identification.
- (3) Receiving other documentation with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged).
- (4) Receiving an application for service that appears to have been altered or forged.

(C)

Suspicious Personal Identifying Information.

- (1) 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.
- (2) Personal identifying information provided is not consistent with personal identifying information that is on file with the City.
- (3) A person's identifying information is the same as shown on other applications found to be fraudulent.
- (4) A person's identifying information is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address).
- (5) A person's social security number is the same as another customer's social security number.
- (6) A person's address or phone number is the same as that of another person.
- (7) A person's identifying information is not consistent with other information the customer provides.

(D)

Unusual Use of, or Suspicious Activity Related to, the Covered Account.

- (1) A change of address for a covered account followed by the City receiving a request for the addition of authorized users on the account or adding other parties.
- (2) A covered account that has been inactive and then becomes active.
- (3) Payments stop on an otherwise consistently up-to-date account.
- (4) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.
- (5) The City is notified of unauthorized charges or transactions in connection with a customer's covered account.

- (6) A new account is used in a manner consistent with fraud (such as the customer failing to make the first payment, or making the initial payment and no other payments).
- (5) An account being used in a way that is not consistent with prior use (such as late or no payments when the account has been timely in the past).
- (6) The City receives notice that a customer is not receiving his/her paper statements.

(E) **Notice From Customers, Victims of Identity Theft, Law Enforcement Authorities, or Other Persons Regarding Possible Identity Theft in Connection with Covered Accounts Held by the City.**

- (1) The City 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.
- (2) Should any of the above instances of suspicious activity that could be identity theft occur, the City will take immediate actions to either prevent or mitigate the situation.
In order to detect any of the Red Flags identified above with the opening of a new account, City personnel will take the following steps to obtain and verify the identity of the person opening the account:

Steps can include:

- (a) Requiring certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, social security number, driver's license or other identification.
- (b) Verifying the customer's identity, such as by copying and reviewing a driver's license or other identification card.
- (c) Reviewing documentation showing the existence of a business entity.
- (d) Independently contacting the customer.

In order to detect any of the Red Flags identified above for an existing account, City personnel will take the following steps to monitor transactions with an account:

Steps can include:

- (a) Verifying the identification of customers if they request information (in person, via telephone, via facsimile, via e-mail).
- (b) Verifying the validity of requests to change billing addresses.

- (c) Verifying changes in banking information given for billing and payment purposes.

Responses to these Red Flags are commensurate with the degree of risk posed based on the City's risk assessment.

Appropriate responses may include the following:

- (a) Complete verification of identification for fraud, active duty, credit freeze or address discrepancy alert for any of these types of alerts found on a consumer credit report when applying for services;
- (b) Monitoring a covered account for evidence of identity theft or suspicious activity by placing on the City's watch list;
- (c) Contacting the customer;
- (d) Changing any passwords, security codes, or other security devices that permit access to a covered account;
- (e) Reopening a covered account with a new account number;
- (f) Not opening a new covered account;
- (g) Closing an existing covered account;
- (h) Not attempting to collect on a covered account or not sending a covered account to a debt collector;
- (i) Notifying law enforcement; or
- (j) Determining that no response is warranted under the particular circumstances.

22-1-5 DUTIES REGARDING CHANGE OF ADDRESS. If a notice of change of address for an existing account is received and then within **thirty (30) days** a request for a change to the account is made, the City will assess the validity of the change of address or requested change to the account.

22-1-6 UPDATING THE PROGRAM. The City will periodically review and update this policy (including the Red Flags determined to be relevant) to reflect changes in risks to customers or to the safety and soundness of the City from identity theft, based on factors such as:

- (A) Experiences with identity theft;
- (B) Changes in methods of identity theft;
- (C) Changes in methods to detect, prevent, and mitigate identity theft;
- (D) Changes in the types of accounts or services that the City offers or maintains; and
- (E) Changes in our business arrangements, including services provided and service provider arrangements.

After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the City Council with his or her recommended changes, and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

22-1-7 PROGRAM ADMINISTRATION.

(A) The ultimate oversight of the program is the City Council. The City Council has assigned specific responsibility for the Program's implementation to the Program Administrator.

(B) The Program Administrator will report to the City Council, at least annually, on compliance by the City with all identity theft issues.

(C) The report will address material matters related to the Program and evaluate issues such as:

- (1) The effectiveness of the policies and procedures of the City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
- (2) Service provider arrangements;
- (3) Significant incidents involving identity theft and management's response; and
- (4) Recommendations for material changes to the Program.

The City Council will take any additional steps necessary to support this program.

22-1-8 SERVICE PROVIDER ARRANGEMENTS. The City will oversee any service provider who performs an activity in connection with one or more covered accounts. The City will take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft and require the service provider to report any Red Flag to the Program Administrator.

22-1-9 TRAINING. The City staff responsible for implementing the Program will be trained to recognize and detect Red Flags and properly react to unauthorized or fraudulent attempts to obtain customer information. The City directs the Program Administrator to conduct annual training for all employees regarding identity theft and to supplement that training throughout the year as more schemes are uncovered.

22-1-10 EDUCATION OF CUSTOMERS. Educating consumers about preventing identity theft and identifying potential pretext calls may help reduce their vulnerability to these fraudulent practices. The City will have brochures available to consumers and an identity theft prevention section on the City's website that describes preventative measures consumers can take to avoid becoming victims of these types of fraud.

22-1-11 OTHER APPLICABLE LEGAL REQUIREMENTS. As part of the overall Program, the City will include other legal requirements when needed, such as:

- (A) Filing a Suspicious Activity Report; and
- (B) Implementing any requirements under which accounts may be created, changed or altered when the City detects a fraud or active duty alert.

22-1-12 ASSISTANCE FOR VICTIMS. In the event one of the City's customers becomes a victim of identity theft, the following steps will be taken, as appropriate, to assist them:

- (A) Have trained personnel respond to customer calls regarding identity theft or pretext calling.
- (B) Determine if it is necessary to close an account immediately after a customer reports unauthorized use of that account and create a new customer account when appropriate. Where a customer has multiple accounts, an assessment will be made as to whether any other account has been the subject of potential fraud.
- (C) Help educate the customer about appropriate steps to take if they have been victimized.

(Ord. No. 1434; 10-06-08)

ARTICLE II - FREEDOM OF INFORMATION POLICY

22-2-1 PUBLIC RECORDS AVAILABLE. To the extent required by the Freedom of Information Act, **5 ILCS 140-1 et seq.** the City shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of the Freedom of Information Act, **5 ILCSA 140/7.**

22-2-2 DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.

(A) The City Clerk or a designated employee is hereby designated to act as Freedom of Information Officer. The Officer shall receive requests submitted to the City under the Freedom of Information Act, insure that the City responds to requests in a timely fashion, and issue responses under the Freedom of Information Act. The Freedom of Information officer shall develop a list of documents or categories of records that the City shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) Note the date the City receives the written request;
- (2) Compute the date on which the period for response will expire and make a notation of that date on the written request;
- (3) Maintain an electronic or paper copy of the written request including all documents submitted with the request until the request has been complied with or denied; and
- (4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the person making the request, and a copy of other communications regarding the request.

(C) The Freedom of Information Act officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor in the office of the Attorney General of the State of Illinois and thereafter successfully complete an annual training program. Thereafter when a new Freedom of Information officer is designated by the City, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

22-2-3 PROCEDURES. The City shall prominently display at the City Clerk's office, display on its website, make available for inspection and copying, and send through the mail as requested, each of the following:

(A) A brief description of the City, which will include, but not be limited to a block diagram giving its functional departments, 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 City, or which exercises control over its policies or procedures; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where request for public records should be directed, and the fees relating thereto.

22-2-4 REQUESTS TO INSPECT OR COPY. All requests to inspect or copy records or documents prepared, maintained or under the control of the City shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the City.

(B) The written request shall be submitted to the City Clerk or to the designee. If neither the City Clerk nor the designee is available, the request shall be submitted to any employee of the City acting under the direction of the City Clerk.

(C) The Officer receiving the request shall date stamp the request and indicate the date by which a response to the request must be made.

(D) Each request for other than commercial purposes shall be granted or denied in writing within **five (5) business days** after its receipt by the City, except as hereafter stated. The failure to grant or deny a request within **five (5) business days** shall operate as a denial, except as provided hereinbelow.

(E) The time limit set forth hereinabove may be extended for an additional **five (5) business days** by notice in writing to the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) business days** extension and contain a date certain on which the requested record(s) will be available. The failure to grant or deny a request within the additional **five (5) business days** shall operate as a denial. The person making the request and the City may agree in writing to extend the time for compliance for a period to be determined by the parties. If the person making the request and the City agree to extend the period for compliance, a failure by the City to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(F) Charges for copies of records and/or documents shall be imposed in accordance with the following:

- (1) No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested.
- (2) **Fifteen Cents (\$0.15)** for one-sided page for each black and white, letter, legal sized or 11" x 17" copy requested.
- (3) **One Dollar (\$1.00)** for each certified copy requested.
- (4) **Ten Cents (\$0.10)** for each audio recording.

(G) It shall be the responsibility of the person making the request to pick up the requested documents at City Hall. If the person making the request asks the City to mail the documents, he or she shall provide the City with his/her correct mailing address so as to efficiently process all requests. Copies of records requested to be mailed will be forwarded United States Certified Mail to the address provided. Pre-payment of **Two Dollars Fifty Cents (\$2.50)** per ounce shall be required.

(H) When a person requests a copy of a record maintained in an electronic format, the City shall furnish it in the electronic format specified by the person making the request, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the City shall furnish it in the format in which it is maintained by the City, or in paper format at the option of the person making the request.

22-2-5 **REQUEST FOR COMMERCIAL PURPOSES.** The City shall respond to a request for records to be used for a commercial purpose within **twenty-one (21) working days** after receipt. The response shall (1) provide to the person making the request an estimate of the time required by the City to provide the records requested and an estimate of the fees to be charged, which the City may require the person to pay in full before copying the requested documents, (2) deny the request pursuant to **one (1)** or more of the exemptions set out in the Freedom of Information Act, **5 ILCS 140/1 et seq.**, (3) notify the person making the request that the request is unduly burdensome and extend an opportunity to the person making the request to attempt to reduce the request to manageable portions, or (4) provide the records requested.

Unless the records are exempt from disclosure, the City shall comply with a commercial request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

It is unlawful for a person to knowingly obtain a public record for a commercial purpose within disclosing that it is for a commercial purpose, and any person obtaining a public record for commercial purpose without disclosing that it is for a commercial purpose shall be fined in accordance with the City Code.

22-2-6 **FEES.** The City Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

22-2-7 **PUBLIC FILE.** The City Clerk shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

22-2-8 **GRANTING OR DENIAL OF REQUESTS.** A request for all records within a category shall be granted unless the request constitutes an undue burden upon the City. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the City and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the City. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

22-2-9 **CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.** If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.

22-2-10

NOTICE OF DENIAL OF REQUEST; APPEALS.

(A) If the City denies the request, the City shall notify the person making the request in writing of:

- (1) the decision to deny the request;
- (2) the reasons for the denial, including a detailed factual basis for the application of any exemption claim;
- (3) the names and titles or positions of each person responsible for the denial;
- (4) the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
- (5) the right to judicial review.

If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support a legal authority.

(B) If the City asserts an exemption under Subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods provided for Respondent to request, provide written notice to the person making the request and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

- (1) a copy of the request for access to records;
- (2) the proposed response from the City;
- (3) a detailed summary of the City's basis for asserting its exemption.

If the Public Access Counselor determines that further inquiry is warranted, the procedures set forth in the Freedom of Information Act, as amended from time to time, regarding the review of denials shall be applicable. Times for response compliance by the City to the request shall be tolled until the Public Access Counselor concludes his or her inquiry.

ARTICLE III - FAIR HOUSING CODE

22-3-1 **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. **(See 65 ILCS 5/11-11.1-1)**

22-3-2 **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.

22-3-3 PROHIBITED ACTS. It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other 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.

22-3-4 **PENALTY.** Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the City to specifically enforce, by any legal means, any of the provisions of this Code.

ARTICLE IV - EQUAL EMPLOYMENT POLICY

22-4-1 **ADOPTION OF CODES.** The City hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A) **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B) **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C) **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D) **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E) **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F) **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G) **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H) **Section 167 of JTPA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I) **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J) **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

22-4-2 **NON-DISCRIMINATORY PRACTICES.** The City will assure non-discriminatory employment practices in recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

22-4-3 **CONTRACTING WITH NON-COMPLAINTS.** The City will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on sex, color, race, religion, age, national origin, political affiliation or belief.

(A) The City will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, color, religion, sex, national origin or disability. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisement for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or disability.
- (3) In the event of the contractor's noncompliance with the Equal Opportunity Clause or with any of the said rules, regulations, and orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally assisted construction contracts.
- (4) The contractor will include the provisions of this Equal Opportunity clause in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor so that such provisions will be binding upon each such subcontractor or vendor.

22-4-4 OUTREACH TO ALL. The City assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

22-4-5 MINORITY HIRING. Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the City as well as surrounding areas.

22-4-6 ACCOMMODATIONS FOR DISABLED. The City will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

22-4-7 **COMPLIANCE BY EMPLOYEES.** All City employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out City program activities.

22-4-8 **DESIGNATED ENFORCERS.** The City designates the Mayor and the City Council to carry out the EEO/AA plan.

ARTICLE V – ETHICS CODE

22-5-1 **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 1-3 of the Election Code (**10 ILCS 5/1-3**).

"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 Chester.

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

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

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

"Political Activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii)

relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political Organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (**10 ILCS 5/9-3**), 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 literature, campaign signs, or other 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:

(A) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(B) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(C) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(D) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

22-5-2 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 (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional 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 (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

22-5-3 GIFT BAN. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

22-5-4 EXCEPTIONS. Section 22-5-1 is not applicable to the following:

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

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

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

(D) Educational materials and missions.

(E) Travel expenses for a meeting to discuss business.

(F) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great 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.

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

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

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

(J) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental 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.

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

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

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

22-5-5 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.

22-5-6 **ETHICS ADVISOR.** The Mayor, with the advice and consent of the City Council, shall designate an Ethics Advisor for the City. The duties of the Ethics Advisor may be delegated to an officer or employee of the City unless the position has been created as an office by the City.

The Ethics Advisor shall provide guidance to the officers and employees of the City concerning the interpretation of and compliance with the provisions of this Article and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the City Council.

22-5-7 **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.

(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 incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than **ten (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 22-5-8(C)** of this Article and refer violations of **Section 22-5-2** or **Section 22-5-3** 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.

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

- (2) 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 to the complainant within **three (3) business days** after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

- (3) 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 22-5-3** of this Article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled 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 22-5-2** 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.
- (4) 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.
 - (5) Within **thirty (30) days** after the date the hearing or any recessed hearing is concluded, the Commission shall either: (a) dismiss the complaint or (b) issue a recommendation for discipline to the alleged violator and 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.
 - (6) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within **seven (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.
 - (7) 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 subsection (5) 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.
 - (8) The Commission may fine any person who intentionally violates any provision of **Section 22-5-3** 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.
 - (9) A complaint alleging the violation of this Act must be filed within **one (1) year** after the alleged violation.

22-5-8 **PENALTIES.**

(A) A person who intentionally violates any provision of **Section 22-5-2** 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 22-5-3** 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 22-5-2** of this Article shall be prosecuted as a criminal offense by an attorney for the City by filing in the circuit court any 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 22-5-3** 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 22-5-2** or **22-5-3** of this Article is subject to discipline or discharge.

(Ord. No. 1289; 05-03-04)

ARTICLE VI – INVESTMENT POLICY

22-6-1 **POLICY.** It is the policy of the City to invest public funds in a manner which will provide the highest investment return with maximum security while meeting the daily cash flow demands of the City and conforming with all statutes of the State of Illinois as well as the City's ordinances controlling the deposit and investment of funds.

22-6-2 **SCOPE.** This investment policy applies to the investment of all financial assets of the City. It applies to the general fund, special revenue funds, debt service funds (including funds held in trust by a paying agent or trustee), capital project funds, special assessment funds, enterprise funds, internal service funds, expendable and non-expendable trust funds, and agency funds. Specific funds may be subject to additional investment procedures or exempted if passed by an ordinance of council.

22-6-3 **PRUDENCE.** Investments shall be made with judgment and care (under circumstances then prevailing) which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. The City officials acting in accordance to written procedures and the investment policy and exercising due diligence shall be relieved of the personal responsibility for an individual security's risk provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

22-6-4 **OBJECTIVE.** The primary objectives, in priority order, of the City's investment activity shall be:

(A) **Safety.** Safety of the principal is the foremost objective of the investment program. Investments of the City of Chester shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To obtain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Derivatives. Under no circumstances will any City funds, either directly or indirectly, be invested in derivatives (except stripped coupons).

(B) **Liquidity.** The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated.

(C) **Return on Investment.** The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk characteristics and the cash flow characteristics of the portfolio.

(D) Whenever possible and prudent, City funds will be invested with local financial institutions.

22-6-5 **DELEGATION OF AUTHORITY.** Authority to manage the City's investment policy is derived from the Illinois State Statutes. Management of investments is hereby delegated to the City Treasurer who shall invest surplus City funds as set forth in this investment policy, establish a system of internal controls and written operational procedures. All persons engaged in investment transactions for the City or any of its entities shall follow this investment policy.

The City Clerk shall be responsible for receiving, depositing and recording all monies. A monthly report is generated showing all receipts and disbursements. Semi-annual investment reports will be submitted by the City Treasurer to the City Council. Monthly Treasurer's reports will represent receipts from various tax sources. The City Council's Finance Committee will approve all disbursements.

22-6-6 **ETHICS AND CONFLICTS OF INTEREST.** City officials and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which would impair their ability to make impartial decisions. City officials shall disclose to the Mayor any material financial interests in financial institutions that conduct business with the City, and he shall further disclose any large personal/investment positions that could be related to the City's portfolio. City officials shall subordinate their personal investment transactions to those of the City, particularly with regard to the time of purchases and sales.

(A) **Pecuniary Interest in Contracts.** City officials are also bound by the provision of **30 ILCS 235/2(d)** and **50 ILCS 105/3.2** regarding pecuniary interests allowed in contracts of deposit and financial service with local banks and savings and loan associations. **See Appendix "A"** which is attached hereto and by reference made a part of this investment policy.

22-6-7 **AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.** Investment instruments as defined in **Section 22-6-8** of this policy may be purchased from financial institutions inside and outside the City or from primary security broker/dealers. Security broker/dealers not affiliated with a bank shall be required to have an office located in Illinois and be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers. Financial institutions and security broker/dealers must file a current financial statement with the finance director as well as signed statement that they have read and understand this policy and will limit their recommendations to those investments which they believe are consistent with its requirements.

(A) Brokers/Dealers who provide investments on a "delivery versus payment" basis must be primary dealers of government securities as listed by the Federal Reserve Bank of New York or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule).

(B) Brokers/Dealers who sell commercial paper and provide their own safekeeping for commercial paper must be primary dealers of government securities as listed by the Federal Reserve Bank of New York, or regional brokers that the City Treasurer has determined can provide sufficient insurance to secure the assets.

(C) Commercial Banks authorized to provide investments on a "delivery versus payment" basis must have at least **\$500 million** of total assets and a Sheshunoff rating of at least **thirty (30)** according to the most recent Sheshunoff quarterly bank rating report.

(D) Commercial Banks authorized to provide federally insured Certificates of Deposit must have a Sheshunoff rating of at least **twenty (20)** according to the most recent Sheshunoff quarterly bank rating report.

(E) Commercial Banks authorized to provide collateralized Certificates of Deposit above and beyond the **One Hundred Thousand Dollar (\$100,000.00)** federally insured limit must have a Sheshunoff rating of at least **fifty (50)** according to the most recent Sheshunoff quarterly bank rating report.

(F) Commercial Banks performing safekeeping services must provide these services in the framework of a legally separate trust department.

A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the City invests.

22-6-8 **AUTHORIZED AND SUITABLE INVESTMENTS.** The City Treasurer may invest in the following investments:

(A) Treasury Obligations including bills, notes, bonds and stripped coupons.

(B) Obligations of the Government National Mortgage Association (GNMAs).

(C) Bonds, notes, debentures and similar obligations issued by agencies of the United States government.

(D) Certificates of Deposit issued by Commercial Banks that are FDIC insured or collateralized.

(E) Commercial paper that has the highest rating classifications by at least one of the standard rating agencies and has one of the two highest rating classifications by at least two of the standard rating agencies.

(F) The Illinois Public Treasurer's Investment Pool.

(G) Any money market mutual fund permissible under state law.

22-6-9 **COLLATERALIZATION.** Collateralization may be required of all certificates of deposit, savings accounts, money market funds and all other funds held by a financial institution for the City. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be **one hundred two percent (102%)** of market value of principal and accrued interest. Collateral will be limited to direct obligations of the United States of America, agencies of the United States of America and Collateral Mortgage Obligations derived solely from those agencies, and obligations of any governmental agency within the United States with a Moody's rating of AA or better or a Standard and Poor's rating of AA or better. Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City and retained. The right of collateral substitution is granted, but all substitution must be reported to the City at least **forty-eight (48) hours** prior to execution. Collateralization agreements, signed by financial institutions, are on file at City Hall.

22-6-10 **SAFEKEEPING AND CUSTODY.** All securities will be held by a third party custodian. Where practical those securities will be purchased on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian recommended by the City Treasurer and approved by the City Council and evidenced by safekeeping receipts. Where

securities cannot practically be purchased on a DVP basis, the seller of the security will hold the security provided it meets the requirements set in **Section 22-6-7**. Sales of securities by the City shall be made on a DVP basis where practicable.

22-6-11 DIVERSIFICATION. The City will diversify its investments by security type and institution to avoid incurring unreasonable risks inherent in overinvesting in specific instruments, individual financial institutions or maturities.

<u>Diversification by Investment Instrument</u>	<u>Percent of Portfolio</u>
U.S. Treasury Obligations (bills, notes, bonds)	100%
Bonds, notes, debentures or other obligations or securities issued by any federal government agency	50%
Certificates of Deposit (specific collateral 102%)	100%
Repurchase Agreements with signed master repurchase agreement (specific collateral 102%)	25%
State and Local Government Securities	25%
Illinois Public Treasurer's Investment Pool	100%

22-6-12 MAXIMUM MATURITIES. To the extent possible, the City shall attempt to match its investments with anticipated cash flow. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than **three (3) years** from the date of purchase. In no case can commercial paper be purchased with a maturity date of more than **one hundred twenty-five (125) days** from purchase, and in no case can certificates of deposit be purchased with a maturity date of more than **one thousand eighty (1080) days** from date of purchase. (To be evaluated individually based upon projected cash flow needs).

The City may invest up to **fifty percent (50%)** of its budgeted capital reserve in U.S. Treasury securities with a maturity date of up to **seven (7) years** from the date of purchase, and the City may invest up to **ten percent (10%)** of its budgeted capital reserve in a GNMA with a maturity date of up to **fifteen and one-quarter (15 1/4) years** from its date of purchase (this longer maturity allowance for a GNMA takes into account the self-amortizing nature of the security which reduces its average life substantially).

22-6-13 INTERNAL CONTROL. The City shall participate in an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

22-6-14 **PERFORMANCE STANDARDS.** The investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles, taking into account the City's investment risk constraints and cash flow needs.

(A) **Market Yield (Benchmark).** The City's investment strategy is passive. Given this strategy, the basis used by City officials to determine whether market yields are being achieved shall be the Illinois Public Treasurer's Investment Pool.

22-6-15 **REPORTING.** The City Treasurer will make monthly reports to the City Council on investment purchases, sales and maturities. A semi-annual listing of all investments made by the City Treasurer will be presented to the City Council for review along with a report comparing actual performance to benchmark performance.

22-6-16 **INVESTMENT POLICY ADOPTION.** The investment policy shall be adopted by resolution of the City Council, and any modifications made must be approved by the City Council.

ARTICLE VII - USE OF SOCIAL SECURITY NUMBERS

22-7-1 DEFINITIONS.

"Person" means any individual in the employ of the City.

"Policy" or "Privacy Policy" means this document, as now or hereafter amended.

"Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.

"Social Security Number" means the nine (9) digit number assigned to an individual by the United States Social Security Administration for the purposes authorized or required under the United States Social Security Act of August 14, 1935, as amended (Public Law 74-271).

22-7-2 PROHIBITED ACTIVITIES.

(A) No officer or employee of the City shall do any of the following:

- (1) Publicly post or publicly display in any manner an individual's Social Security Number.
- (2) Print an individual's Social Security Number on any card required for the individual to access products or services provided by the person or entity.
- (3) Require an individual to transmit his or her Social Security Number over the Internet, unless the connection is secure or the Social Security Number is encrypted.
- (4) Print an individual's Social Security Number on any materials that are mailed to the individual, through the United States Postal Service, any private mail service, electronic mail, or a similar method of delivery, unless Illinois or federal law requires the Social Security Number to be on the document to be mailed. Notwithstanding any provision in this Section to the contrary, Social Security Numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Illinois Unemployment Insurance Act, any material mailed in connection with any tax administered by the Illinois Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the Social Security Number. A Social Security Number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

(B) Except as otherwise provided in this policy, beginning immediately on the effective date of the City's authorizing Ordinance, no officer or employee of the City shall do any of the following:

- (1) Collect, use, or disclose a Social Security number from an individual, unless (i) required to do so under State or Federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security Number is otherwise necessary for the

performance of that agency's duties and responsibilities; (ii) the need and purpose for the Social Security Number is documented before collection of the Social Security Number; and (iii) the Social Security Number collected is relevant to the documented need and purpose.

- (2) Require an individual to use his or her Social Security Number to access an Internet website.
- (3) Use the Social Security Number for any purpose other than the purpose for which it was collected.

(C) circumstances:

The prohibitions in subsection (B) do not apply in the following

- (1) The disclosure of Social Security Numbers to agents, employees, contractors, or subcontractors of the City or disclosure to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the City must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy on the City to protect an individual's Social Security Number will be achieved.
- (2) The disclosure of Social Security Numbers pursuant to a court order, warrant, or subpoena.
- (3) The collection, use, or disclosure of Social Security Numbers in order to ensure the safety of: City employees; persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a City facility.
- (4) The collection, use, or disclosure of Social Security Numbers for Internal verification or administrative purposes.
- (5) The collection or use of Social Security Numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.

(D) Any standards of the City for the collection, use, or disclosure of Social Security Numbers that are stricter than the standards under this Policy with respect to the protection of those Social Security Numbers, then, in the event of any conflict with the provisions of this Policy, the stricter standards adopted by the City shall control.

22-7-3 PUBLIC INSPECTION AND COPYING OF DOCUMENTS.

Notwithstanding any other provision of this policy to the contrary, all officers and employees of the City must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an

individual's Social Security Number. All officers and employees of the City must redact Social Security Numbers from the information or documents before allowing the public inspection or copying of the information or documents.

22-7-4 APPLICABILITY.

(A) This policy does not apply to the collection, use, or disclosure of a Social Security Number as required by State or Federal law, rule, or regulation.

(B) This policy does not apply to documents that are required to be open to the public under any State or Federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

22-7-5 COMPLIANCE WITH FEDERAL LAW. If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the City shall follow that law.

22-7-6 EMBEDDED SOCIAL SECURITY NUMBERS. Beginning immediately on the effective date of the City's authorizing Ordinance, no officer or employee of the City may encode or embed a Social Security Number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security Number as required by this Policy.

22-7-7 IDENTITY--PROTECTION REQUIREMENTS.

(A) All officers, employees and agents of the City identified as having access to Social Security Numbers in the course of performing their duties to be trained to protect the confidentiality of all Social Security Numbers. Training shall include instructions on the proper handling of information that contains Social Security Numbers from the time of collection through the destruction of the information.

(B) Only employees who are required to use or handle information or documents that contain Social Security Numbers have access to such information or documents.

(C) Social Security Numbers requested from an individual shall be provided in a manner that makes the Social Security Number easily redacted if required to be released as part of a public records' request.

(D) When collecting a Social Security Number or upon request by the individual, a statement of the purpose or purposes for which the City is collecting and using the Social Security Number be provided.

(E) A written copy of this Privacy Policy, and any amendment thereto, shall be filed with the City Council within **thirty (30) days** after approval of this Policy or any amendment thereto.

(F) The City shall advise its employees of the existence of the Policy and make a copy of this Policy available to each employee, and shall also make this Privacy Policy available to any member of the public, upon request and at no charge for a single copy of this Privacy Policy. If the City amends this Privacy Policy, then the City shall also advise its employees of the existence of the amended Policy and make a copy of the amended Policy available to each employee.

22-7-8 **PENALTY.** Any person who violates any portion of this Article, as now or hereafter amended, shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** for the first such violation and a fine of not less than **Seven Hundred Fifty Dollars (\$750.00)** for each violation thereafter.

22-7-9 **AMENDMENT OF PRIVACY POLICY.** The Privacy Policy adopted in this Division and Chapter shall be subject to amendment from time to time by the City Council as the City Council shall deem necessary in its sole discretion in order to maintain the City's compliance with the Illinois Identity Protection Act as now or hereafter amended.

22-7-10 **CONFLICT WITH STRICTER LAWS.** This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of Social Security Numbers.

[NOTE: This Policy is to comply with Public Act 096-9874 of the State of Illinois, cited as the Identity Protection Act, and codified as Title 30, Act 5, Section 1, et seq., as now or hereafter amended.]

ARTICLE VIII – POLICY AGAINST DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT

22-8-1 STATEMENT OF POLICY. It is the City's policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law. Sexual misconduct is also prohibited. The City will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom the City has a business, service or professional relationship. "Employee" for purposes of this policy only, includes any individual performing work for the City, an apprentice, an applicant for apprenticeship or an unpaid intern. The City has appointed an Ethics Officer to receive and oversee investigations of complaints made pursuant to this policy and he/she is referred to in this policy as the City's "Ethics Officer". He/She can be contacted by email or phone at cityhall@powrup.net or (618) 826-2326. The City reserves the right to change the Ethics Officer from time to time.

Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. The City is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. The City will take disciplinary action, up to and including termination, against an employee who violates this policy.

(A) As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors or any other visual, verbal or physical conduct of a sexual nature when:

- (1) submission to or rejection of this conduct explicitly or implicitly affects a term or condition of the individual's employment;
- (2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- (3) the harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

(B) Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- (1) The employee as well as the harasser may be a woman or a man. The employee does not have to be of the opposite sex.
- (2) The harasser can be the employee's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- (3) The employee does not have to be the person harassed, but could be anyone affected by the offensive conduct.
- (4) Unlawful sexual harassment may occur without economic injury to or discharge of the employee.
- (5) The harasser's conduct must be unwelcome.

(C) Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that the City deems inappropriate and in violation of our policy:

- (1) Unwanted sexual advances.
- (2) Offering employment benefits in exchange for sexual favors.
- (3) Retaliating or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
- (4) Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
- (5) Verbal conduct such as making derogatory comments, using epithets or slurs, making sexually explicit jokes or suggestive comments about a person's body or dress.
- (6) Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes about disabled individuals.
- (7) Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

(D) Sexual misconduct is strictly prohibited by the City and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault, or ANY sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

22-8-2 RESPONSIBILITIES.

(A) **Supervisors.** Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

- (1) Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
- (2) Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois;
- (3) Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor;
- (4) Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
- (5) Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the City Attorney or to the Ethics Officer; and

(6) Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.

(B) **Employees.** Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

(1) Refraining from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;

(2) Immediately reporting any violations of this policy to a supervisor, the Ethics Officer or City Attorney, and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of public); and

(3) Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.

(C) Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.

(D) There is a clear line most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free for form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

(E) If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

(F) The City does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

22-8-3 APPLICABLE PROCEDURES. The City takes allegations of discrimination, harassment and sexual misconduct very seriously. It will actively investigate all complaints.

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the City's complaint procedure to advise the City of any perceived violation of this policy as soon as it occurs.

(A) **Bringing a Complaint.** Any employee of the City or any elected official of the City who believes that there has been a violation of this policy may bring the matter to the attention of the City in one of the following ways:

- (1) Advising his or her supervisor or the Ethics Officer for the City; or
- (2) Advising the offending employee's supervisor, the City Attorney or the City Clerk in the event that the alleged harasser is the City Attorney.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the City Attorney or the Ethics Officer.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

The City will take steps to ensure that complaints made are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

(B) **Resolution of a Complaint.** Promptly after a complaint is submitted, the City will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedure in resolving any complaints can (but will not necessarily) include any of the following items:

- (1) A meeting between the employee making a complaint and an individual designated by the City to investigate such complaints. Important data to be provided by the complaining employee includes the following:
 - (a) A description of the specific offensive conduct;
 - (b) Identification of all person(s) who engaged in the conduct;
 - (c) The location where the conduct occurred;
 - (d) The time when the conduct occurred;
 - (e) Whether there were any witnesses to the conduct;
 - (f) Whether conduct of a similar nature has occurred on prior occasions;
 - (g) Whether there are any documents which would support the complaining employee's allegations; and
 - (h) What impact the conduct had on the complaining employee.
- (2) While not required, the City encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.
- (3) After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of the City. The alleged offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.

- (4) After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately.
- (5) Once this investigation is completed, the City will take such action as is appropriate based upon the information obtained in the investigation. In the event that the City finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
 - (a) Verbal or written reprimand;
 - (b) Placing the offending employee on a corrective action plan for a period of time to be identified;
 - (c) Delay in pay increases or promotions;
 - (d) Suspending the offending employee from work without pay;
 - (e) Demotion; or
 - (f) Immediate termination.
- (6) Upon completion of the investigation, the City will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, the City looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

(C) **Non-Retaliation.** Under no circumstances will there be any retaliation against any employee making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining employee, an accused employee, witnesses or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Complaints of retaliation should be addressed to the Ethics Officer, City Attorney or City Clerk. Illinois law provides protections to whistleblowers as set forth in the Whistleblower Act, **740 ILCS 174/15** and the Illinois Human Rights Act, **775 ILCS 5/6-101**.

(D) **False Reports Prohibited.** It is a violation of this policy for an employee to knowingly make a false report of discrimination, harassment, sexual misconduct or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action, as set forth in Section 22-8-3(B)(5), above.

(E) **Additional Resources.** If you have any questions concerning the City's policies on this matter, please see your supervisor, the Ethics Officer or the City Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200, or the Equal Employment Opportunity Commission (EEOC), 800-669-4000. Confidential reports of harassment or discrimination may also be filed with these state agencies. For matters involving the abuse of minors, the Illinois Department of Children and Family Services (DCFS) may be contacted by dialing 800-25-ABUSE.

Please acknowledge receipt and review of this policy by completing the acknowledgement form at the end of this policy and returning it to the Mayor's office.

(Ord. No. 1666; 12-18-17)

MEMORANDUM

TO: All Employees and Employees of Elected Officials

FROM: Mayor Tom Page

IN RE: City of Chester’s Policy against Discrimination, Harassment and Sexual Misconduct

DATE: _____, _____

Attached is a copy of the City of Chester’s Policy Against Discrimination, Harassment and Sexual Misconduct which was adopted by Ordinance on _____, 2017. All employees of the City of Chester and of elected officials of the City of Chester are required to review the policy, acknowledge receipt of same and comply with it as a condition to continued employment.

Your supervisor will review this policy with you, and you will be asked to complete the Acknowledgement at the end of this policy. Please return the completed Acknowledgement to your supervisor.

**ACKNOWLEDGEMENT OF RECEIPT AND
UNDERSTANDING OF POLICY AGAINST DISCRIMINATION,
HARASSMENT AND SEXUAL MISCONDUCT**

Effective _____, 2017, the City of Chester implemented a Policy Against Discrimination, Harassment and Sexual Misconduct.

Remember: It is your responsibility to read, understand, and abide by this policy and procedure. If you have any questions or concerns, please speak to your supervisor, the Ethics Officer or the City Attorney. Please sign and date this memo to acknowledge that you have received and understand the policy.

Please respond to the following questions, circle appropriate answer and initial:

Have you read, and do you understand this policy? Yes No Initials: _____

Do you have any questions about this policy? Yes No Initials: _____

Do you know how to file a complaint should you ever have a problem with discrimination, harassment, sexual misconduct, retaliation or if you see inappropriate behaviors at work? Yes No Initials: _____

If you ever have a problem or concern regarding discrimination, harassment, sexual misconduct or retaliation in the workplace, please list three individuals within our organization who you can address your concerns with:

1) _____; 2) _____; 3) _____
Initials: _____

Are you aware of any behaviors going on either in our workplace or outside the workplace that may impact the workplace and that are inconsistent with this policy? Yes No Initials: _____

Employee Signature

Date

Please print your name

I certify that the above person has received the Policy Against Discrimination, Harassment and Sexual Misconduct, and that I have reviewed this checklist with him/her.

Supervisor Signature

Date

CHAPTER 23

MANUFACTURED 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.

"CORPORATE AUTHORITIES" shall mean the Mayor and the City Council.

"IMMOBILIZED MANUFACTURED HOME": As applied to a manufactured home, "immobilize" means to remove the wheels, tongue and hitch and to affix to a permanent foundation. The term implies that, once affixed to a permanent foundation, the destruction of said foundation would be necessary in order to move the dwelling to another location.

"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.

"MANUFACTURED 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 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"**. Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch

permanently removed shall not be construed as a **"manufactured home"**, but shall be an **"immobilized manufactured home"**. A manufactured home should not be confused with a **"camping trailer"** or **"recreational vehicle"**. (See 210 ILCS Sec. 115/2.10)

"MANUFACTURED HOME, DEPENDENT" means a manufactured home which does not have a toilet and bath or shower facilities. (See 210 ILCS Sec. 115/2.3)

"MANUFACTURED 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.

"MANUFACTURED HOME, INDEPENDENT" means a manufactured home which has self-contained toilet and bath or shower facilities. (See 210 ILCS Sec. 115/2.4)

"MANUFACTURED HOME LOT" means a parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

"MANUFACTURED HOME PAD" means that part of an individual manufactured home space or lot beneath the manufactured home, including the concrete portion of the pad.

"MANUFACTURED 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 manufactured 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 manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. (See 210 ILCS Sec. 115/2.5)

"MANUFACTURED HOME SALES AREA" means a parcel of land used for the display, sale, and repair of new or used manufactured homes.

"MANUFACTURED HOME SPACE" means a portion of a manufactured home park designed for the use or occupancy of **one (1) manufactured home**.

"MANUFACTURED HOUSING UNIT" includes all forms of housing units listed in this Section and as regulated in this Code.

"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 homes constructed prior to **June 30, 1976**, not in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**.

"MODULAR HOME": A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed on a full perimeter foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety Standards (HUD Code) or the International Building Code (I.B.C.). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate.

"OWNER" or "OPERATOR" means the licensee.

"PERMANENT FOUNDATION", for a manufactured home, means a foundation in compliance with the state statutes and the Illinois Department of Revenue Rules for installation of the unit.

"PERMANENT HABITATION" means a period of **two (2) or more months**.

"PERMIT" means a certificate issued by the Building or Zoning Inspector, permitting the construction, alteration, or reduction in number of spaces of a manufactured 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 manufactured home is located for permanent habitation. (See 210 ILCS Sec. 115/2.7)

"SPACE" shall be synonymous with **"Manufactured 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 manufactured homes and immobilized manufactured 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** is hereby adopted by the City, the applicable provisions as they pertain to manufactured homes and immobilized manufactured 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 the Manufactured Home community shall be controlling within the corporate limits.

23-1-5 NATIONAL SAFETY STANDARDS. No manufactured home or immobilized 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 FIRE EXTINGUISHERS. All manufactured 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 manufactured housing units. All fire extinguishers shall be approved by the Fire Chief or his designated representative prior to installation of the manufactured home. (See 425 ILCS Secs. 60/1-60/4)

23-1-7 **INSPECTION.** All Manufactured Housing units located in the City shall be subject to reasonable inspection by an official or officials designated by the City Council.

23-1-8 **OFF-STREET PARKING.** Every owner of a manufactured housing unit shall provide for an off-street parking area of **four hundred (400) square feet.**

23-1-9 **PROHIBITED RESIDENTIAL USES.**

(A) **Dependent Mobile Home.** It shall be unlawful to locate a dependent mobile home in the City unless placed in a state-licensed travel trailer park.

(B) **Independent Travel Trailer.** It shall be unlawful to reside in an independent travel trailer in the City unless it is located in a state-licensed travel trailer park.

(C) **Manufactured Home.** It shall be unlawful to locate a manufactured home or a mobile home in a state-licensed travel trailer park without written permission of the City Council or the Zoning Board.

23-1-10 **CARBON MONOXIDE ALARM DETECTORS.** Each unit shall be equipped with a carbon monoxide alarm detector as prescribed by state statute. **(see 430 ILCS 135/1 et seq.)**

23-1-11 **SMOKE AND FIRE DETECTORS.** Each unit shall be equipped with smoke and fire detectors as prescribed by state statute.

ARTICLE II - IMMOBILIZED MANUFACTURED HOMES

23-2-1 **IMMOBILIZED MANUFACTURED HOMES.** All immobilized manufactured 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 manufactured home outside a manufactured home park to remove or cause to have removed the wheels or any other transportation device from the manufactured home. The owner or lessor shall permanently fix it to the ground in a manner that conforms to the definition of an immobilized manufactured home in **Section 23-1-1**. All existing manufactured 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 manufactured home or an immobilized manufactured home outside a manufactured home park shall obtain a **Building or Zoning Permit** from the City Clerk or Building Inspector. No utility services shall be connected to the unit until the City has issued the appropriate permits. The fee to locate or relocate a manufactured home or immobilized manufactured home shall be **Thirty Dollars (\$30.00)**. (**See Zoning Code for districts permitting these uses.**)

[NOTE: A zoning special-use permit may be required from the City.]

23-2-3 **LOT SIZE.** The minimum lot size for the location of an immobilized manufactured home unit shall be **six thousand (6,000) square feet**. All units shall be located in the City according to the requirements and restrictions of this Code. They shall not exceed **forty percent (40%) coverage** of the lot or the requirements of the Zoning Code.

23-2-4 **LIMIT OF UNITS.** There shall be **only one (1)** immobilized manufactured home per lot in the City.

ARTICLE III - MANUFACTURED HOME PARKS

DIVISION I - ADMINISTRATION REQUIREMENTS

23-3-1 COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE. Every manufactured home park hereafter established in the City shall, at a minimum, conform to the requirements of:

(A) 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 manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the City.

(B) 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.

(C) **This Code.**

(D) Zoning Code.

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

23-3-2 PERMITTING AND PLANNING A PARK. Any person seeking to establish, operate, alter, or expand a manufactured home park shall obtain a permit to construct or a license to operate a manufactured home park.

"Construct or operate a manufactured 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 manufactured homes. **(All plans shall be submitted to the 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. **(See Zoning Code, if any.)**

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 **"Manufactured Home Community Code"**, as approved by the **Illinois Department of Public Health**, the City Council or its designee may issue the proper permit to construct or alter a manufactured home park to the applicant. Permits shall be valid for **one (1) year from date of issue.**

23-3-5 **INSPECTION OF MANUFACTURED HOME PARK.** Upon completion of the proposed construction of a manufactured home park or the proposed alteration of a manufactured home park, the applicant shall notify the City or the designated official 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 **INITIAL PERMIT REQUIRED.** Each manufactured home that locates on a lot in a manufactured home park shall secure an initial Building or Zoning Permit from the City. All future locations on the same lot shall be exempt from the fee. **(See Zoning Code)**

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 manufactured home park, the applicant shall file with the City 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 manufactured home park or an original license to operate a manufactured 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. **[If there is a Zoning Administrator then the plans should be filed with that office.]**

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 manufactured 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 manufactured home park is to be located.
- (3) The plot plans of the manufactured 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 **Three Hundred Dollars (\$300.00)** for a permit to construct, or an application fee of **One Hundred Fifty Dollars (\$150.00)** for a permit to alter to increase the size of the park.

23-3-12 LOCATION.

(A) Sites selected for manufactured home development shall be well-drained and free from topographical or geological hinderances and from other conditions unfavorable to a proper residential environment. The manufactured home development shall not be located near swamps, wetlands, marshes, or other breeding places of insects, rats, mice or other rodents. When a good, natural drainage is not available, storm water 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 complies with the above requirements. **(See Flood Plain and Zoning Codes, if any.)**

23-3-13 ROADWAYS AND PARKING.

(A) All streets and driveways in every park shall be constructed in compliance with the Subdivision Code in **Chapter 34.**

(B) All streets in parks constructed shall have a minimum right-of-way of **fifty (50) feet** and a minimum road width of **thirty-two (32) feet** for the purpose of this Code, and shall be considered private streets to be maintained by the park owner or operator.

If a manufactured 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 manufactured home park and shall be a minimum of **four (4) feet** in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a mobile home shall block, in any way, the pedestrian traffic on the walkways.

23-3-14 - 23-3-16 RESERVED.

DIVISION III - GENERALLY

23-3-17 **LOT SIZE.** The minimum lot size for a manufactured home pad shall be **six thousand (6,000) square feet**, with a minimum frontage of **fifty (50) feet**.

23-3-18 **MISCELLANEOUS RESTRICTIONS.**

(A) No manufactured home unit parked in a manufactured home park shall be immobilized.

(B) Not more than **one (1) manufactured home unit** shall be parked in **one (1)** space.

(C) No travel-trailer shall be permitted in any manufactured home park, unless a special area has been approved for that purpose by the City Council or the Zoning Board.

23-3-19 - 23-3-20 **RESERVED.**

DIVISION IV - FEES

23-3-21 **LICENSE FEE.** The annual license fee per manufactured home park shall be **Fifty Dollars (\$50.00)**, and shall be due and payable **on or before May 1st of each year**. The City Clerk shall notify the owner or operator of the annual fee at least **thirty (30) days** prior to **May 1st**.

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 and other appointed officials 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 Vehicle Code and meet the requirements of the Illinois Department of Transportation. **(See 625 ILCS 5/11-301)**

24-2-4 UNAUTHORIZED SIGNS. No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

24-2-5 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 State of Illinois, 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, 33 and 40)**

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 LAMPS AND OTHER EQUIPMENT ON BICYCLES.
(A) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least **five hundred (500) feet** to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances of **one hundred (100) feet** to **six hundred (600) feet** to the rear when directly in front of lawful lower beams of

headlights on a motor vehicle. A lamp emitting a red light visible from a distance of **five hundred (500) feet** to the rear may be used in addition to the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use any siren upon a bicycle.

(C) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector or conforming to specifications prescribed by the State on each pedal, visible from the front and rear of the bicycle during darkness from a distance of **two hundred (200) feet**.

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of **five hundred (500) feet** and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least **three-sixteenths of an inch (3/16th")** wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the State.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.

(G) Any person charged with a violation of this section shall upon conviction, be fined in accordance with Section 1-1-20 of the City Code. **(See 625 ILCS Sec. 5/11-1507)**

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 **THROUGH STREETS.** The streets and parts of streets of the City designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See **Schedule "A"** for applicable through and stop streets.

24-3-2 **ONE-WAY STREETS OR ALLEYS.** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See **Schedule "B"** for the designated one-way streets and alleys. **(See 625 ILCS Sec. 5/11-208)**

24-3-3 **STOP STREETS.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See **Schedule "A"** for designated stop intersections. **(See 625 ILCS Sec. 5/11-302)**

24-3-4 **YIELD RIGHT-OF-WAY STREETS.** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. **(See Schedule "C")**

24-3-5 **POSTING SIGNS.** Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. **(See 625 ILCS Sec. 5/11-304)**

ARTICLE IV - DRIVING RULES

24-4-1 ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.

The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 11**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City except for the following changes, deletions and omissions:

(A)

Omissions:

- (1) Omit Sections 11-207, 11-208.1, 11-208.2, 11-209.1, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and including 11-416, 11-500 to and including 11-502, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419, and 11-1422.

(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 Unlawful. No person shall be a participant in drag racing as defined in **Section 5/11-504 of the Illinois Compiled Statutes.**

(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.

(D) **Unlawful Possession of Highway Sign or Marker.** The City's Street Department with reference to traffic-control signals, signs or markers owned by the City are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than **three-eighths of an inch (3/8")** or more than **three-fourths of an inch (3/4")** in height, by use of a metal stamp, etching or other permanent means and except for employees of the City, police officers, contractors and their employees engaged in highway construction, contract or work on the highway approved by the City, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified. **(See 625 ILCS Sec. 5/11-313)**

(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 "J"** 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. School crossings are hereby established in **Schedule "D"**. **(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 arrests 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.

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 **ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES**
ADOPTED. The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 12**, entitled "**Equipment of Vehicles**", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City. **(See 625 ILCS Secs. 5/12-605, 5/12-605.1; and 5/12-605.2)**

24-5-2 **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)**

24-5-3 **SOUND AMPLIFICATION SYSTEMS.** No driver of any motor vehicle within the City shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. **(See 625 ILCS 5/12-611) (Ord. No. 1433; 10-06-08)**

24-5-4 **EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.** It shall be unlawful for the operator of a commercial vehicle as defined in **625 ILCS 5/1-111.8** to operate or actuate any engine braking system within the City that emits excessive noise unless it is an emergency. The Maintenance Superintendent is authorized and directed to post signs stating: "**EXCESSIVE ENGINE BRAKING NOISE PROHIBITED**" at appropriate locations. **(Ord. No. 1433; 10-06-08)**

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 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.
- (m) On a side of the street in the opposite direction of the flow of traffic.

(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.
- (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;
 - (d) street sweeping zones.
- (4) **Parking a Recreational Vehicle, Motor Home, Tractor Trailer, Utility Trailer or Boat/Trailer.** Park a recreational vehicle (RV), motor home, tractor trailer, commercial vehicle, utility trailer or boat/trailer on any street or alley except that they may be temporarily parked on a street or alley to load or unload, but not for more than **four (4) hours** and they may not be parked so that they impede or disrupt the flow of traffic or cause an unsafe or dangerous condition for traffic. Furthermore, moving vans or tractor trailers may be parked for an overnight period on a street or alley to load or unload furniture to or from a residence so long as they do not impede or disrupt the flow of traffic or cause an unsafe or dangerous condition for traffic and only after obtaining permission from the Chester Police Department.

(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 "F", "G", "H", "I", "O" and "P" shall list all applicable no-parking, limited parking or special parking zones. **(See 625 ILCS 5/3-815) (Ord. No. 1682; 08-20-18)**

24-6-4PARKING 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.**

(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. **(Ord. No. 1151; 04-20-98) (625 ILCS Sec. 5/11-1301.3)**

(E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "P".**

24-6-5 **LOAD LIMITS.**

(A) **Established.** There is hereby established "gross load limit" on City streets. The term "gross load limit" shall mean the total weight of a vehicle and the load it is carrying. The specified streets and the load limits are hereby listed in **Schedule "M".**

(B) **Restrictions.** It shall be unlawful to operate a vehicle upon any street where the operation is prohibited by this Section and where such signs of prohibition are posted, except that a vehicle may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.

(C) **Exceptions.** This Chapter shall not include pickup trucks, trucks operated by the City maintenance and repairs on the street or the operation of a vehicle owned by the U.S. government or State of Illinois while on lawful business of these agencies.

24-6-6 **LIMITED PARKING ZONES; TWO-HOUR.** There shall be established two-hour parking zones throughout the City as designated in **Schedule "G"** and **"N"**.

24-6-7 **LIMITING PARKING ZONES.**

(A) There is herewith established a **one (1) hour** limited parking areas within and upon the following described streets within the City, and subject to the terms and provisions hereinafter set forth. The **one (1) hour** parking areas are listed in **Schedule "I"**.

(B) Vehicles parked in a **one (1) hour** designated parking area shall be limited to parking for a period of **one (1) hour** between the hours of **6:00 A.M.** and **6:00 P.M.** Monday through Saturday. Vehicles parked in violation of this Section shall be deemed to be illegally parked, and the owner thereof shall pay to the municipality the sum of **Twenty-Five Dollars (\$25.00)** as a fine. Anyone having received **four (4) citations** for violation of this Section shall subject that vehicle to be towed away when such vehicle is illegally parked for the **fifth (5th) time** within this zone which is herewith designated as a tow-a-way zone. The owner of any towed vehicle shall be responsible for all reasonable and necessary expenses incurred by the City, its employees, or independent contractors engaged by the City to tow the vehicle away.

(C) Any person who moves a vehicle within this **one (1) hour** designated parking area with the intention of circumventing or evading the requirements of this ordinance shall also be guilty of a separate and distinct offense, and shall be fined the sum of **Ten**

Dollars (\$10.00) in that it is found by the City, that those in possession of motor vehicles move these vehicles around within the above-described limited parking zone with the express intent of avoiding receiving a citation for being overparked in one parking spot, and then move it to another parking spot with the same intent to start a new time period. The **one (1) hour** parking zones are hereby established in **Schedule "I"**. (Ord. No. 975; 04-02-90)

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**. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in **625 ILCS 5/4-204** for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Code. (**625 ILCS 5/4-202**)

24-6-9 PARKING VIOLATIONS. There is hereby established a minimum fine of **Twenty-Five Dollars (\$25.00)** and a maximum fine of **Five Hundred Dollars (\$500.00)** for any person parked in violation in any areas designated as no parking zones and for any person violating stop signs. (Ord. No. 1065; 07-18-94)

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. (Ord. No. 819; 12-06-82)

24-6-12 DESIGNATED LOADING ZONES. There is hereby established designated loading zones within and upon certain streets within the City as designated in **Schedule "Q"**. No vehicle shall park in a designated loading zone unless merchandise, equipment, supplies or inventory is being loaded or unloaded to/from such vehicle to/from a business located adjacent to or within a reasonable distance from such loading zone. Vehicles may only park in a designated loading zone while loading or unloading, and once the loading or unloading is complete, such vehicle shall be immediately moved from the designated loading zone. (Ord. No. 1477; 12-21-09)

24-6-13 THIRTY-MINUTE PARKING. The following described areas are hereby designated as 30-minute parking between the hours of 8:00 a.m. to 4:00 p.m. of the same day, Monday through Friday.

- (A) The **two (2) parking spaces** in front of City Hall on Swanwick Street.
- (B) The **two (2) parking spaces** in front of the Post Office on Swanwick Street.

(Ord. No. 1792; 04-04-23)

ARTICLE VII – ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLES

24-7-1 ABANDONMENT OF VEHICLES PROHIBITED.

(A) The abandonment of a vehicle or any part thereof on any highway in this City is unlawful.

(B) 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 City is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by the City, 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 Section 5/11-40-3.1 of the Illinois Municipal Code.

(C) A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to **ten (10) days** after the date of the tow, or any later date acceptable to the Secretary of State. This paragraph shall not apply to vehicles towed by order or authorization of the City or a law enforcement agency. **(625 ILCS 5/4-201)**

24-7-2 ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLE NOTIFICATION TO LAW ENFORCEMENT AGENCIES.

When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this City, not the owner of the vehicle, such person shall immediately notify the municipal police when the vehicle is within the corporate limits of the City, or the State Police or the county sheriff when the vehicle is outside the corporate limits of the City. Upon receipt of such notification, the municipal police will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in **625 ILCS 5/4-204** for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Code. **(625 ILCS 5/4-202)**

24-7-3 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES; TOWING OR HAULING AWAY.

(A) When a vehicle is abandoned on a highway in an urban district or on public property **ten (10) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(B) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway or expressway, outside of an urban district for **twenty-four (24) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(C) 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 a law enforcement agency having jurisdiction.

24-7-4 POLICE TOWS; REPORTS, RELEASE OF VEHICLES, PAYMENT. When a vehicle is authorized to be towed away as provided in **Section 24-7-2** or **24-7-3**:

(A) The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(B) The police headquarters or office of the law officer authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number and registration sticker 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.

(C) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of the law enforcement agency. If a vehicle towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(D) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage and processing charges and collection costs. **(625 ILCS 5/4-204)**

24-7-5 RECORD SEARCHES FOR UNKNOWN OWNER.

(A) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records

of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(B) The law enforcement agency authorizing the impounding of a vehicle will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than **ten (10) business days** after the date the law enforcement agency impounds or authorizes the impounding of a vehicle, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a **ten (10) business day period** after impoundment, then notification shall be sent no later than **two (2) days** after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in **625 ILCS 5/4-209**.

(C) When ownership information is needed for a towing service to give notification as required under this Code, the towing service may cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

The written request of a towing service, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. Mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable.

The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. Mail or other delivery service, facsimile transmission, as requested by the towing service, or by other means acceptable to the Secretary of State.

(D) The Secretary of State may prescribe standards and procedures for submission of requests for record searches and replies via computer link.

(E) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of the Illinois Municipal Code. Payment may be made by the towing service using cash, any commonly accepted credit card or any other means of payment deemed acceptable by the Secretary of State. **(625 ILCS 5/4-205)**

24-7-6 IDENTIFYING AND TRACING OF VEHICLE. When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the

registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes as set forth in **Section 24-7-5** of this Code. **(625 ILCS 5/4-206)**

24-7-7 RECLAIMED VEHICLES; EXPENSES.

(A) Any time before a vehicle is sold at public sale or disposed of as provided in **Section 24-7-8**, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.

(B) No vehicle shall be released to the owner, lienholder or other person under this Section until all towing, storage and processing charges have been paid. **(625 ILCS 5/4-207)**

24-7-8 DISPOSAL OF UNCLAIMED VEHICLE.

(A) When an abandoned, lost, stolen or unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice has been given as provided in **Sections 24-7-5** and **24-7-6** of this Article, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **Article 5 of Chapter 625 of the Illinois Compiled Statutes** or the towing operator which towed the vehicle. 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 law enforcement agency where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder or other legally entitled persons. Notice as provided in **Sections 24-7-5** and **24-7-6** of this Article as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle.

(B) If an abandoned, lost, stolen or unclaimed vehicle displays dealer plates, notice under this Section and **Section 24-7-9** of this Code shall be sent to both the dealer and the registered owner, lienholder or other legally entitled persons.

(C) In those instances where the certified notification specified in **Section 24-7-5** and **24-7-6** of this Article has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required. **(625 ILCS 5/4-208)**

24-7-9 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) **New Car.** When the identity of the registered owner, lienholder or other legally entitled persons 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 Article, the vehicle may be sold as provided for in **Section 24-7-8** 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 Article, or when any such vehicle is towed at the request or with the consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner, lienholder or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the State Police stolen 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 persons, the vehicle may be disposed of in either of the following ways:

- (1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.
- (2) The towing service may sell the vehicle in the manner provided in **Section 24-7-8** of this Article, provided that the paragraph shall not apply to vehicles towed by order or authorization of a law enforcement agency.

(C) **Antique Vehicle.** A vehicle classified as an antique vehicle, custom vehicle, or street rod may, however, be sold to a person desiring to restore it. **(625 ILCS Sec. 5/4-209)**

24-7-10 DISPOSAL OF HAZARDOUS DILAPIDATED MOTOR VEHICLES. Any hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and **65 ILCS 5/11-40-3.1**, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of **ten (10) days** for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the **ten (10) day** period, without benefit of disposition information being received from the registered owner or lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk. **(65 ILCS 5/4-209.1)**

24-7-11 COLLECTION OF UNPAID CHARGES. In an action to collect towing, storage and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

24-7-12 **POLICE RECORD FOR DISPOSED VEHICLE.** When a vehicle in the custody of the City or law enforcement agency 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 Article, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal. **(625 ILCS 5/4-210)**

24-7-13 **PUBLIC SALE PROCEEDS; DISPOSITION OF.**

(A) When a vehicle located within the corporate limits is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Article, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the Municipality.

(B) The provisions of this Section shall not apply to vehicles disposed of or sold at public sale under subsection (k) of **625 ILCS 5/4-107** of the Illinois Vehicle Code. **(625 ILCS 5/4-211)**

24-7-14 **LIABILITY OF LAW ENFORCEMENT OFFICERS.**

(A) A law enforcement officer or agency, a department of municipal government designated under **625 ILCS 5/4-212.1** or its officers or employees, or a 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 Article.

(B) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of municipal government or its officers or employees shall not be held to answer or be liable for injury to, loss of, or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation. **(625 ILCS 5/4-213)**

24-7-15 **VIOLATIONS OF ARTICLE.**

(A) Any person who violates **Section 24-7-1(A)** or **(B)** of this Article or who aids and abets in that violation:

- (1) 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; and

- (2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage and processing charges and collection costs.

(B) When a vehicle is abandoned, it shall be presumed that the last registered owner is responsible for the abandonment and shall be liable for all towing, storage and processing charges and collection costs, less any amounts realized in the disposal of the vehicle. The last registered owner's liability for storage fees may not exceed a maximum of **thirty (30) days'** storage fees.

The presumption established under this paragraph may be rebutted by a showing that, prior to the time of the tow:

- (1) a report of vehicle theft was filed with respect to the vehicle;
or
- (2) the vehicle was sold or transferred and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer.

If the presumption established under this Section is rebutted, the person responsible for theft of the vehicle or to whom the vehicle was sold or transferred is liable for all towing, storage and processing charges and collection costs. **(625 ILCS 5/4-214)**

24-7-16 **DEFINITIONS.**

(A) **Abandoned Vehicle** shall mean any vehicle which is left unattended and apparently deserted.

(B) **Highway** shall mean and include any street, alley, lane, court, boulevard, public square, public place and sidewalk.

(C) **Vehicle** shall mean 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 bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks.

(Ord. No. 1332; 08-01-05)

ARTICLE VIII - MISCELLANEOUS REGULATIONS

24-8-1 SNOW ROUTES DESIGNATED.

(A) It shall be unlawful to park any vehicle on any marked snow route in the City at any time within **twelve (12) hours** after a snowfall of **three (3) inches** or more has occurred.

(B) The designated snow routes in the City shall be:

Street

Location

Swanwick St.

From State St. to Servant St. (**#751**)

State St.

From Stacey St. to Courthouse (**#751**)

Plus all intersecting streets located between the above designated streets.

(C) Any vehicles parked in the snow route zone shall be towed away at the owner's expense. (**Ord. No. 751; 11-19-79**)

24-8-2 STREET SWEEPING ZONES.

(A) It shall be unlawful to park any type of vehicle within any designated street sweeping zone in the City as designated above during the times and along the portions of the route as set forth herein.

(B) Any vehicle parked in the street sweeping zone or route shall be towed away at the owner's expense. (**Ord. No. 833; 05-02-83**)

(C) The specific zones shall be listed in **Schedule "O"**. (**Ord. No. 833; 05-02-83**)

ARTICLE IX – NON-HIGHWAY VEHICLES

24-9-1 **GENERAL.** Utility terrain vehicles, as defined and qualified herein, shall be allowed on City streets under the conditions as stated herein. No other non-highway vehicles as defined by **625 ILCS 5/11-1426.1** shall be permitted to be operated on the City streets.

24-9-2 **DEFINITIONS.**

(A) "Utility Terrain Vehicle" shall have the definition set forth in **625 ILCS 5/1-168.8**, further qualified, as follows: Any motorized device designed to travel primarily off-highway, **seventy-four (74) inches** or less in width, having a manufacturer's dry weight of **three thousand (3,000) pounds** or less, traveling on **four (4)** or more tires, designed with a non-straddle seat, having bench or side-by-side bucket seats, and a steering wheel for steering control, except equipment such as lawnmowers.

(B) "City Streets" means any of the streets within the boundaries of the City and under the sole jurisdiction of the City and includes the terms roads, roadways and highways.

24-9-3 **REQUIREMENTS.** All persons wishing to operate a utility terrain vehicle on City streets must ensure compliance with the following requirements:

(A) Proof of current liability insurance.

(B) Must be certified with the City and have the vehicle certified with the City by inspection by the Police Chief or his designated representative.

(C) Must comply with the published "Rules Concerning Alternate Transportation for the City of Chester" as stated in **Section 24-9-4** and as periodically updated.

(D) Must display City decal on the rear of the vehicle.

(E) Must have a current, valid Illinois driver's license.

(F) Must be **twenty-one (21) years** of age and a licensed driver.

24-9-4 **RULES CONCERNING ALTERNATE TRANSPORTATION.** All persons wishing to operate a utility terrain vehicle on City streets must ensure compliance with the following rules:

(A) Must obey all traffic laws of the State of Illinois and the City of Chester.

(B) Must be operated only on City streets, except where prohibited.

(C) May only be operated on streets/roadways that have a posted speed limit of **fifty-five (55) miles per hour** or less.

(D) A person who is operating or who is in actual physical control of a utility terrain vehicle as defined herein on a roadway while under the influence of alcohol or drugs is subject to **625 ILCS 5/11-500** through **625 ILCS 5/11-502**.

(E) Utility terrain vehicles shall not be operated on sidewalks in the City or places other than on streets and parking areas.

(F) All operators of a utility terrain vehicle must adhere to the child restraint laws pursuant to the Illinois Compiled Statutes.

(G) Any operator or passenger of a utility terrain vehicle must be in a sitting position and wearing a seatbelt while the vehicle is in motion.

(H) A person is not eligible to operate a utility terrain vehicle upon any street, roadway or highway within the corporate limits of the City unless he or she has a valid driver's license issued in his or her name by the Secretary of State.

(I) Utility terrain vehicles may not be operated on streets, highways and roads located in the City that are under the jurisdiction of the Illinois Department of Transportation, which at this time include the following:

- (1) State Highway 3
- (2) State Highway 150
- (3) Opdyke Street
- (4) Bridge Road from its intersection with Lehmen Drive/Route 3 to the Chester Bridge
- (5) Lehmen Drive
- (6) State Street

(J) A person may make a direct crossing of a street, road or highway under the jurisdiction of the State at an intersection with another public street, road or highway on which the operation of utility terrain vehicles are permitted.

24-9-5 PERMITS.

(A) No person shall operate a utility terrain vehicle without first obtaining a permit from the City Clerk as provided herein. Permits shall be granted for a period of **one (1) year** from **January 1** to **December 31** and renewed annually. The cost of the permit is **Fifty Dollars (\$50.00)**. Insurance coverage is to be verified by the Police Department and in effect when obtaining or renewing a permit. There will be no proration for a partial year.

(B) Every application for a permit shall be made on a form supplied by the City and shall contain the following information:

- (1) Name and address of applicant.
- (2) Name of liability insurance carrier.
- (3) Serial number, make, model and description of the utility terrain vehicle.
- (4) Waiver of liability signed by applicant releasing the City and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of their utility terrain vehicle on the City streets.
- (5) Insurance coverage in effect when obtaining or renewing a permit specifically for the vehicle to be operated pursuant to the permit and shall be verified by the Police Department.
- (6) Photocopy of the operator's current driver's license.
- (7) Such other information as the City may require.

(C) No permit shall be granted unless the following conditions are met:

- (1) The vehicle must be inspected by the Chief of Police (or his designee) to ensure that the vehicle is safe to operate on City streets and is in compliance with this Article.
- (2) A physically handicapped applicant must submit a certificate signed by a physician certifying that the applicant is able to safely operate a utility terrain vehicle on City streets.

- (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Compiled Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

(D) **Suspensions or Revocations.**

- (1) The City may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Article, other City Ordinance or State statute, or there is evidence that permittee cannot safely operate a utility terrain vehicle on the designated roadways.
- (2) A suspension or revocation shall be made in writing and shall set forth the provision(s) of statute or ordinance found to be violated. Suspensions or revocations may be appealed in writing to the City Council within **fourteen (14) days** from the issuance of the suspension or revocation, and if appealed, the City Council shall hold a public hearing at which the affected owner may appear, present witnesses and evidence, and be represented by an attorney. The City Council shall uphold the suspension or revocation if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis for the suspension or revocation occurred. During the appeal process, the suspension or revocation shall remain in full force and effect.

24-9-6 **VEHICLE REQUIREMENTS.** No utility terrain vehicle may be operated on a roadway unless, at a minimum, it is properly equipped with the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in **625 ILCS 5/12-709**) on the rear, an orange pennant/flag displayed on a rod or antennae **three (3) feet** above the top frame of the vehicle, a headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front, a tail lamp that emits a red light visible from at least **one hundred (100) feet** from the rear, brake lights, turn signals, seat belts, windshield and any additional requirements set forth in **65 ILCS 5/11-1438** or **65 ILCS 5/11-1426**, whichever is applicable, and as amended or the Illinois Vehicle Code.

24-9-7 **VIOLATIONS.**

(A) Any vehicle authorized for use on public streets by the passage of this Article shall be subject to all local and State laws that generally apply to the respective Motor Vehicle Codes, and any violation of either Code will cause the operator of said vehicle to be eligible for prosecution according to the laws of that Code.

(B) Any person violating any provision of this Article, shall upon conviction, be fined in an amount not less than **One Hundred Dollars (\$100.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**.

(Ord. No. 1760; 09-21-21)

CITY OF CHESTER

**RELEASE AND WAIVER FOR OPERATING A
UTILITY TERRAIN VEHICLE**

Release executed this ____ day of _____, 20__, by _____
_____, hereinafter for convenience referred to as
"Releasor".

In consideration of being permitted the use of a utility terrain vehicle on streets of the City of Chester, Randolph County, Illinois, Releasor, being of lawful age, for himself/herself and his/her personal representatives, assigns, heirs and next of kin, hereby releases, waives, discharges and covenants not to sue the City of Chester, Randolph County, Illinois, its officers, agents and employees, all hereinafter for convenience referred to as "Releasees", from all liability to the Releasor, his/her personal representatives, assigns, heirs and next of kin, and from every claim, demand, action or right of action, of whatsoever kind or nature, either in law or in equity, for all loss or damage, or any claim or damage therefore, on account of injury to the person or property, or resulting in the death of Releasor, whether caused by the alleged conditions of the City streets or the negligence of any party resulting from, or occurring by reason of, Releasor's operation of, or occurring while the Releasor is operating a utility terrain vehicle on roadways under the jurisdiction of the City of Chester, Randolph County, Illinois, or any activities in connection with such use, whether by negligence or other cause.

Releasor agrees to indemnify Releasees, and each of them, from any loss, liability, damage or cost Releasees may incur due to the operation by Releasor of a utility terrain vehicle within the corporate limits of the City of Chester, Randolph County, Illinois.

Releasor agrees that this release, waiver and indemnity is intended to be as broad and inclusive as permitted by the laws of the State of Illinois, and if any portion of this release is held invalid, it is agreed that the balance will, notwithstanding, continue in full force and effect.

Releasor understands that the City has an Ordinance governing the use of utility terrain vehicles on City streets and hereby agrees to conform with all requirements of the City ordinances at all times. He/she has read said Ordinance and the "Rules Concerning Alternate Transportation for the City of Chester", and by signature below acknowledges that he/she will comply with the Ordinance and said Rules as well as all of the applicable traffic laws of the State of Illinois at all times when operating a utility terrain vehicle on City streets.

Releasor further states that he/she has carefully read the above Release, knows the contents of the Release, and signs this Release as his/her own free act.

Releasor further states that he/she is familiar with the safe and proper operation of a utility terrain vehicle and that he/she will operate said utility terrain vehicle in a safe manner.

Releasor further acknowledges that the terms of this Release are contractual and not a mere recital.

Executed the date and year first above written.

Signature of Releasor

Name: _____

Address: _____

Telephone: _____

WITNESS:

SCHEDULE "A"

STOP INTERSECTIONS

I. ONE OR TWO-WAY STOP INTERSECTIONS.

In accordance with **Sections 24-3-1** and **24-3-3** of this Chapter, the following streets are hereby designated as stop and through streets:

THROUGH STREET	STOP STREET (DIRECTION)
Alley (West) Ann St.	Grade School Drive (East) Barron St. (Both) (#935)
Bissell St. Bridge Rd. Bridge Rd. E. Buena Vista St. E. Buena Vista St. E. Buena Vista E. Buena Vista E. Buena Vista E. Buena Vista (West) By-pass Road By-pass Road (North) By-pass Road By-pass Road	Taylor St. (North) Elvis Rd. Valley St. (West) Bissell St. (West) Hancock St. (East) Madison St. (West) Market St. (West) McFerron St. (West) McFerron St. (North) Branch St. (West) Bridge Rd. (West) Mill St. (South) Security Hospital Rd. (South)
Church St.	Valley St. (East)
George St.	Knollwood Dr. (North) (#1110)
High St. High St. W. Holmes St. (North) W. Holmes St. (West) W. Holmes St. W. Holmes St. Hoppe Dr. Hyland Dr.	Koeneman Acres (West) Schroeder St. (Southeast) (#1324) Allendale Blvd. (West) High St. (Both) Jefferson St. (West) (#1004) Oak St. (Both) Lee St. (NW Bd.) (#1198) Van Zant St. (North Bd.) (# 1314)
Ill. Rt. #3 Lehman Drive	Lochhead Dr. (West Bd.) (#744) Bridge Rd. (East)

SCHEDULE "A" (CONTINUED)

THROUGH STREET	STOP STREET (DIRECTION)
Lehman Drive Long St. (West)	Rainbow Drive Servant St.
Maple St. Murphysboro Rd.	High St. (West) Garfield St. (East Bd.) (#1062)
Old Plank Road Opdyke St. Opdyke St. Opdyke St. Opdyke St. Opdyke St. Opdyke St. Opdyke St. Opdyke St.	Emma St. (East Bd.) Cole Memorial Park (East) Frederick St. (West) Henry St. (West) Park Blvd. (East) Ridge Dr. (East) Riverview Blvd. (East) Spring St. (West) William St. (Both)
Palestine Rd. Palestine Rd. Palestine Rd. Palestine Rd. Park Blvd. (South) Park Blvd. (East)	Allendale St. (East) Hacker St. (North) Preston St. (East) 3-Spring Lodge Rd. (North) 5th St. Cole Memorial Park (East)
Rt. 150 Rock Bridge Rd.	Lakeview Dr. (West) Erskine St. (West)
Sav-A-Lot Private Rd. (Southwest) (#951) Stacey St. State St. State St. State St. State St. State St. State St. State St. State St. State St. State St. State St. State St. State St. State St.	Old Plank Road (Northeast) Spring St. (Both) (#1272) Welge (North) Bem St. (South) Church St. (South) German St. (Both) Hacker St. (South) W. Holmes St. (Both) Hospital Exit (North) Knapp St. (South) Lincoln Blvd. (West) Murphysboro Rd. (West) Roberts St. (South) Servant St. (East)

SCHEDULE "A" (CONTINUED)

THROUGH STREET	STOP STREET (DIRECTION)
State St.	East State (West)
State St.	Swanwick St. (East)
State St.	Taylor St. (Both)
State St.	Van Zant St. (Both)
State St.	Washington Blvd. (West)
State St.	Young Ave. (Both)
Swanwick St.	Bem St. (South)
Swanwick St.	Church St. (South)
Swanwick St.	German St. (Both)
Swanwick St.	Hacker St. (Both)
Swanwick St.	Knapp St. (Both)
Swanwick St.	Lee St. (South)
Swanwick St.	Morrison St. (South)
Swanwick St.	Roberts St. (North)
Swanwick St.	Van Zant St. (Both) (#752)
Taylor St.	Chestnut St. (Both)
Valley St.	Servant St. (Both)
Van Zant St.	Solomon St. (#980)
Water St.	Mill St. (West)
Water St.	Park Blvd. (West)
Young Ave.	Cedar St. (West) (#1048)
Young Ave.	Chestnut St. (East)

II. TWO OR THREE-WAY STOP INTERSECTIONS

STREET - DIRECTION	STREET - DIRECTION
Brenda St. (West Bd.)	W. Holmes St. (North Bd.)
Bridge Rd. (West)	By-pass Rd. (South)
Dixie Dr. (West Bd.)	Old Plank Rd. (Both) (#1790)
Dixie Dr. (East)	Rt. 150 (West) (#1164)
Holmes St. (South Bd.)	Allendale St. (West)
W. Holmes St. (South Bd.)	Brenda St. (East Bd.)
Knapp St.	High St. (Both) (#1164)
Mulberry St. (Both)	Taylor St.
Oak St. (Both)	Servant St. (North Bd.) (#794)
Opdyke St. (West)	Cole Place (East)
Opdyke St. (West)	George St. (East)

SCHEDULE "A" (CONTINUED)

STREET - DIRECTION

STREET - DIRECTION

Opdyke St. (West)
 Opdyke St. (North)
 Stacey St. (West)
 Stacey St. (South)
 Swanwick St. (Both)
 Swanwick St. (Both)
 Swanwick St. (Both)
 Swanwick St. (East)
 Van Zant St. (Northwest)
 Welge Dr. (West)

Mill St. (East)
 State St. (Both)
 Henry St. (East)
 Swanwick St. (East Bd.)
 Church St. (South Bd.) (**#1518**)
 Light St. (North)
 Maple St. (Southeast Bd.) (**#1318**)
 Servant St. (Both)
 Palestine Rd. (Southeast Bd.) (**#1315**)
 Rt. 150 (East)

III. FOUR-WAY STOP INTERSECTIONS.

Allendale Blvd.	at	German St. (#1063)
Allendale Blvd.	at	Van Zant St. (#1071)
Bem St.	at	High St. (#980)
Dawnview Rd.		Three Springs Rd. (#1133)
George St.	at	Stacey St.
German St.	at	High St. (#973)
Hacker St.	at	Oak St. (#1000)
High St.	at	Hacker St.
High St.	at	Van Zant St.
W. Holmes St.	at	Swanwick St. (#315)
Mullins Rd.	at	Stratton St.
Oak St.	at	Bem St. (#1052)
Oak St.	at	German St. (#985)
Oak St.	at	Hacker St.
Oak St.	at	Van Zant St. (#937)
Old Plank Road		Dawnview Rd. (#1133)
Solomon St.	at	Allendale Blvd. (#1235)
Stacey St.	at	State St. (#315)
Taggart Ln.	at	Dawnview Rd. (#1373)
Three Springs Rd.	at	Dawnview Rd. (#1373)

SCHEDULE "B"

ONE-WAY STREETS AND ALLEYS

In accordance with **Section 24-3-2** traffic shall only move in the direction indicated upon the following streets and alleys, which are designated as one-way streets and alleys:

W. Buena Vista St.	From Chestnut to E. Buena Vista St.
Leavenworth St. (West Bd.)	From German St. to Holmes St. (#562)
Light St.	From State St. to Swanwick St. (#1615)

SCHEDULE "C"

YIELD INTERSECTIONS

In accordance with the provisions of **Section 24-3-1** and **24-3-4**, the following streets are hereby designated as yield right-of-way streets:

THROUGH STREET		YIELD STREET (DIRECTION)
Allan St.	at	Lakeview Dr. (Northeast Bd.) (#1263)
Branch St.	at	Cedar St. (Both) *(#1339)
By-pass St. (West)	at	Kaskaskia St. (North)
Dixie Dr. (#749)	at	Meadow Lane (South)
Emma St.	at	Adams Dr. (West) (#1263)
Knollwood Dr.	at	Greenbrier Ln. (West) (#1263)
Knollwood Dr.	at	Knollwood Ct. (West) (#1251)
Meadow Lane (#749)	at	Lon Dell Dr. (Both)
Memorial Dr.	at	Memorial Hospital (Dialysis access road) (#1172)
Memorial Dr.	at	Memorial Hospital (South side access road) (#1172)
Memorial Dr.	at	Memorial Hospital Emergency Room (Exit Lane) (#1478)
Servant St.	at	Ann St. (West)
Third St.	at	Chester St. (North) (#1351)
Water St.	at	Kaskaskia St. (North)
Williams Dr.	at	Edna St. (SE Bd.) (#1263)

SCHEDULE "D"

SCHOOL CROSSINGS

In accordance with **Chapter 625 of the Illinois Compiled Statutes** and **Section 24-4-2(G)** of this Code, the following locations and streets shall be designated as school crossings:

SCHOOL CROSSING	LOCATION
Chester Grade School	S.B.I. Rt. 150 or Rt. 3
Church St.	Between Swanwick St. and W. Oak St. (#1145)
High St.	At W. Holmes St.
High St.	Between W. Holmes St. and German St. (#973)
Holmes St.	Between High St. and Swanwick St. (#454)
State St. (Rt. 150)	At Swanwick St. and Lincoln Blvd.
Swanwick St.	At Church St.
Swanwick St.	Between Lee St. and Roberts St.
Swanwick St.	At Roberts St.

PEDESTRIAN CROSSWALKS (NON-SCHOOL)

Swanwick St.	Between St. Ann's Home and Young Ave.
Swanwick St.	Between Nutrition Site and Library

SCHEDULE "F"

NO PARKING ZONES

In accordance with **Section 24-6-3(C)**, no person shall park a vehicle at any time at any of the following places designated as no parking zones:

STREET (SIDE)	LOCATION
Allendale Blvd. (South)	From German St. to W. Holmes St. (#504)
Allendale Blvd. (Both)	From German St. to Van Zant St. (#581)
Alley (Between Swanwick and State Streets)	From Bem St. to Roberts St. (#582)
Alley (Between Swanwick St. and High St.)	From Stacey St. to Holmes St. (#424) (#453)
Bissell St.	From Taylor St. to Buena Vista St. (#693)
Buena Vista St. (East)	From Wall St. North 100' (#693)
Church St. (Both)	From Swanwick St. to State St. (#581)
Ferry St. (Both)	From Water St. to Miss. St. (#535)
George St. (Southeast)	From E. German St. to Stacey St. (#1791)
Hacker St. (Northeast)	From Swanwick St. to State St. (#1086)
Hacker St. (Southwest)	407 Hacker St. (#1548)
Henry St. (South)	From Opdyke St. to Stacey St. (#592)
High St. (South)	From German St. 40' St. John Memorial Parish Hall (#986)
High St. (Both)	From South side of Maple Ln. northeast 253' (#1248)
Ill. Rt. 3 (Both)	From Jefferson St. to Corp. Limits (#880)
Knapp Ave. (West)	From Swanwick St. to High St. (#1791)
Leavenworth St. (Both)	From Light St. to Maple St. (#879)
Leavenworth St. (North)	From Southeast corner of Lot 13, Block 19 of Swanwick's addition, southwesterly a distance of 40' (#1299)
Lee St. (Both)	From Hoppe Dr. to Swanwick St. (#1806)
Light St. (North)	From The terminus of Light St. a distance of 540' to an alley intersecting with Light St. (#1067)
Lon Dell Dr. (South)	From Meadow Ln. to Paul Dr. (#280)
Maple Ln. (SE)	From Swanwick St. to Deadend (#1044)
Opdyke St. (East)	From Henry St. to William St. (#280)
Opdyke St. (West)	From Henry St. to Frederick St. (#280)
Opdyke St. (Both)	From Ill. Rt. 150 to Riverview Blvd. (#711)
Opdyke St. (West)	From Riverview Blvd. north & south 751' (#702)
Opdyke St. (NW)	From State St. to Frederick St. (#397)
Opdyke St. (East)	From State St. to half way to Hope St. (#280)
Opdyke St. (West)	From State St. to Hope St. (#280)

SCHEDULE "F" (CONTINUED)

STREET (SIDE)	LOCATION
Palestine Rd. (West)	From Van Zant to 1534' North
Palestine Rd. (Both)	From 1534' North of Van Zant St. to the North Corporate Limits (#673)
Randolph St. (North)	From The intersection of Randolph St. and the westerly line of Ferry St. (#1444)
Servant St. (North)	From Swanwick St. to Long St. (#1105)
Solomon St. (West)	From Allendale Blvd. to end (#1064)
State St. (Northwest)	From 51' West of Opdyke St. (#775)
State St. (North)	From Church St. 56' easterly (#1186)
State St. (South)	From KFC Driveway to Dixie Dr. (#1019)
State St. (West)	From Opdyke St. to Light St. (#642)
State St. (West)	From Opdyke St. to Taylor St. (#1055)
State St. (East)	From Opdyke St. South for 800' (#1055)
State St. (South)	From Reid's Harvest House a distance of 65' (#1019)
State St. (East)	From Servant St. to Market St. (#1055)
State St. (Both)	From E. State St. Northeasterly to East City Limits (#1118)
State St. (East)	From Servant St. to Market St. (#596)
State St. (South)	From Stacey St. to Hacker St. (#1177)
State St. (South)	From E. Holmes 129' east (#1083)
State St. (Northwest)	From Opdyke St. northeast 291' and southwest 242' (#1614)
State St. (Southeast)	From Opdyke St. northeast 291' and southwest 56' (1614)
E. State St. (North)	From State St. to Welge St. (#1591)
Swanwick St. (North)	From Bem St. to Rt. 150 (#398)
Swanwick St. (North)	From E. City Limits to Roberts St. (#315)
Swanwick St. (North)	From A point 53' East of Holmes St. to a point 21' East. (#1108)
Swanwick St. (NW Side-Parallel Only)	From Stacey St. to Maple Ln. (#1044)
Swanwick St. (SE)	From Stacey St. to Maple Ln. (#1044)
Swanwick St. (North)	From A point 123' from Maple Ln. west 138' to a point (#1187)
Swanwick St. (North)	From A point 47' east of Light St. to a point 59' east
Swanwick St. (North)	From Maple Ln. west 120' (#1250)
Swanwick St. (Northwest)	From W. German St. to Knapp Ave. (#1683)
Taylor St. (Both)	From Cedar St. to State St. (#1055)
Taylor St. (Both)	From Marion St. to Cedar St. (#1055)
Valley St. (South-East)	From Church St. to Servant St. (#1124)
Van Zant St. (West)	From Ill. Rt. 150 South to City Limits (#875)
Van Zant St. (East)	From Swanwick St. to Palestine Rd. (#673)
Van Zant St. (Both)	From State St. and Swanwick St. (#1086)
Water St. (Northeast)	From Angle St. to a point 120' NW of Water St. and Angle Intersection

SCHEDULE "F" (CONTINUED)

NO PARKING ZONES MISCELLANEOUS

DESCRIPTION OF ZONE:

An area 65' in length on the Southeasterly side of Swanwick Street which is located between the following two points: Point A, which begins 45' Southwest of the intersection of Light and Swanwick Streets along the Southeasterly side of Swanwick Street, and Point B, which is 110' Southwest of the intersection of Light and Swanwick Streets on the Southeasterly side of Swanwick Street. **(Ord. No. 690; 07-05-77)**

An area 30' in length along the Northwesterly side of State Street, which begins at the point where Young Avenue and State Street intersect and running Northeasterly for 30' along the Northwesterly side of State Street. **(Ord. No. 690; 07-05-77)**

Beginning at a point which is located at the most Northerly Corner of Lot One in Block 14 of Swanwick Addition to the City of Chester, Illinois, (at which point there is an existing fire hydrant); thence Southeasterly from said point of beginning a distance of 61' along the Southeasterly Line of Swanwick Street to a point. **(Ord. No. 740; 07-02-79)**

An area 30' in length of the Westerly side of Lincoln Blvd., which is located between the following two points: Point A which begins at the intersection of the West side of Lincoln Blvd. of the State Route 150, and Point B which is 30' South of said intersection on the West side of Lincoln Blvd. **(Ord. No. 714; 09-05-78)**

An area 90' in length along the Southwesterly side of Illinois State Route 150 which is located between the following two points: Point A which is the intersection of the Westerly side of Lincoln Blvd. with Illinois State Route 150 and Point B which is 90' in a Southwesterly direction along the Southwesterly line of Illinois State Route 150 from Point A. **(Ord. No. 714; 09-05-78)**

An area 137' in length along an arc running from Washington Blvd. to Lincoln Blvd. which begins at a point where the West side of Washington intersects with the North side of the First Driveway South of Route 150 and running Westerly in an arc along the West side of Washington into the East side of Lincoln Blvd. to a point 137' from the point of beginning. **(Ord. No. 714; 09-05-78)**

An area 90' in length along the southerly side of the alleyway located immediately adjacent and contiguous to the U.S. Post Office property within the City of Chester. The 90' strip begins at the intersection of the alleyway with German Street, and continuing westerly along the aforesaid course for a distance of 90'. **(Ord. No. 909; 02-03-86)**

SCHEDULE "F" (CONTINUED)

A 70' space in front of the Masonic Lodge building located at 805 State Street. Said 70' being on the most westerly side of State Street beginning at a point 724' southwesterly of the intersection of State with Servant Street for the point of the beginning, and continuing southwesterly from said point along the most westerly side of State Street to a point of termination. The aforesaid described area is hereby designated as a Two Hour Parking area in effect from 6:00 A.M. to 6:00 P.M., Monday through Friday. **(Ord. No. 1089; 07-03-95)**

There shall be no parking beginning at the fire hydrant located at the corner of East German Street and George Street and continuing in a southeasterly direction on George Street for a distance of 15' to a point on the northwesterly side of the residential sidewalk at 1164 George Street; and also

beginning at said fire hydrant on George Street and continuing in a northwesterly direction on George Street, and then continuing around the corner of the intersection of George and East German Streets in a southwesterly direction along East German Street for a total distance of 15' to a point on the northwesterly side of a concrete storm drain located on East German Street. **(Ord. No. 1110)**

The area west of Kaskaskia St. between Kaskaskia St. and the railroad right-of-way and trestle across from Menard Correctional Center. **(#1352)**

Knapp Avenue/High Street:

Starting at a point which is 35'5" southeast of a stop sign located on the northerly side of Knapp Avenue at its intersection with High Street for the point of beginning, thence continuing 120' in a northwesterly direction on Knapp Avenue and continuing northerly on High Street at its intersection with Knapp Avenue to a point marking the end of this no parking zone. **(#1248)**

Starting at a point where a stop sign is located on the westerly side of High Street at the intersection of Knapp Avenue and High Street, thence commencing 54' in a southwesterly direction along the west side of High Street for a point of beginning, then commencing 140' in a northeasterly direction along the westerly side of High Street to a point marking the end of this no parking zone (see the area depicted on Exhibit "B" for a diagram of the area herein described). **(#1248)**

Miscellaneous

The following described area is hereby designated as a No Parking Zone from 7:00 A.M. until 9:00 A.M. of the same day, Monday through Friday, and it shall be unlawful for any person except residents adjacent thereto to park a motor vehicle in said No Parking Zone during such time:

Both sides of Swanwick Street between its intersection with Roberts Street and its intersection with Morrison Avenue. **(#1505)**

SCHEDULE "G"

LIMITED PARKING ZONES

In accordance with Section 24-6-6, the following locations are designated as limited parking zones and limit the time of parking at said locations:

TWO-HOUR PARKING:

<u>STREET (SIDE)</u>	<u>LOCATION</u>
Allen St. (East Side)	From Swanwick St. West
Allen St. (Both Sides)	From Swanwick St. to State St.
Bissell St. (Both Sides)	
W. Holmes St. (Both Sides)	From Swanwick St. West
W. Holmes St. (SW Side)	From Swanwick St. to State St.
Pine St. (Both Sides)	
Stacey St. (Both)	From State St. East as posted
Stacey St. (Both)	From Swanwick St. West as posted
State St. (Both Sides)	From Church St. to Holmes St. as posted
Swanwick St. (Both Sides)	From Allen St. to German St.
Taylor St. (Northeast Side)	

SCHEDULE "H"

LIMITED PARKING

In accordance with Section 24-6-3(C), no person shall park a vehicle at any of the following places, except as hereby designated:

Brickman St. (From Opdyke St. to Stacey St.): 2 hour limit from 8:00 A.M. to 5:00 P.M.

The easterly side of Stacey St. which lies between Leavenworth St. and High St.; also that part of the Southerly side of High St. beginning at a point which would be the intersection of the Easterly side of Stacey Street with the Southerly side of High Street; thence Easterly along the said Southerly side of High Street for a distance of 76'. The aforesaid described area is hereby designated as a Two Hour Parking area between the hours of 9:00 A.M. and 5:00 P.M., Monday through Saturday. **(Ord. No. 699; 12-05-77)**

Beginning at a point from the Southeast circle drive at the high school and extending along the circle drive a distance of 75' toward the Colbert Gymnasium entrance. There shall be no parking between the hours of 7:00 A.M. and 4:00 P.M. on regular school days. **(Ord. No. 923; 12-15-86)**

Between the hours of 2:00 P.M. and 4:00 P.M. on school days of the Lutheran School. The two hour limited no parking area is a distance of 120', 60' west, and 60' east of the existing exit doors of the Lutheran School facility. **(Ord. No. 973)**

German St. (West side) from High St. to Leavenworth St. shall be designated as a No Parking Zone between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday. **(Ord. No. 699; 12-05-77)**

Holmes St. (Both) from Swanwick St. to Jefferson St. vehicles over 2 tons in weight may not park for a period of time in excess of 2 hours. **(Ord. No. 867; 07-16-86)**

State St. (South side) from Holmes St. (west) 164' shall be a two hour parking area between the hours of 9:00 A.M. and 5:00 P.M. Monday through Saturday. **(Ord. No. 699)**

Swanwick St. (North side) A 3' by 42' area which is contiguous and adjacent to St. Mary Catholic Church and is hereby designated as a "Bus Loading Zone". **(Ord. No. 1010)**

Swanwick St. (Both) from W. Holmes St. to Stacey St. shall be a one hour limit on parking between the hours of 6:00 A.M. and 10:00 P.M. **(#1130)**

SCHEDULE "H" (CONTINUED)

State St. (South) from Taylor St. east 89 feet to a point where the 1st National Bank's drive-up window exits onto State St. shall be a one hour limit on parking between the hours of 6:00 A.M. and 7:00 P.M. **(#1130)**

State St. (North) from Taylor St. east 196 feet to the alley shall be a one hour limit on parking between the hours of 6:00 A.M. and 7:00 P.M. **(#1130)**

The crosswalk on Church St., a distance of 139 feet north of Swanwick St. and 137 feet south of W. Oak St. shall be a limited 8 foot no parking area during school days. **(#1145)**

State St. (South) from a point 174'11" east of Servant St. east 40', between the hours of 6:00 A.M. and 6:00 P.M. on Monday through Saturday. **(#1286)**

SCHEDULE "I"

ONE-HOUR PARKING ZONE

In accordance with the provisions of **Section 24-6-7**, the following streets are hereby designated as "One-Hour Parking" zones:

STREET	LOCATION
Light St. (Both) Stacey St.	From State St. to Swanwick St. (#975) From State St. to Henry St. between the hours of 10:00 A.M. and 10:00 P.M. Monday through Friday. (#1288)
Stacey St. (Both)	From State St. to High St. (#971)
State St. (Both)	From Opdyke St. to Stacey St. (#971)
Swanwick St. (South)	From Holmes St. to German St. (#971)
Swanwick St. (Both)	From Stacey St. to Holmes St. (#971)
Taylor St. (West)	Along East Side of Courthouse Building (#1013)

SCHEDULE "J"

REDUCED SPEED LIMIT AREAS

In accordance with **Section 24-4-2(F)**, the following speeds are designated as the Maximum Speed Limits in the areas specified:

STREET	SPEED LIMIT	LOCATION
Court St.	15 MPH	(Ord. No. 1046; 08-16-93)
Hacker St.	15 MPH	(Ord. No. 1046; 08-16-93)
Leavenworth St.	15 MPH	From German St. to Holmes St.
Murphysboro Rd.	25 MPH	From State St. to the city limits (#1494)
Park Blvd.	25 MPH	Between Route 3 and Water St.
Preston Rd.	30 MPH	From Three Springs Rd. to Ill. Rte. 150 (#1151)
Ridge Dr.	20 MPH	(Ord. No. 707; 05-01-78)
School Zones	20 MPH	(Ord. No. 280; 02-01-43)
Stratton St.	20 MPH	(Ord. No. 707; 05-01-78)
Swanwick St.	25 MPH	From Holmes St. to City limits (East) (Ord. No. 280; 02-01-43)
Water St.	25 MPH	From Rt. 3 (WYE) to City Limits (Prison Road) (Ord. No. 280; 01-02-43)

SCHEDULE "M"

LOAD LIMITS AND LOADING ZONES

I. In accordance with **Section 24-6-5(A)** of this Code, the following locations shall be designated as "Load Limits":

The applicable public roadway area is the existing roadway commencing with the intersection of Three Springs Rd. with a county road commonly known as Palestine Rd., (and such county road, a.k.a. County Lake Rd.), and continuing generally easterly along Three Springs Rd. until such roadway herein becomes Taggart Ln., and continuing easterly on Taggart Ln. until such roadway becomes Old Plank Rd., and continuing northerly on Old Plank Rd. until it intersects with Dixie Dr., and then continuing east on Dixie Dr. to its intersection with Illinois State Rt. 150. The gross load limit shall be **eight (8) tons**.

The gross load limit shall mean the total weight of a vehicle and the load it is carrying. **(Ord. No. 1151; 12-07-98)**

II. In accordance with the provisions of **Section 24-6-5(A)** of this Code, tractor trailer trucks shall be prohibited on the following streets, except this prohibition shall not apply to emergency vehicles, municipal vehicles, vehicles carrying construction materials for construction on real estate adjacent to those streets, trash trucks contracted by the City or businesses adjacent to those streets or delivery trucks delivering to and/or from businesses and residences adjacent to those streets.

STREET	LOCATION
Allendale St.	Entire Length (#1429)
Bissell St.	From Taylor St. to E. Buena Vista St. (#1391)
E. Buena Vista St.	From Bissell St. to Rock Bridge Rd. (#1391)
Church St.	Entire distance in City (#1545)
High St.	Entire Length (#1429)
Long St.	Entire distance in City (#1545)
Mill Road	Entire Length (#1396)
Oak St.	Entire Length (#1429)
Park Blvd.	Entire distance in City (#1495)
Rock Bridge Rd.	From E. Buena Vista St. to Water St. (#1391)
Swanwick St.	From Intersection of Swanwick St. and Holmes St. (Route 3) to intersection of Swanwick St. and State St.
Taylor St.	From State St. to Bissell St. (#1391)
Valley St.	Entire distance in City (#1545)

(Ord. No. 1536; 04-02-12)

III. Loading Zones.

STREET	LOCATION
Light St. (SW side)	At The intersection of State St.

[Penalty shall be minimum of \$100.00 and not more than \$750.00.]

SCHEDULE "N"

SPECIAL PARKING

In accordance with **Section 24-6-6**, the following locations are designated as special parking areas:

Beginning at a point which is where the Northwesterly line of High Street intersects with the Southwesterly corner of a driveway to a parking lot maintained by the Gilster Mary-Lee Corporation and the St. John's Lutheran Church of Chester, Illinois; thence continuing Southwesterly from said point along the Northwesterly side of High Street a distance of 61'. **(Ord. No. 748; 09-17-79)**

SCHEDULE "O"

STREET SWEEPING ZONES

The following portions of the described streets are hereby designated as street sweeping zones pursuant to **Section 24-8-2(C)**:

STREET	LOCATION
Swanwick St.	From A point 79 feet west of German St. to a point 99 feet west. (#1151)
Swanwick St.	From A point 223 feet west of Lee St. to a point 267 feet west. (#1151)
Swanwick St.	From Chester High School to Stacey St. (#833)
Stacey St.	From Swanwick St. to State St. (#833)
State St.	From Stacey St. to Courthouse (#833)

SCHEDULE "P"

HANDICAPPED PARKING

In accordance with the provisions of **Section 24-6-4(E)**, the following areas are hereby designated as handicapped parking zones; to-wit:

STREET - SIDE	LOCATION
Buena Vista St. (Northeast)	Two spaces behind and adjacent to the Randolph County Courthouse (#1356)
State St. (South)	Beginning at a point 65' East of Taylor St. to a point 85' East (in front of First Bank). (#1097)
State St. (West)	Two spaces in front of VFW Hall
State St.	One space directly in front and adjacent to 986 State St. (#1804)
Swanwick St. (East)	One space from a point 100' west of E. German St. to a point 122' west of E. German St. (#1755)
Swanwick St. (West)	One space in front of Chester Post Office
Swanwick St. (West)	Two spaces in front of Chester High School
Swanwick St. (West)	One space from a point 160' west of Maple Ln. to a point 182' west of Maple Ln. (#1727)
Taylor St. (West)	Two spaces north of Taylor St. and State St. intersection. (#1013)
Hyland Dr. (North)	Four spaces adjacent to the Apartment Complex (#1457)

SCHEDULE "Q"
LOADING ZONES

In accordance with the provisions of **Section 24-6-12**, the following areas are hereby designated as loading zones; to-wit:

STREET - SIDE	LOCATION
Light St. (Southwest)	From State St. for a distance of 21'. (#1477)

CHAPTER 25

NUISANCES

ARTICLE I - GENERALLY

25-1-1 **DEFINITION OF NUISANCE.**

(A) A nuisance means any thing, condition, or activity which is offensive, obnoxious to the health and welfare or offend the senses of the residents of the City, or activity which endangers health, or offends the senses, or obstructs the free use and comfortable enjoyment of property, or interferes with the comfortable enjoyment of life 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.

(B) Whatever comports with the above definition is hereby declared a nuisance, whether or not such thing, condition, or activity is enumerated in this Chapter. **(#729; 03-19-79)**

25-1-2 **GENERAL PROHIBITION.** The creation or maintenance of a nuisance anywhere within this Municipality is hereby prohibited, and any nuisance, whether public or private, may be abated in the manner provided for in this Chapter. **(#729; 03-19-79)**

25-1-3 **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 this 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 watercourse, 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) **Wells Unplugged.** To permit any well drilled for oil, gas, salt water, disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J) **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "**burn-out pit**" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M) **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.

(N) **Business.** To establish, maintain, and carry on any offensive or unwholesome business or establishment within the limits of the City or within **one and one-half (1.5) miles** of the City limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds, and premises belonging to or occupied by any person.

(P) **Animals.** To own or possess any swine, goats, horses, or chickens within the City, unless within a zoned Agricultural District.

(#729; 03-19-79)

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit upon or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter or material objects of any size or description to fall upon the streets of the City from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle or thrown by any person and to remain thereon.

(R) **Accumulation of Junk and Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, 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.

(S) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

(T) **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.

(U) **Offensive Liquids/Substances.** To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(V) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(W) **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.

(X) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(See 740 ILCS Secs. 55/221 – 55/222)**

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.

25-1-4 NUISANCES AFFECTING HEALTH, PEACE AND SAFETY, OR PROPERTY. No person shall do any act, omission, or create any condition which causes a detrimental effect or harm to the health, peace, and safety of the public or property of others. Any act of any person or group within the City whereby the health, peace and safety, or property of any person may be endangered, injured, or impaired, or any disease may, directly or indirectly, be caused by the act, or because of the act any property may be endangered, injured, or damaged, is hereby declared to be a nuisance and unlawful and may be abated or enjoined as hereinafter provided. The following are hereby declared to be nuisances affecting:

(A) **Health.** Any act, omission, condition, or occurrence which has a detrimental affect on public health, or which causes or tends to cause harm to the overall health of the community, as contained in Chapter 3, Animals; Chapter 25, Nuisances, Article III; Chapter 27, Offenses; Chapter 38, Utility Systems; and Chapter 34, Street Regulations of this City Code as it may be amended from time to time.

(B) **Peace and Safety.** Any act, omission, condition, or occurrence, which has a detrimental affect on public peace and safety, or which causes or tends to cause harm to the overall peace and safety of the community, as contained in Chapter 21, Liquor; Chapter 29, Property Maintenance Code; Chapter 27, Offenses; Chapter 34, Street Regulations of this City Code, as it may be amended from time to time.

(C) **Property.** Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located is declared to be a nuisance. This includes, but is not limited to, failure to maintain the exterior of buildings and premises as described in Chapter 29, Property Maintenance Code, and the keeping or the depositing on, or the scattering over the premises of litter, as described in Chapter 25, Article III, Garbage and Debris of this City Code, as it may be amended from time to time. No person owning, leasing, occupying, in control of, or having charge of any premises shall maintain or keep any nuisance thereon.

25-1-5 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.

25-1-6 DUMPING GARBAGE ON PROPERTY OF OTHERS. It is unlawful for any person to dump, deposit or place any garbage, rubbish, junk, trash or refuse upon property owned by another without the consent of the owner or person in possession of such real property. (**#729; 03-19-79**)

25-1-7 NOTICE TO ABATE. Whenever the Code Enforcement Officer, Mayor or Police Chief finds that a nuisance exists, he shall direct the City Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance

exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D) The date by which abatement must be completed;
- (E) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
- (F) A statement that the responsible party has a right to appeal the abatement order to the City Council.
- (G) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this City will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-8 HEARING. Any person ordered to abate a nuisance may have a hearing with the Code Enforcement Officer and Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Code Enforcement Officer and Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

25-1-9 APPEAL. Any party aggrieved by the decision of the Code Enforcement Officer and Police Chief may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the City Council at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

25-1-10 ABATEMENT BY CITY. If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this City may perform the required action to abate. Any City official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the City Clerk who shall pay such expenses on behalf of this City. **(See 65 ILCS Sec. 5/11-60-2)**

25-1-11 **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.

25-1-12 **CITIZEN COMPLAINT.** Any citizen who observes a violation of this Article may file his affidavit setting forth in detail the violation, its location and the name of the occupancy or owner of the property on which such nuisance is alleged, and may file the affidavit with the Code Enforcement Officer or the Police Department of the City. An officer shall be assigned to investigate such charge; and if such nuisance is found to exist, a notice shall be issued to the occupant or owner of the property as provided in **Section 25-1-7** of this Code.

25-1-13 **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expense thereof incurred by the City shall be recorded in the Office of the Recorder of Deeds setting forth the following information:

(A) A description of the real estate sufficient for identification thereof and the owner of the real estate.

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

(C) The date or dates when the cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-1-14 **PENALTY.** Any person found guilty of violating the provisions of this Article shall, in addition to the penalties provided, upon conviction, be fined not less than **Seventy-Five Dollars (\$75.00)** for each violation. Each day a violation continues after notification constitutes a separate offense.

(Ord. No. 1335; 08-01-05)

ARTICLE II - WEEDS AND GRASSES

25-2-1 WEED AND GRASSES.

(A) **Defined. "Weeds and Grasses"** as used in this Article shall include but not be limited to the following:

Burdock, Ragweed (giant), Ragweed (common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smart Weeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, or all other weeds and grasses exceeding **ten (10) inches** in height.

(B) **Height.** It shall be unlawful for any person, firm or corporation to permit weeds and grasses on any property owned, leased, occupied or controlled by them to grow to a greater height than **ten (10) inches** within the City of Chester. Where acreage is being used for agricultural purposes, this Section does not apply.

(C) **Owner's and Occupant's Liability.** Every owner or occupant of real estate governed by the provisions of this Article shall within **five (5) days** after receiving notice by certified mail or personal notice, cut the weeds and grasses on his/her property or on the property leased, occupied, rented or controlled by him/her so that weeds and grasses shall not exceed **ten (10) inches** in height, and if such person neglects or refuses to cut weeds and grasses so that such weeds and grasses shall exceed **ten (10) inches** in height, the City may cut the weeds and grasses or authorize some person to cut the weeds and grasses on behalf of the City. 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.

(D) **Cut by City; Lien Filed.** If the weeds and grasses are cut by the City or by someone directed to cut them on behalf of the City, the City may file a notice of lien for the cost and expense incurred in the following manner in the Office of the Recorder of Deeds in the County in which the real estate is located. Such notice of lien shall consist of a sworn statement, setting out:

- (1) Reference to this Article;
- (2) A description of the real estate sufficient for identification thereof and the owner thereof;
- (3) The amount of money representing the cost and expense incurred or payable for the service; and
- (4) The date or dates when the cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released.

(E) **Notice of Cutting Weeds.** The City shall also personally serve a copy of the notice of lien on or send a copy of the notice of lien by certified mail to the

owner or occupant and to the person to whom was sent the tax bill for the general taxes on the property of the last preceding year.

(F) **Foreclosure of Lien.** The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics liens. Such foreclosure shall be in the name of the City, after the lien has been in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of the filing notice of the lien.

(G) **Penalty.** Any person, firm or corporation who fails to cut the weeds or grasses after the time stated in the notice to them as set forth in paragraph (C) above shall upon being found guilty of violation of this Article, in addition to being liable for the costs and expenses incurred for the cutting of such weeds and grasses by the City, be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day a violation occurs shall be deemed a separate and distinct offense.

(Ord. No. 1333; 08-01-05)

ARTICLE III - DEBRIS, TRASH AND GARBAGE

25-3-1 GARBAGE AND DEBRIS ACCUMULATION PROHIBITED. No person shall permit any garbage or debris as defined to accumulate on their property or on property owned by them or leased by them or under their control. It is hereby declared to be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

(A) **Definitions.** The words "garbage" and "debris" have the following meanings:

- (1) **Garbage.** Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce or food.
- (2) **Debris.** Rubbish, trash, including but not limited to paper, plastics, cartons, boxes, barrels, wood, excelsior, tree trunks, tree branches, yard trimmings, wood furniture, bedding, appliances, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery and other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles provided, however, that refuse shall not include earth and wastes from building operations temporarily located on the property during construction.

(B) **Notice to Person.** The Mayor, Chief of Police, Code Enforcement Officer, or their designated representative may issue a written notice for the removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **ten (10) days** after such notice has been duly served.

(C) **Service of Notice.** Service of 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/her 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.

(D) **Abatement.** If the person so served does not remove the garbage or debris within **ten (10) days** after notice, the City may proceed to remove the garbage or debris, keeping an account of the expense for the removal of such garbage or debris, and such expense shall be charged and paid by such owner or occupant.

(E) **Lien.** Charges for such removal shall be a lien upon the premises. A notice of lien for the cost and expense incurred by the City shall be recorded in the County where the affected real estate is located and such notice shall consist of a sworn statement setting out the following:

- (1) A description of the real estate sufficient for identification thereof and the owner thereof;
- (2) The amount of money representing the cost and expense incurred or payable for the service; and
- (3) The date or dates when the cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

(F) **Payment.** The Notice of Lien shall be mailed to the owner of the premises if his/her address is known, and to the person to whom was sent the tax bill for the general taxes for the property for the last preceding year. 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 or recorded in the same manner as filing notice of the lien.

(G) **Foreclosure of Lien.** The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics liens. Such foreclosure shall be in the name of the City, after the lien has been in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of the filing notice of the lien.

(H) **Penalty.** Any person, entity, owner or occupant who fails to remove such garbage or debris after the time stated in the notice provided for herein shall, in addition to being liable for the costs and expenses incurred for the removal of such garbage and debris, upon being found guilty of violating this Article, be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day a violation continues after notification constitutes a separate offense.

(Ord. No. 1334; 08-01-05)

ARTICLE IV - INOPERABLE MOTOR VEHICLES

25-4-1 INOPERABLE MOTOR VEHICLES.

(A) Declared Nuisance. Inoperable motor vehicles, as defined herein, whether on public or private property and in view of the general public, are hereby declared to be a nuisance.

(B) Defined. Inoperable motor vehicle shall mean:

- (1) Any motor vehicle which does not possess current state registration and current plates or valid application for registration and plates.
- (2) Any motor vehicle that is incapable of being driven or moved under its own power or from which, for a period of **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.
- (3) Any motor vehicle which fails to comply with Illinois State Statute requirements necessary to operate that vehicle on a City street or highway within the State of Illinois or which if operated would pose a threat to the health, safety and welfare of the operator and/or the public. **(Ord. No. 1392; 02-05-07)**

(C) Exceptions. Inoperable motor vehicles shall not include:

- (1) Motor vehicles that have been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary or routine service or repairs for a period of **thirty (30) days**.
- (2) Inoperable motor vehicles that are stored inside a building or in such a place where they are completely out of the view of the public.
- (3) Motor vehicles that are displayed for sale by persons who are in the business of selling new or used vehicles within the proper zoning district.
- (4) Motor vehicles that are licensed by the state as a historic or antique vehicle over **twenty-five (25) years** of age.
- (5) Motor vehicles owned or associated with a business engaged in wrecking, junking, reconstructing or rebuilding of motor vehicles who possess a current state auto dealers license and a current state salvage license to buy, sell and salvage motor vehicles.

To qualify for exception (5) the person or business must agree to hold and maintain all inoperable vehicles in its charge "out of sight of the public".

25-4-2 **LEAVING OF VEHICLES.** No person shall leave any "Inoperable Motor Vehicle" upon any private property or on any street or other public property within the City limits.

25-4-3 **REMOVAL OF VEHICLES.** Any owner and person in possession of an inoperable motor vehicle located on any private property or located on any street or other public property shall remove the inoperable motor vehicle from the private property or street or public property at his/her own expense within **seven (7) days** after receiving notice from the Chief of Police or any of his designees demanding the removal of the inoperable motor vehicle from the private property, street or other public property.

25-4-4 **VIOLATION.** Any person who fails to obey a notice received from the City to remove an inoperable motor vehicle shall be guilty of a violation of this Article and 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**. Each day that a violation continues shall be considered a separate violation of this Article.

25-4-5 **REMOVAL OF VEHICLE BY CITY.** In addition to the fine and penalty set forth above if any person fails to obey a notice received from the City to remove an inoperable motor vehicle, the Chief of Police or any of his designees may authorize the removal of said inoperable motor vehicle which is not removed within the time limits set forth above, and the owner and person in possession of said inoperable motor vehicle shall be responsible for all costs of removal including towing and storage charges.

25-4-6 **NOTICE.** Notice for removal of an inoperable motor vehicle located on private property or located on any street or other public property shall be given as follows:

(A) Notice shall be given to the owner and person in possession if different from the owner of the inoperable motor vehicle.

(B) Notice shall be personally delivered or sent by certified mail, return receipt requested.

(C) Notice shall include the following information:

- (1) A description of the inoperable motor vehicle and a statement that the vehicle has been deemed to be an inoperable motor vehicle;
- (2) The location of the inoperable motor vehicle;
- (3) The date on which the notice was mailed or delivered;

- (4) An admonition that the inoperable motor vehicle will be towed at the direction of the City and at the owner's (and person in possession if different from the owner) expense if not properly disposed of within **seven (7) days** of receipt of written notice;
- (5) The location to which the inoperable motor vehicle will be towed, together with the approximate fee for towing and storage; and
- (6) That the vehicle may be sold after **thirty (30) days**.

(D) If the inoperable motor vehicle does not bear a license plate or if personal notice to the owner or person in possession is unsuccessful or cannot be made, there shall be placed upon the windshield or, if none exist, upon any other conspicuous place on the inoperable motor vehicle a self-adhering sign not less than **seven (7) inches** by **nine (9) inches (7" x 9")** in size containing the following information:

- (1) A description of the inoperable motor vehicle and a statement that the vehicle has been deemed to be an inoperable motor vehicle;
- (2) The date on which the sign was placed upon the vehicle;
- (3) An admonition that the inoperable motor vehicle will be towed at the direction of the City and at the owner's expense if not properly disposed of within **seven (7) days**;
- (4) The location to which the inoperable motor vehicle will be towed, together with the approximate fee for towing and storage; and
- (5) That the vehicle may be sold after **thirty (30) days**.

25-4-7 EMERGENCY DISPOSAL; NOTICE REQUIRED; CONTENTS.

Where an inoperable motor vehicle creates an imminent hazard to traffic or to the health, safety or welfare of the City, the City may tow the vehicle without giving prior notice. However, the Chief of Police or his designee must notify the owner or person in possession of the vehicle within **three (3) days** of the tow by personally delivering the notice or sending a written notice to the owner or person in possession by certified mail, return receipt requested. Notice must contain the following:

- (A) A statement that the vehicle has been towed with the reasons for towing;
- (B) The location to which the vehicle was towed;
- (C) The name, address and phone number of the Chief of Police; and
- (D) That the vehicle may be sold after **thirty (30) days**.

25-4-8 IDENTIFYING AND TRACING OF VEHICLE. When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State or the functional equivalent of such for the State whose name appears on the license displayed on the inoperable motor vehicle for the purpose of obtaining the required ownership information. When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes.

25-4-9 RECLAIMED VEHICLES; EXPENSES. Any time before a vehicle is sold at public sale or disposed of as provided herein, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage and processing charges have been paid in full.

25-4-10 NOTIFICATION OF IMPOUNDED VEHICLE. The Chief of Police or his designee shall send a notification by certified mail to the registered owner, lienholder or other legally entitled person advising where the vehicle is held, requesting a disposition to be made, and setting forth public sale information. Notification shall be sent no later than **ten (10) days** after the date of impoundment, provided that if the Police Department is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the vehicle within the **ten (10) day** period after impoundment, then notification shall be sent no later than **two (2) days** after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined.

25-4-11 DISPOSAL OF UNCLAIMED VEHICLE. When an inoperable motor vehicle remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice referred to in **Section 25-4-10** has been given, the law enforcement agency or towing service having possession of the vehicle may cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **Chapter 5 of the**

Illinois Vehicle Code or the towing operator which towed the vehicle. 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, or towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale 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 vehicle. Notice as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle. If an inoperable motor vehicle displays dealer plates, notice under this Section shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons. In those instances where the certified notification has been returned by the postal authorities to the Police Department or towing service, the sending of a second certified notice will not be required.

When the identity of the registered owner, lienholder or other person legally entitled to possession cannot be determined by any means provided for in this Article, the vehicle may be sold as herein provided without notice to any person whose identity cannot be determined.

25-4-12 **COLLECTION OF UNPAID CHARGES.** In an action to collect towing, storage and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

25-4-13 **POLICE RECORD FOR DISPOSED VEHICLE.** When a vehicle in the custody of the City or law enforcement agency 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, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal.

25-4-14 **PUBLIC SALE PROCEEDS; DISPOSITION OF.** When a vehicle located within the corporate limits is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the City.

(Ord. No. 1331; 08-01-05)

ARTICLE V - SIGNS

25-5-1 **POLITICAL SIGNS.** It shall be unlawful to erect political signs in violation of these provisions:

(A) Signs may be erected **forty-five (45) days** prior to an election and must be removed within **five (5) days** after the election.

(B) No sign shall be larger than **sixteen (16) square feet** per side, **two (2) sides** permitted.

(C) Signs must not be on the public right of way or be located so as to obstruct the visual clearance needed for safe vehicle and pedestrian traffic.

(D) Signs shall not be illuminated.

(E) Signs shall either be flush wall or free standing.

(F) No political sign may be attached to utility poles, trees on public right of way, street light poles, street or traffic sign nor fire hydrants.

(Ord. No. 1340; 11-07-05)

CITY OF CHESTER

NOTICE

NUISANCE VIOLATION

TO: _____

You are hereby notified that _____ of the City of Chester, Illinois, has determined that property owned by you (and/or occupied by you, as the case may be) located at _____, located within the City Limits, contains an unlawful nuisance(s) as defined by **Section 25-1-1** of the City Code because of the following:

You are required to abate and remove any nuisance(s) within **ten (10) days** from the date of this notice.

If you refuse or neglect to remove and abate specified nuisance(s), the authorities of the City of Chester, Illinois, may provide for the removal and abatement thereof. The cost of such removal and abatement shall be paid by you, and a lien may be filed against the property for the costs and expenses of such removal and abatement. Additionally, you may be subject to a fine.

Dated this _____ day of _____, ____.

CITY CLERK
CITY OF CHESTER

CERTIFICATE OF SERVICE

I, _____, certify that I served the Notice of Nuisance Violation of the City of Chester, a copy of which is attached, by handing a copy of the Notice to _____, a _____, _____, _____
(name) (race) (sex)

(approximate age)

PLACE OF SERVICE: _____

DATE OF SERVICE: _____

TIME OF SERVICE: _____

CITY OF CHESTER

NOTICE

UNLAWFUL WEED GROWTH

TO: _____

You are hereby notified that _____
of the City of Chester, Illinois, has determined that property owned by you (and/or
occupied by you, as the case may be) at _____
_____, located within the City Limits, contains unlawful weed growth as
defined by **Chapter 25** of the City Code:

25-2-1 WEED AND GRASSES.

(A) **Defined.** "Weeds and Grasses" as used in this Article shall include the following:

Burdock, Ragweed (giant), Ragweed (common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smart Weeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, or all other weeds and grasses exceeding **ten (10) inches** in height.

(B) **Height.** It shall be unlawful for any person, firm or corporation to permit weeds and grasses on any property owned, leased, occupied or controlled by them to grow to a greater height than **ten (10) inches** within the City of Chester. Where acreage is being used for agricultural purposes, this Section does not apply.

(C) **Owner's and Occupant's Liability.** Every owner or occupant of real estate governed by the provisions of this Article shall within **five (5) days** after receiving notice by certified mail or personal notice, cut the weeds and grasses on his/her property or on the property leased, occupied, rented or controlled by him/her so that weeds and grasses shall not exceed **ten (10) inches** in height, and if such person neglects or refuses to cut weeds and grasses so that such weeds and grasses shall exceed **ten (10) inches** in height, the City may cut the weeds and grasses or authorize some person to cut the weeds and grasses on behalf of the City.

(G) **Penalty.** Any person, firm or corporation who fails to cut the weeds or grasses after the time stated in the notice to them as set forth in paragraph (C) above shall upon being found guilty of violation of this Article, in addition to being liable for the costs and expenses incurred for the cutting of such weeds and grasses by the City, be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day a violation occurs shall be deemed a separate and distinct offense.

You are required to remove all growth within **five (5) days** from the date of this Notice.

If you refuse or neglect to remove such growth, the authorities of the **City of Chester, Illinois**, may provide for the removal thereof. The cost of such growth removal shall be paid by you, and a lien may be filed against the property for the costs and expenses of such removal. Additionally, you may be subject to a fine as set forth above.

Dated this _____ day of _____, _____.

CITY CLERK
CITY OF CHESTER

CERTIFICATE OF SERVICE

I, _____, certify that I served the Notice of Nuisance Violation of the City of Chester, a copy of which is attached, by handing a copy of the Notice to _____, a _____, _____, _____
(name) (race) (sex)

(approximate age)

PLACE OF SERVICE: _____

DATE OF SERVICE: _____

TIME OF SERVICE: _____

CITY OF CHESTER

NOTICE

UNLAWFUL GARBAGE AND/OR DEBRIS

TO: _____

You are hereby notified that _____
of the City of Chester, Illinois, has determined that property owned by you (and/or
occupied by you, as the case may be) at _____
_____, located within the City Limits, contains unlawful garbage and/or debris
as defined by **Chapter 25** of the City Code:

25-3-1 GARBAGE AND DEBRIS ACCUMULATION PROHIBITED. No person shall permit any garbage or debris as defined to accumulate on their property or on property owned by them or leased by them or under their control. It is hereby declared to be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

(A) **Definitions.** The words "garbage" and "debris" have the following meanings:

- (1) **Garbage.** Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce or food.
- (2) **Debris.** Rubbish, trash, including but not limited to paper, plastics, cartons, boxes, barrels, wood, excelsior, tree trunks, tree branches, yard trimmings, wood furniture, bedding, appliances, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery and other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles provided, however, that refuse shall not include earth and wastes from building operations temporarily located on the property during construction.

(B) **Notice to Person.** The Mayor, Chief of Police or their designated representative may issue a written notice for the removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **ten (10) days** after such notice has been duly served.

(D) **Abatement.** If the person so served does not remove the garbage or debris within **ten (10) days** after notice, the City may proceed to remove the garbage or debris, keeping an account of the expense for the removal of such garbage or debris, and such expense shall be charged and paid by such owner or occupant.

(H) **Penalty.** Any person, entity, owner or occupant who fails to remove such garbage or debris after the time stated in the notice provided for herein shall, in addition to being liable for the costs and expenses incurred for the removal of such garbage and debris, upon being found guilty of violating this Article, be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day a violation continues after notification constitutes a separate offense.

You are required to remove all such material within **ten (10) days** from the date of this Notice.

If you refuse or neglect to remove such garbage and/or debris, the authorities of the **City of Chester, Illinois**, may provide for the removal thereof. The cost of the garbage and/or debris removal shall be paid by you, and a lien may be filed against the property for the costs and expenses of such removal. Additionally, you may be subject to a fine as set forth above.

Dated this _____ day of _____, ____.

CITY CLERK
CITY OF CHESTER

CERTIFICATE OF SERVICE

I, _____, certify that I served the Notice of Nuisance Violation of the City of Chester, a copy of which is attached, by handing a copy of the Notice to _____, a _____, _____, _____
(name) (race) (sex)

(approximate age)

PLACE OF SERVICE: _____

DATE OF SERVICE: _____

TIME OF SERVICE: _____

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/her 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/herself 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/her office.

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 barbed wire or other such sharp, pointed fence below **eight (8) feet** in height and no electrically charged fence shall be erected or maintained, 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" is defined in **Section 27-2-9(A)**.

(A) Tobacco products listed above may be sold through a vending machine only in the following locations:

- (1) Factories, businesses, office, private clubs, and other places not open to the general public.
- (2) Places to which minors under **eighteen (18) years** of age are not permitted access.
- (3) Places where alcoholic beverages are sold and consumed on the premises.
- (4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over **eighteen (18) years** of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this Section, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.
- (5) Places where the vending machine can only be operated by the owner or an employee over age **eighteen (18)** either directly or through a remote control device if the device is inaccessible to all customers.

(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.

- (C) It shall be unlawful to urinate on public ways.
- (D) It shall be unlawful to urinate on private property when such conduct could be seen from a public way or from private property open to the public.

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 CRIMINAL HOUSING MANAGEMENT. It shall be unlawful for any person in the City to commit the offense of criminal housing management. A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as legal or equitable owner,

or as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any person is endangered.

27-2-17 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.

27-2-18 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)**

27-2-19 BEGGING. No person shall beg or solicit alms within the City without having obtained permission in writing from the Mayor. **(See 65 ILCS Sec. 5/11-5-4)**

27-2-20 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.

27-2-21 DISCHARGE OF FIREARMS OR BOW AND ARROW. It shall be unlawful to discharge any firearm, bow and arrow or air gun in the City or so that the bullet, arrow, missile or projectile therefrom enters the City without written permission from the Mayor, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor

to prevent the discharge of bow and arrow by students upon school grounds while under the direct and immediate supervision of teachers or other school supervisory personnel.

27-2-22 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.

27-2-23 STORAGE OF EXPLOSIVES.

(A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the City in any quantity exceeding **five (5) pounds.** (See 65 ILCS Sec. 5/11-8-4)

27-2-24 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.

27-2-25 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.

27-2-26 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.

27-2-27 ABANDONED REFRIGERATORS OR ICEBOXES. It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. (See 720 ILCS Sec. 505/1)

27-2-28 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 **9:00 P.M. (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 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)**

27-2-32 PROTECTIVE COVERING OR FENCING. Any person, corporation or partnership which either owns, or maintains, or uses, or 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 is guilty of a violation of **Section 1-1-20** of this Code. The provisions of this Act 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 605/1)**

27-2-33

(A)

CURFEW HOURS FOR MINORS.

Definitions. Whenever used in this Section.

- (1) **"Curfew hours"** means:
 - (a) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
 - (b) 12:01 A.M. until 6:00 A.M. on Saturday; and
 - (c) 12:01 A.M. until 6:00 A.M. on Sunday.
- (2) **"Emergency"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3) **"Establishment"** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.
- (4) **"Guardian"** means:
 - (a) A person who, under court order, is the guardian of the person of a minor; or
 - (b) A public or private agency with whom a minor has been placed by a court.
- (5) **"Minor"** means any person under **eighteen (18) years** of age.
- (6) **"Operator"** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) **"Parent"** means a person who is:
 - (a) A natural parent, adoptive parent, or stepparent of another person; or
 - (b) At least **twenty-one (21) years** of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) **"Public Place"** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- (9) **"Remain"** means to:
 - (a) linger or stay; or

- (b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
- (10) **"Serious bodily injury"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(B)

Offenses.

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
- (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C)

Defenses.

- (1) It is a defense to prosecution under subsection (B) that the minor was:
 - (a) Accompanied by the minor's parent or guardian;
 - (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (c) In a motor vehicle involved in interstate travel;
 - (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (e) Involved in an emergency;
 - (f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civil organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization or another similar entity that takes responsibility for the minor;
 - (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (i) Married or had been married or is an emancipated minor under the Emancipation or Mature Minors Act, as amended.

- (2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) **Enforcement.** Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present.

27-2-34 ABETTING OR ENCOURAGING VIOLATION. No person shall abet or encourage any unlawful act or any violation of any provision of the City Code.

27-2-35 MAINTENANCE OF HANDICAPPED PARKING SPACE. It shall be unlawful for a person to fail to maintain, in a safe condition, a designated handicapped parking space as provided in **Chapter 24** of the Revised Code.

27-2-36 OUTSIDE STORAGE. It is a violation to place outside for storage any item not customarily used or stored outside, or that is not made of material that is resistant to damage from exposure to the weather.

27-2-37 POLITICAL SIGNS. Political signs are permitted in all areas of the City subject to the following provisions:

- (A) No political sign on residential property shall be larger than **sixteen (16) square feet** per side, **two (2) sides** permitted.
- (B) Signs must not be on the public right of way or be located so as to obstruct the visual clearance needed for save vehicle and pedestrian traffic.
- (C) Signs shall not be illuminated.
- (D) Signs shall either be flush wall or free standing.
- (E) No political sign may be attached to utility poles, trees on public right-of-way, street light poles, street or traffic sign nor fire hydrants. **(Ord. No. 1509; 03-07-11)**

27-2-38 OPEN BURNING. No person shall cause or knowingly permit to allow, on premises owned, occupied, or controlled by him in the City, any open burning of garbage, trash, refuse, rubber, oil, paper, wood, or other combustible material, or cause or so allow any such burning in a chamber not specifically designed for that purpose in accordance with regulations of the Illinois Environmental Protection Agency, except as authorized by regulations or permits issued by the Illinois Environmental Protection Agency. It shall be unlawful to burn anything upon any street surface, sidewalk, street curbing, or alley of the City.

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 ELECTRONIC DEVICES TO KILL INSECTS. No person shall operate, between the hours of **12:01 A.M.** and **6:00 A.M.** of any day, on any property zoned for residential use, any electrical device which emits an audible sound and is designed or used for the purpose of killing insects out-of-doors.

27-3-8 CLIMBING UTILITY POLES. It shall be unlawful for any person in the City to climb upon any telegraph pole, telephone pole, electric light pole, or sign pole unless in the performance of his duties.

27-3-9 VANDALISM. No person shall willfully, without the consent of the owner, cut, pick, mar, mutilate, injure, or remove any tree, shrub, bush, plant, flower, vegetable, or other growth nor deface, mar, tear down, or injure any building structure, sign, public notice, vehicle, fence, monument, tomb stone, statue, or other object of ornament or utility in any public park, arboretum, street, or other public place, or on any private property in the City.

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)

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 **REFUSAL TO DISPERSE.** No person in the City shall knowingly fail to obey a lawful order of dispersal by a person known by him to be a police officer under circumstances where **two (2)** or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance, or alarm.

27-4-6 **FIGHTING.** No person in the City shall start a fight, offer to fight, engage in a fight, assault or strike another person or provoke a breach of the peace by threatening to assault or strike another person.

27-4-7 **LOUD AND UNNECESSARY NOISE.** No person in the City shall create an unreasonably loud or unnecessary noise and disturb the peace and quiet of the City or of any citizens thereof by:

- (A) Sounding of any horn, whistle, siren, or other signaling device, except where necessary to warn of the danger of an approaching vehicle;
- (B) Playing of radio, loud speaker, public address system, or other electronic device in a loud and unnecessary manner;
- (C) Keeping any animal or bird which by frequent and long continued noise disturbs the comfort and repose of any person in the vicinity;
- (D) Unnecessary banging, pounding, clanging, clattering, or other loud noises not necessary in the performing of any useful work.

27-4-8 **PROFANITY.** No person in the City shall use obscene, profane, vulgar, offensive, or unseemly language to the annoyance or vexation of others.

27-4-9 **PEEPING TOM.** No person in the City shall enter upon the property of another and for a lewd and unlawful purpose deliberately look into a dwelling or property through the window or other opening in the City.

27-4-10 **SCAVENGERS PROHIBITED.**

(A) The term "**scavenger**" as used in this Section shall mean a person who collects or disposes of refuse, wastes or rubbish as described in **Article III of Chapter 25** of this Code.

(B) It shall be unlawful for any person to work or function as a scavenger, as defined herein, in the City. No person shall scavenge through any trash receptacle, dumpster, or container.

27-4-11 **FALSE REPORT OF OFFENSE.** No person shall transmit in any manner to any police officer or other public official 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.

27-4-12 **INTERFERING WITH FIREMEN.** No person shall, at any fire, hinder, delay, resist, or obstruct any officer, fireman, or other person in the discharge of his duties or neglect or refuse to obey the lawful command of any police officer or fireman at the scene of a fire.

27-4-13 **THROWING JUNK ON PRIVATE PROPERTY.** No person shall throw, place, or deposit any dirt, ashes, trash, cans, bottles, junk, or other objects whatever upon the premises of another in the City.

27-4-14 **ASSAULT, BATTERY, AFFRAY AND RECKLESS CONDUCT.** It shall be unlawful for any person to knowingly start a fight, or to fight, or to commit any assault and battery or perform any reckless conduct anywhere within the City.

(A) **Assault Defined.** A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

(B) **Battery Defined.** A person commits battery if he intentionally or knowingly, without legal justification, and by any means:

(1) causes bodily harm to any individual; or

(2) makes physical contact of an insulting or provoking nature with an individual.

(C) **Affray Defined.** A person commits an affray if he engages in a noisy brawl, or quarrel, public fight, riot, or breach of the peace.

(D) **Reckless Conduct Defined.** A person who causes bodily harm to or endangers the bodily safety of an individual by any means commits reckless conduct if he performs recklessly the acts which cause the harm or endangers the safety of an individual, whether they are lawful or are unlawful.

(E) All owners and/or proprietors of businesses in the City, including taverns, shall report all offenses contained in this Section to the police department while occurring or immediately after they occur.

27-4-15 **SALE OF FIREARMS OR WEAPONS TO MINORS.**

(A) It shall be unlawful for any person in the City to sell to any minor person any firearm, bludgeon, blackjack, sling shot, sand-club, sandbag, metal knuckles, dagger, dirk, bill, dangerous knife, stiletto, or any knife commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.

(B) It shall be unlawful for any person in the City to sell, lend, rent, give, or otherwise transfer any "air rifle" to a person under **thirteen (13) years** of age, except where the relationship of parent-child, guardian-ward, or adult instructor-pupil exists between such person and the person under **thirteen (13) years** of age.

(C) It shall be an affirmative defense for any person in the City having sold such weapon that:

(1)The minor procured the sale by use of false or forged identification cards;

- (2) That he did not know and could not reasonably have known of the falsity or forgery; and
- (3) That he exercised reasonable diligence to determine the veracity of the representation.

27-4-16 **INTIMIDATION.** It shall be unlawful for any person to commit an act of intimidating another within the City. A person commits intimidation when, with intent to cause another person to perform or to omit the performance of any act, he communicated to another without otherwise lawful authority a threat to perform any of the following acts:

- (A) Inflict physical harm on the person threatened or any other person or property; or
- (B) Subject any person to physical confinement or restraint; or
- (C) Commit any criminal offense; or
- (D) Accuse falsely any person of an offense; or
- (E) Expose any person to hatred, contempt, or ridicule; or
- (F) Unlawfully take action as a public official against anyone or withhold official action or cause such action or withholding; or
- (G) Bring about or continue any strike, boycott, or other collective or mob action.

ARTICLE V - ANTI-LITTER

27-5-1 DEFINITIONS. For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

"AIRCRAFT" is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

(A) advertise for sale any merchandise, product, commodity or thing;
or

(B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

"LITTER" is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard,

grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

"PUBLIC PLACE" means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLES" means any receptacles provided by or authorized by the City.

"VEHICLE" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 LITTERING PROHIBITED. No person shall deposit any litter within the City except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 PREVENTION OF SCATTERING. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 RECEPTACLES - UPSETTING OR TAMPERING. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 SIDEWALKS AND ALLEYS FREE FROM LITTER. Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 OWNER TO MAINTAIN PRIVATE PREMISES.
(A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.
(B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7 LITTERING FROM VEHICLES.

(A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

(B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the City unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8 LITTERING FROM AIRCRAFT. No person in an aircraft shall throw out, drop or deposit any litter within the City.

27-5-9 LITTER IN PARKS. No person shall deposit litter in any park within the City except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 HANDBILLS.

(A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises or vehicles, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises or vehicles which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes, may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11 POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12 CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14 PARKING LOTS.

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces.**

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as

necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

(See 65 ILCS Sec. 5/11-1-1 and 415 ILCS Sec. 105/1 et seq.)

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

PARENTAL RESPONSIBILITY REGULATIONS

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.

(See 740 ILCS 115/1 et seq. and 740 ILCS 115/4)

(See also 740 ILCS 5/21-1.2 et seq.)

ARTICLE VIII – TRUANCY AND CURFEW CODE

27-8-1 **DEFINITIONS.** As used in this Article unless the context requires otherwise the following words and phrases shall mean:

"CITY CURFEW HOURS" means the period of time specified in **Section 27-2-33** of the Chapter.

"COURT" means the Judicial Circuit; Randolph County, Illinois.

"CUSTODIAN" means:

- (A) a person who under court order is the custodian of the person of a minor or
- (B) a public or private agency with which the court has placed a minor or
- (C) a person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

"EMERGENCY" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"ESTABLISHMENT" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

"GUARDIAN" means:

- (A) parent or
- (B) a person who under court order is the guardian of the person of a minor; or
- (C) a public or private agency with which the court has placed a minor.

"MINOR" means a person under **eighteen (18) years** of age.

"PARENT" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"PUBLIC PLACE" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"RESPONSIBLE ADULT" means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

"SERIOUS BODILY INJURY" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"TRUANCY CURFEW HOURS" means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

"TRUANT OFFICER" means any officer, appointee, employee or other agency of any school district or any federal, state or local government, entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. **(105 ILCS 5/26-1 et seq.)**

"TRUANCY REVIEW BOARD" means any agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof recognized by the City and/or the court as an agency which provides service to improve education performance and/or attendance.

27-8-2 CURFEW RESTRICTIONS.

(A) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the City during curfew hours.

(B) It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City during curfew hours.

(C) It is a defense to prosecution under **Section 27-8-2(A) and (B)** or **Section 27-8-4** (hereinafter) that the minor was:

- (1) accompanied by the minor's parent, guardian, custodian or responsible adult;
- (2) on an errand at the direction of the minor's parent, guardian, custodian or responsible adult; without any detour or stop;
- (3) in a motor vehicle involved in interstate travel with the consent or authorization of a parent, guardian or custodian;
- (4) engaged in, going to or returning home from an employment activity without any detour or stop;
- (5) involved in an emergency;

- (6) on the sidewalk abutting the minor's residence;
- (7) engaged in, going to or returning home from official school, religious or other recreational activity supervised by adults, sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
- (8) exercising First Amendment rights protected by the United States Constitution; or
- (9) emancipated pursuant to law.

27-8-3 TRUANCY RESTRICTIONS.

(A) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the City during truancy curfew hours.

(B) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City during truancy curfew hours.

(C) It is a defense to prosecution under this Section or **Section 27-8-4** that the minor was:

- (1) accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
- (2) involved in an emergency;
- (3) going to or returning from a medical appointment without any detour or stop;
- (4) engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
- (5) in possession of valid proof that the minor is a student who has permission to leave the school campus;
- (6) a bona fide participant in an alternative education or home schooling program;
- (7) engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

27-8-4 ESTABLISHMENT RESTRICTIONS. It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of **Sections 27-8-2** or **27-8-3** above during curfew or truancy hours.

It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of **Sections 27-8-2** or **27-8-3** notified a law enforcement agency that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

27-8-5 **ENFORCEMENT RESTRICTIONS.** Every member of the Police Department while on duty is hereby authorized as follows:

(A) For the first offense of any minor violating the provisions of this Code, to issue to the minor a citation, in writing, in the same form as described in paragraph (C) below. For a second offense, the law enforcement officer is authorized to temporarily detain any minor violating the provisions of this Code (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, custodian or guardian of the minor unless subparagraph (E) herein is applicable. A parent, custodian or guardian must take custody of the minor within **one (1) hour** of the time of notice or be subject to a charge of **Twenty-Five Dollars (\$25.00)** per hour as hereinafter provided.

(B) Whenever a Police Officer or Truant Officer witnesses or has knowledge based on reasonable grounds of a violation of this Code by any person, such person may be issued a citation. A citation or complaint may be made to a Police Officer or Truant Officer by any person.

(C) A citation issued hereunder this shall be in writing and shall:

- (1) state the name of the person being cited and the person's address if known;
- (2) set forth the specific section of this Code that was violated, the date of the violation and a brief description of the violation;
- (3) be signed by the issuing Police Officer, Truant Officer or complaining party.

In each instance where a citation is issued to a minor for violation of this Code a minor's parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

(D) A minor cited for a citation under this Code must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause

to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(E) Every member of the Police Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of **Section 27-8-3** of this Code, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

27-8-6 **PENALTY.**

(A) Any person who violates any provision of this Article shall, upon conviction thereof, be fined as provided in **Section 1-1-20** of this Code. **(See also Section 1-1-20)**

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of court approved community service during times other than the minor's hours of school attendance and/or the minor's parent, custodian, guardian or other adult having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(C) In addition to any penalty imposed pursuant to (A) or (B) above, the minor's parents, custodian, guardian or other adult having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under **Section 27-8-7** hereinafter.

27-8-7 **CIVIL LIABILITY.** If a minor is detained for a period of time in excess of **one (1) hour** which requires the supervision of the minor by personnel of the Police Department, the parent, custodian, guardian or other adult having legal care or custody of the minor shall be jointly and severally liable for the costs therefore. The parent, custodian, guardian or other adult having legal care or custody of the minor who has committed any offense of this Code shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Code or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Code and subject the violator to the penalties described within **Section 27-8-6** above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the City in collecting.

ARTICLE IX - FIREWORKS - PRIVATE USE AND PUBLIC DISPLAYS

27-9-1 FINDINGS. The City has found that the widespread and uncontrolled sale and use of fireworks causes substantial harm to persons and property. Such harm poses a serious threat to the health, safety and general welfare of the community.

27-9-2 PURPOSE. The purpose of this Article is to eliminate the harm to health and property within the City and is designed to safeguard the health, safety and welfare of the citizens and protect property.

27-9-3 SCOPE OF AUTHORITY. Unless exempted by provisions contained herein, the provisions of this Article shall apply to all persons within the City.

27-9-4 DEFINITIONS.

"Police Chief": The Police Chief of the City.

"Fireworks": Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which any such explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, lady fingers, torpedoes, skyrockets, Roman candles, dayglo bombs, sparklers, or other devices containing any such explosive substance. The term "fireworks" shall not include model rockets and model rocket engines which are designed, sold, and used for the purpose of propelling recoverable aero models, when actually used for that purpose and used under the supervision of the science instructor or other competent adult and when the place and time of firing the sky rockets or missiles has been approved by the Police Chief. The term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy papers or plastic caps are used and such toy paper or plastic caps are manufactured as provided therein except that no toy paper or plastic cap shall contain more than **Twenty-Five Hundreths (.25) of a grain** of explosive composition per cap. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. The sale and use of these toy paper or plastic caps shall be permitted at all times. Nothing in this Section shall be construed as applying to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or naval forces of the United States or of this State, or to peace officers. Nothing in this Section shall be construed as forbidding the sale and use of blank cartridges for ceremonial, theatrical or athletic events.

"Sell or Display": Selling, offering to sell, exhibiting, or possessing with intent to give away, sell, or offer to sell within the City.

"Use": Purchasing, possessing, setting off or otherwise causing to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or to discharge them or throw them from land, air, or highway into any area of the City. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. This provision shall also mean and include casting, throwing, lighting, or firing any squib, rocket, cracker torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other fireworks or combustible firecrackers of any kind.

27-9-5 PROHIBITIONS AND UNLAWFUL ACTS. Except as provided herein, it shall be unlawful for any person to sell or display, offer to sell, possess, give away, store, or use fireworks within the City. It shall be unlawful for any person to allow or permit fireworks to be used or exploded on his premises or premises under his control. It shall be unlawful for any person to mishandle or misuse fireworks. The following constitute unlawful mishandling or misuse of fireworks:

(A) It shall be unlawful to throw any firework, whether such firework is burning or not.

(B) It shall be unlawful to throw or otherwise use fireworks from an automobile or other motor vehicle, whether the vehicle is moving or standing still.

(C) It shall be unlawful to store, keep, sell, or use any fireworks within **fifty (50) feet** of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of **one (1) gallon**.

(D) It shall be unlawful to discharge or use any fireworks within **one thousand (1,000) feet** of any hospital, sanitarium, or infirmary.

(E) It shall be unlawful to discharge or use any fireworks in, under, or on an automobile or other motor vehicle, whether moving or standing still.

(F) It shall be unlawful to discharge or use fireworks within **fifty (50) feet** of any retail fireworks stand or facility where fireworks are sold.

(G) It shall be unlawful to mishandle or misuse fireworks in any other way.

27-9-6 EXCEPTIONS. The following exceptions shall apply:

(A) It shall be lawful for a person to possess the fireworks, specified in paragraph (C) below, on and between the dates of **June 27th and July 5th** of each year. Provided that, nothing in this provision shall be construed to allow the sale or display of any fireworks.

(B) It shall be lawful for a person to use certain fireworks, herein specified, on **July 4th** of each year between the hours of **8:00 a.m. and 11:30 p.m.**

(C) The following fireworks may be possessed or used, as provided in this Section, provided that nothing in this Section shall be construed to allow the possession or use of any firework that is not a "**Class C**" firework as defined by federal law:

- (1) Nonpoisonous snakes and items of similar composition.
- (2) Roman candles, not exceeding **ten (10) balls** with total pyrotechnic composition not exceeding **twenty (20) grams** in weight, and inside tube diameter not exceeding **three-eighths (3/8) inch**.
- (3) Skyrockets with sticks, total pyrotechnic composition not exceeding **twenty (20) grams** in weight, and inside tube diameter not exceeding **one-half (1/2) inch**.
- (4) Helicopter-type rockets, total pyrotechnic composition not exceeding **twenty (20) grams** in weight, and inside tube diameter not exceeding **three-fourths (3/4) inch**.
- (5) Cylindrical fountains, with total pyrotechnic composition not exceeding **seventy-five (75) grams** in weight, and inside tube diameter not exceeding **three-fourths (3/4) inch**.
- (6) Cone foundations, with total pyrotechnic composition not exceeding **fifty (50) grams** in weight.
- (7) Wheels, with total pyrotechnic composition not exceeding **sixty (60) grams** for each driver unit or **two hundred forty (240) grams** for each wheel, and with inside tube diameter of driver units not exceeding **one-half (1/2) inch**.
- (8) Illuminating torches and colored fire in any form, with total pyrotechnic composition not exceeding **one hundred (100) grams** each.
- (9) Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate not exceeding **five (5) grams**, and all sparklers.
- (10) Mines and shells, of which the mortar is an integral part, total pyrotechnic composition not exceeding **forty (40) grams** in weight.
- (11) Firecrackers and salutes with casings, with external dimensions not exceeding **one and one-half inches (1 1/2)** in length and **one-quarter (1/4) inch** in diameter, and total composition not exceeding **two (2) grams** each in weight.
- (12) Smoke devices known as smoke balls, or tubes containing a pyrotechnic mixture which, upon ignition, produces a visible cloud of black, white or colored smoke.

(D) Nothing in **Section 27-9-5** shall be construed as forbidding the possession or use of any fireworks by those in charge of a public exhibition. Such an exhibition may be held on any day or days of the year provided that it is held at a location which does not endanger persons or property, and provided that a pyrotechnic expert is used, and provided that those in charge of the exhibition obtain a permit and comply with **Sections 27-9-7 and 27-9-8** herein and all applicable state laws or regulations.

27-9-7 PUBLIC EXHIBITIONS - PERMIT APPLICATIONS - CONTENT. An applicant for a permit for a public exhibition or display of fireworks shall file with the City Clerk a written application therefor, duly subscribed and sworn by the applicant. Such application shall set forth the following:

(A) The name of the association, organization, or corporation sponsoring the display, together with the names of the persons to be in charge of the display.

(B) The date and time of day at which the display is to be held.

(C) The exact location planned for the display.

(D) A description setting forth the name, age, address, and experience of the persons who are to do the actual firing and discharging of the fireworks.

(E) The number and kinds of fireworks to be discharged.

(F) The manner and place of the storage of such fireworks between the date of purchase and the date of display.

(G) A diagram or sketch of the grounds on which the fireworks are to be discharged, the location of all buildings, streets, trees, telephone, or telegraph lines or overhead obstructions within a distance of **fifty (50) yards** of the point of discharge, and the lines behind which the public will be restrained.

(H) Such other information required by the Fire Chief.

(I) The name and address of the insurance company providing the bond/insurance required and a copy of the Certificate of Insurance referred to in **Section 27-9-8**.

27-9-8 PUBLIC EXHIBITIONS - PERMIT APPLICATIONS - FILING. An application for a permit for a public exhibition or display of fireworks shall be filed with the City Clerk at least **twenty (20) days** before the date set for the display. A copy of such application shall be sent at once to the Chief of Police and the Fire Chief, who shall make or cause to be made, an investigation of the site of the proposed display and investigate the competence and skill of the persons in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this Article, the Fire Chief shall so advise the City Clerk within **ten (10) days**, at which time, the City Clerk shall issue the permit. The applicant for a permit shall, at the time of filing application therefor, pay to the City Clerk a fee of **One Hundred Dollars (\$100.00)**, which sum shall be refunded in the event the application for such permit is denied. Each applicant shall also pay to the City Clerk a nonrefundable investigation fee of **Thirty Dollars (\$30.00)**.

The applicant shall post with the City a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the faithful and safe performance of such display and the cleanup of all debris from the site, which deposit shall be returned to the applicant only in the event that the applicant faithfully and safely performs such display and cleans up all debris to the satisfaction of the City. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited.

The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **One Million Dollars (\$1,000,000.00)** for injuries to any one person in one accident or occurrences; **Two Million Dollars (\$2,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars (\$500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars (\$1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the City is to be an additional named insured, and the policy shall provide for the immediate notification of the City by the insurer of any cancellation of any policy.

27-9-9 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS. All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by a pyrotechnician. "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a distance of **fifty (50) yards** from the point of discharge. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(C) When, in the opinion of the Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of **two (2)** trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the City for all costs to firefighters for such time.

(D) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(E) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(F) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(G) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(H) Areas of public access shall be determined by the Fire Chief or designee and maintained in an approved manner.

27-9-10 SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA. This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the City in accordance with **Section 27-9-8** of this Code.

27-9-11 NONPROHIBITED ACTS. This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

27-9-12 STATUS OF STATE LAW. This Code is intended to implement applicable State law, to-wit, **227 ILCS 227** and **425 ILCS 35**, and shall be construed in connection with that law and any and all rules or regulations issued pursuant to that law.

27-9-13 ENFORCEMENT. The Fire Chief or designee is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code.

27-9-14 RECKLESS DISCHARGE OR USE PROHIBITED. It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

ARTICLE X – SKATEBOARDS

27-10-1 DEFINITIONS. As used in this Article, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(A) **Skateboard.** A device with wheels for riding upon, usually standing, including, without limitations, skateboards of all types.

(B) **Skates.** A set of shoes with wheels attached to the soles.

(C) **Rollerblades.** Similar to skates, but the wheels are aligned.

(D) **Toy Vehicles.** Coasters, scooters, or any other non-motorized device with wheels or rollers upon which a person may ride. This definition does not apply, so long as they are used for the purposes for which they are intended, to wagons, wheelchairs and strollers or other devices designed and used for the purpose of transporting children, infants, physically challenged, or incapacitated persons, or to carts or other devices intended and used for transporting merchandise or materials.

(E) **Public Property Area.** The entire area within the Chester Public Square-Park located near State Street with its intersection with Opdyke Street, and nowhere in the public street and nowhere on any sidewalks adjoining the public street beginning at the intersection of Taylor Street with State Street and continuing northeasterly uptown to where State Street intersects with Stacey Street; thence northwesterly on Stacey Street to its intersection with Swanwick Street; thence northeasterly on Swanwick Street to Swanwick Street's intersection with State Street/a.k.a. Illinois State Rt. 150. The use of any rollerblades, skateboards, skates, coasters, scooters, or any other toy vehicle as defined herein is absolutely prohibited within the Chester Public Square Park and along the public street and adjacent sidewalks as herein described.

27-10-2 SKATEBOARDING, SKATING, ROLLERBLADING OR OPERATING A TOY VEHICLE IN PROHIBITED AREAS. No person shall operate a skateboard, skates, rollerblades or other toy vehicle in the public property area, described in **Section 27-10-1(E)** above.

27-10-3 SKATEBOARDING, SKATING, ROLLERBLADING OR OPERATING A TOY VEHICLE IN AREAS NOT PROHIBITED BY THIS ARTICLE. No person shall operate a skateboard, skates, rollerblades or other toy vehicle on a public street if there is a sidewalk adjacent to such street. If no sidewalk exists, skateboards, skates, rollerblades or other toy vehicle may be operated on the street providing the street riding shall be done as far to the right side of the road as possible, and in the same direction as traffic, provided such use does not occur on the streets hereinabove designated.

27-10-4 CLINGING TO A VEHICLE. No person operating a skateboard, skates, rollerblades, toy vehicle, or other non-motorized device shall attach himself or herself to any vehicle upon a roadway.

27-10-5 YIELD RIGHT-OF-WAY. Any person operating a skateboard, skates, rollerblades or other toy vehicle must yield right-of-way to any pedestrian or motor vehicle.

27-10-6 SKATEBOARDING, SKATING, ROLLERBLADING OR OPERATING A TOY VEHICLE ON PRIVATE PROPERTY.

(A) No person shall operate a skateboard, skates, rollerblades or other toy vehicle on the premises of any business, residence, or other private property in violation of a sign complying with this Section.

(B) Areas in which skateboarding, skating, rollerblading or operation of other toy vehicle is prohibited must be indicated by **one (1)** or more signs which are positioned to provide notice and which contain the words "**No Skateboarding, Skating, or Rollerblading**" or any other word or combination of words indicating that operating any of the aforementioned toy vehicles is prohibited. Letters on the sign must be clearly legible.

27-10-7 DAMAGING CITY PROPERTY. No person shall operate a skateboard, skates, rollerblades or other toy vehicle on or against any City-owned table, bench, structure, tennis court, parking stop, retaining wall, fountain, statue, or other public improvement which may suffer damage by such use.

27-10-8 RAMPS. No person shall use or place a ramp, jump, or any other device used to force a skateboard, skates, rollerblades or other toy vehicle off the pavement on the grounds of any city-owned parking lot, park, or sidewalk.

27-10-9 AGREEMENT FOR IMPOUNDMENT. In place of any other penalty provided by law, any person violating this Article may, for a first offense, agree to have the skateboard, skates, rollerblades or toy vehicle impounded by the Police Department for **one (1) week.**

27-10-10 BICYCLES NOT INCLUDED. The operation of bicycles is covered by other provisions, and is not intended to be regulated by this Article.

(Ord. No. 1131; 04-07-97)

ARTICLE XI – ADULT USES REGULATED

27-11-1 PURPOSE AND ADDITIONAL FINDINGS.

(A) **Purpose.** It is the purpose of this Article to regulate public nudity in order to promote the health, safety, morals, and general welfare of the citizens of the City. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials.

(B) **Findings.** The City Council finds:

- (1) Public places allowing nudity lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled.
- (2) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, live sex shows or public nudity.
- (3) Allowing public nudity creates unhealthy conditions.
- (4) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.
- (5) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses involving public nudity, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (6) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.
- (7) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (9) Sanitary conditions in some adult oriented businesses and those places allowing public nudity are unhealthy, in part, because the activities conducted there are unhealthy, and,

in part, because of the unregulated nature of the activities, including nudity, and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

- (10) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses allowing public nudity and where persons view "adult" oriented films.
- (11) The findings noted in paragraphs (1) through (10) raise substantial governmental concerns.
- (12) Public places allowing nudity have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (13) The general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Article.

27-11-2 **DEFINITIONS.** As used in this Article:

(A) **"Adult Oriented Business"** means an establishment as defined in the City Code.

(B) **"Entity"** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(C) **"Nude"** means the showing of:

- (1) Human male or female genitals or pubic area with less than a fully opaque covering; or
- (2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing or covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or
- (3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed.

(D) **"Person"** means any live human being aged **ten (10) years** of age or older.

(E) **"Place Provided or Set Apart for Nudity"** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F) **"Public Place"** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

27-11-3 PROHIBITION. It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

27-11-4 LIMITATION. This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

ARTICLE XII - OBSCENITY

27-12-1 **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.

(D) **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)**

27-12-2 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) **"Knowingly"** 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)**

27-12-3 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 XIII – DRUG PARAPHERNALIA

27-13-1 DEFINITIONS.

(A) The term “**drug paraphernalia**” means all equipment, products, and materials of any kind which are used, intended for use, or marketed for use with illegal cannabis or drugs, as defined by the **Illinois Compiled Statutes**, or designed for use in planting, propagating, cultivating, growing, harvesting, manufactured, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act, **Illinois Compiled Statutes, Chapter 720, Paragraph 570/100, et seq.** “Drug paraphernalia” includes, but is not limited to:

- (1) Kits used, intended for use or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment, used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;
- (6) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

- (11) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - (b) Water pipes;
 - (c) Carburetion tubes and devices;
 - (d) Smoking and carburetion masks;
 - (e) Roach clips or other objects used to hold burning materials, such as a marijuana cigarette which has become too small or short to be held in the hand;
 - (f) Miniature cocaine spoons and cocaine vials;
 - (g) Chamber pipes;
 - (h) Carburetor pipes;
 - (i) Electric pipes;
 - (j) Air-driven pipes;
 - (k) Chilams;
 - (l) Bongs;
 - (m) Ice pipes or chillers.

27-13-2 DETERMINATION OF DRUG PARAPHERNALIA. In determining whether an object is "drug paraphernalia", a court or other authority should consider, in addition to all other relevant factors, the following:

- (A) Statements by an owner or anyone in control of the object concerning its use;
- (B) Prior convictions, if any, of an owner or anyone in control of the object, under any state or federal law relating to any controlled substances;
- (C) The proximity of the object, in time and place, to a direct violation of this Article;
- (D) The proximity of the object to controlled substances;
- (E) The existence of any residue of controlled substances on the object;
- (F) Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Article; and the innocence of any owner or anyone in control of the object, as to a direct violation of this Article, shall not prevent a finding that the object is intended or designed for use as "drug paraphernalia";

- (G) Instructions, oral or written, provided with the object concerning its use;
- (H) Descriptive materials accompanying the object which explain or depict its use;
- (I) National and local advertising concerning the object's use;
- (J) The manner in which the object is displayed for sale;
- (K) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (L) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise in question;
- (M) The existence and scope of legitimate uses for the object in the community;
- (N) Expert testimony concerning the object's use.

27-13-3 OFFENSES AND PENALTIES.

(A) **Possession of Drug Paraphernalia.** It is unlawful for any person to use, or possess with the intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the **Illinois Controlled Substance Act, (720 ILCS 570/100 et seq.)**. Any person violating this Section is guilty of a crime and, upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)** and not more than **Five Hundred Dollars (\$500.00)**.

(B) **Manufacture or Delivery of Drug Paraphernalia.** It is unlawful for any person to deliver, to sell, to possess with the intent to deliver or sell, or to manufacture with the intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the **Illinois Controlled Substance Act, (720 ILCS 570/100, et seq.)**. Any person violating this Section is guilty of a crime, and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

(C) **Delivery of Drug Paraphernalia to a Minor.** Any person **eighteen (18) years** of age or older who violates subsection (B) of this Section by delivering, selling, or giving drug paraphernalia to a juvenile is guilty of an additional offense, and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**. **(Ord. No. 438-82; 07-20-82)**

(D) **Advertisement of Drug Paraphernalia.** It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any

advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person violating this Section is guilty of a crime and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

27-13-4 FORFEITURE OF PROPERTY.

(A) All articles defined in subsection (B)(1) shall be subject to forfeiture.

(B) Property subject to forfeiture under this Article may be seized by any peace officer upon process issued by any court having jurisdiction over the property. Seizure by any police officer without process may be made:

- (1) If the property subject to seizure has been the subject of a prior judgment in favor of the City in an ordinance violation proceeding;
- (2) If there is probable cause to believe that the property is either directly or indirectly dangerous to health or safety.

(C) In the event of seizure pursuant to subsection (B), proceedings under subsection (D) shall be promptly instituted.

(D) Property taken or detained under this Article shall not be subject to replevin, but is deemed to be in the custody of the Chief of Police, subject only to the orders of the court having jurisdiction over the forfeiture proceedings. When property is seized under this Article, the Chief of Police may:

- (1) Place the property under seal; or
- (2) Remove the property to a place designated by him; or
- (3) Take custody of the property and remove it to an appropriate location for destruction.

27-13-5 PROHIBITION OF POSSESSION OF WEAPONS, LIQUOR AND DRUGS IN THE CITY HALL. Except for evidence purposes, it shall be unlawful for any person other than police officers to possess within the City Hall:

(A) a dangerous weapon as defined in **Illinois Compiled Statutes, Chapter 720, Section 5/33A-1**, as now or hereafter amended or renumbered, or

(B) alcoholic liquor as defined in **Chapter 21**, or

(C) a controlled substance as defined in **Illinois Compiled Statutes, Chapter 720, Section 570/102**, as now and hereafter amended or renumbered, or

(D) cannabis, as defined in the **"Cannabis Control Act", Illinois Compiled Statutes, Chapter 720, Section 550/1, et seq.**, as now and hereafter amended or renumbered.

27-13-6 POSSESSION OF CANNABIS.

(A) **Cannabis Defined.** "Cannabis" including marijuana, hashish, and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, cake, or the sterilized seed of such plant which is incapable of germination.

(B) **Violation.** It shall be a violation of this Section for any person in the City knowingly to possess any quantity of any substance containing cannabis, except that the effect of this Section shall not apply to persons knowingly possessing more than **thirty (30) grams** of any substance containing cannabis.

**APPLICATION FOR A PERMIT FOR
A PUBLIC EXHIBITION OR DISPLAY OF FIREWORKS**

The undersigned does hereby apply for a permit for public exhibition or display of fireworks and being duly sworn states as follows:

- A. The name and address of the association, organization or corporation sponsoring the display:

Name: _____
Address: _____

- B. The name(s) and address(es) of the person(s) to be in charge of the display:

_____	_____
(name)	(name)
_____	_____
_____	_____
(address)	(address)

SUBMIT COPY OF PYROTECHNIC LICENSE

- C. The date and time of day at which the display is to be held:

Date: _____
Time: _____

- D. The exact location planned for the display:

Location: _____

- E. A description setting forth the name, age, address and experience of the persons who are to do the actual firing and discharging of the fireworks:

- F. The numbers and kinds of fireworks to be displayed:

G. The manner and place of the storage of such fireworks between the date of purchase and the date of the display:

H. Include a diagram or sketch of the grounds on which the fireworks are to be discharged, the location of all buildings, streets, trees, telephone or telegraph lines or overhead obstructions within a distance of **fifty (50) yards** of the point of discharge, and the lines behind which the public will be restrained.

I. The name and address of the insurance company providing the bond/insurance required. Attach a copy of the Certificate of Insurance.

Please answer the following questions:

A. Is distance to a fire hydrant or water supply greater than 600 feet? Yes ___ No ___

B. Is display area clear of all overhead obstructions? Yes _____ No _____

C. Have provisions been made to keep public out of display area? Yes _____ No ___

D. Is there any hospital, nursing home or other institution within 500 feet?
Yes ___ No ___

E. Has provision been made for onsite fire protection during display? Yes ___ No ___

The undersigned applicant being duly sworn on oath does state that the statements made above and set forth herein and the information provided is true and correct.

Date _____

(applicant)

(address)

SUBSCRIBED and SWORN to before me a notary public this _____ day of _____, 20__.

_____, Notary Public

**PERMIT FOR A PUBLIC EXHIBITION OR
DISPLAY OF FIREWORKS**

Date of Issue _____ Permit No. _____

LICENSEE(S): _____

LEAD PYROTECHNIC OPERATOR: _____

Are hereby granted permission to conduct a Public Exhibition or Display of Fireworks on the _____ day of _____, 20____, at _____ (time) at _____ (location), in the City of Chester, Illinois.

Fire Chief
City of Chester, Illinois

City Clerk
City of Chester, Illinois

**THIS PERMIT IS NON-TRANSFERABLE AND MUST BE IN THE POSSESSION OF
THE PERSON IN CHARGE OF THE DISPLAY.**

CHAPTER 28

PARKS

28-1-1 **DEPARTMENT ESTABLISHED.** There is hereby established an executive department of the City known as the Park Department. It shall be the duty of the Park Superintendent to supervise all employees of the Park Department, and he/she shall have the duties and responsibilities set forth in **Section 1-2-131** of **Division XIV** of **Article II** of **Chapter 1** of the Revised Code of the City. **(Ord. No. 1700; 01-22-19)**

28-1-2 **PARK COMMITTEE.** The City Council standing committee on Parks and Recreation shall exercise a general supervision over the affairs of the municipal parks and pool. It shall ascertain the condition and needs thereof from the Parks and Recreation Board and report the same and make recommendations to the City Council from time to time. **(Ord. No. 1565; 07-15-13)**

28-1-3 **CHESTER PARKS AND RECREATION BOARD.** The Chester Parks and Recreation Board is an Advisory Board to the City Council as follows:

(A) **Purpose.** The purpose of the Chester Parks and Recreation Board is:

- (1) to enhance the quality of community life by assisting the Recreation Director with the planning and execution of City sponsored recreation programs, events and activities for the citizens of Chester and the surrounding area and
- (2) to provide, protect, maintain and preserve area parklands for the enjoyment, education and inspiration of this and future generations.

(B) **Membership.** The Chester Parks and Recreation Board shall consist of **fifteen (15) members**; the members shall be residents from the 62233 zip code; **one (1) member** shall be the Recreation Director; **one (1) member** shall be the Cole Park Superintendent; **one (1) member** shall be the Cohen Park Superintendent, and the remaining members shall be appointed by the Mayor with the consent of the City Council. If a member fails to (1) attend one-half of the meetings during the City's fiscal year and/or (2) fails to participate in the planning and execution of one-half of the City sponsored recreation programs, events and activities, then that member shall be considered to have resigned his/her position on the Chester Parks and Recreation Board, a vacancy shall exist, and the Mayor shall appoint someone to fill said vacancy with the consent of the City Council. **(Ord. No. 1788; 03-06-23)**

(C) **Term of Office.** The members shall serve for a period of **two (2) years** and shall be appointed at the first meeting of the City Council in May. Vacancies shall be filled by appointment for the unexpired term only. All members of the Chester Parks and Recreation Board shall serve without compensation.

(D) **Procedure.** The Recreation Director shall serve as the Chairman, and the board shall elect from their members a Vice-Chairman and a Secretary. The Chester Parks and Recreation Board shall hold regular meetings on the **second (2nd) Tuesday** of each month at the City Hall with the exception of December. Special meetings of the Chester Parks and Recreation Board may be called by the Chairman or the Mayor. The Chester Parks and Recreation Board shall keep a written record of its meetings and proceedings, which shall be

open at all times for and to the inspection of the public. All meetings shall be open to the public, except such meetings as may be closed pursuant to the Open Meetings Act.

(E) **Projects.** Projects chosen by the Chester Parks and Recreation Board must be approved by the City Council.

(Ord. No. 1708; 04-15-19)

28-1-4 OFFICERS. The Chairman shall preside at all meetings of the Board. In the absence of the Chairman, the Vice-Chairman shall be the presiding officer. It shall be the duty of the Secretary to keep a record of the proceedings of the Board and to forward copies to the City Council. It shall be the duty of the City Clerk to account for all monies to be charged for the use of any of the privileges of the Parks. The Board, with the approval of the City Council shall make its own rules governing meetings of its members, but the Board shall comply with the requirements of the Open Meetings Act. **(Ord. No. 1708; 04-15-19)**

28-1-5 CLOSING TIME FOR PARKS. The closing time for the Chester Riverfront, Smith Landing, Cohen Recreation Complex (including Breezy Hill), and Cole Memorial Park (except permitted camping) shall be **Sundays through Thursdays between eleven o'clock (11:00) P.M. through six o'clock (6:00) A.M.** and on **Saturdays and Sundays between 12:01 A.M. and 6:00 A.M.** The closing time for the Chester Memorial Park, Chester Square Gazebo Park, Chester City Steps, Harnagel Park, and Segar Memorial Park shall be **9:00 P.M. to 6:00 A.M. daily.**

Any person violating **Section 28-1-5** shall, upon conviction therefor, be fined not less than **Ten Dollars (\$10.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense. **(Ord. No. 1708; 04-15-19)**

28-1-6 SUPERVISION OVER PARKS. The City Council of the City of Chester shall have the ultimate supervision and control of all public parks and any lands or lots heretofore or hereinafter acquired, devised or bequeathed to the City or Park for recreational purposes, and shall further have control, superintendence and charge of all lands owned by the City which are contiguous to the Mississippi River and the Chester Welcome Center.

The Park Board shall be an advisory Board to the City Council and as such, except as to the Chester Welcome Center, shall make recommendations to the City Council regarding: the use of any improvements to the parks and facilities; any fees charged for the use of the parks and any facilities within the parks; hours of operation; and propose to the City Council rules and regulations governing the use of the parks.

The Chester Welcome Center Committee shall act in an advisory capacity to the City Council regarding the Chester Welcome Center and as such shall make recommendations to the City Council regarding: the use of any improvements to the facility; hours of operation; and any rules and regulations governing the facility.

(Ord. No. 1700; 01-22-19)

28-1-7 LIQUOR IN PARK. It shall be unlawful for any person to sell or offer for sale any intoxicating liquor of any kind within the limits of the Parks unless the consent of the Corporate Authorities has been granted. **(Ord. No. 1798; 06-19-23)**

28-1-8 **DISORDERLY CONDUCT.** It shall be unlawful for any person within the limits of the Parks to engage in any disorderly or boisterous or unseemly conduct; or to make use of any profane, obscene or indecent language.

28-1-9 **SANCTUARY FOR ANIMALS.** The Cole Memorial Park and any and all other land of the City of Chester which heretofore and may hereafter have been so designated by the Mayor and City Council to be used for park or recreational purposes shall be sanctuaries for animals of all kind. It shall be unlawful for any person to shoot at any animal, with any kind of gun or bow and arrow, or to set any trap for the purpose of ensnaring any animal or to disturb the nest of any bird, within the limits of the Parks. The Park Superintendent shall have the discretionary power to remove any nuisance (pest) animals. **(Ord. No. 1565; 07-15-13)**

28-1-10 **SPEED LIMITS.** No person shall drive any motor vehicle or motor bicycle upon any driveways or thoroughfares within the Parks owned and managed by the City, at a rate of speed greater than **fifteen (15) miles per hour.**

28-1-11 **RECEIPTS AND EXPENSES.** The City Clerk shall account for all fees and monies associated with park facilities, and the same shall be regularly deposited into the City's General Fund. The "Park Department" shall be a separate department within the General Fund of the City, and monies shall be disbursed and paid out upon orders authorized by the City Council. The Park Board shall specifically not have the authority to incur debt, spend money, enter into contracts or supervise employees. **(Ord. No. 1565; 07-15-13)**

28-1-12 **RESERVATION OF POWER.** The Mayor and the City Council do hereby reserve unto itself the power to designate other lands which the City may hereinafter acquire for park and recreational purposes. **(Ord. No. 1565; 07-15-13)**

28-1-13 **LIST OF PARKS.** The Parks of the City of Chester are as follows:

Chester Memorial Park
Chester Riverfront
Chester Square Gazebo Park
Chester City Steps
Cohen Recreation Complex (including Breezy Hill)
Cole Memorial park
Harnagel Park
Segar Memorial Park
Smith Landing

(Ord. No. 1708; 04-15-19)

APPENDIX "A"

LEASE AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2004, between the CITY OF CHESTER, ILLINOIS, a Municipal Corporation, of the County of Randolph, State of Illinois, hereinafter referred to as "Lessor" and WILLIAM AND ELLEN COHEN MEMORIAL PARK, an Illinois Not-for-Profit Corporation, hereinafter referred to as "Lessee".

THE PARTIES RECITE AND DECLARE THAT:

1. The Lessor is the owner of real property formerly the residence of Gordon "Bud" Cohen and his parents, William and Ellen Cohen, purchased from the Randolph County Historical Society, an Illinois Not-for-Profit Corporation.

2. The Lessee is an Illinois Not-for-Profit Corporation which is organized for the purpose of promoting, organizing and fostering civic, social, recreational and/or historical purposes or activities, and was organized for the specific purpose to direct these activities with respect to the development of recreational and park type activities upon real estate which was the former residence of Gordon "Bud" Cohen and prior to that the residence of his parents, William and Ellen Cohen.

3. The parties desire to establish an agreement to insure the proper maintenance, management, repair, upkeep and recreational and park type development usages of the Cohen property acquired by the City of Chester, Illinois. The City of Chester declares that it would be in its best interest to allow and permit a community spirited and minded organization such as the Lessee herein to maintain, manage and improve the real estate and improvements located on the real estate to be leased herein.

SECTION ONE - Legal Description of Real Estate

The real estate herein leased to the Lessee is described as follows:

Lots 1, 2, 3, 8, 9 and 10 in Block 32, Meyer and Opdyke's Addition
to the City of Chester, Randolph County, Illinois.

Address of Property: 523 West Harrison Street
Chester, IL 62233

SECTION TWO - Term

The term of this Lease shall be for **twenty (20) years**, commencing on November 20, 2004, and ending on November 20, 2024.

SECTION THREE - Consideration

The Lessor shall lease to the Lessee the real estate and improvements located thereon in consideration of Lessee's agreement to maintain, manage, restore, rehabilitate and/or repair the real estate and improvements leased herein and to utilize and develop said premises as a recreational/park type facility. At all times the premises must be utilized and developed as a public recreational/park type facility subject to the general supervisory role of the Lessor herein. The Lessee may in its own discretion determine the general overall plan and procedure for the implementation of any plans for the recreational and park type utilization and development of the premises.

In consideration of the Lessee's undertaking of the aforesaid management, maintenance and development of the leased improvements, the Lessor also agrees to pay to the Lessee the sum of \$10,000.00 annually during each and every year of this Lease, which shall be used for renovation, decorations, maintenance and upkeep of the building and grounds and operation costs. Any surplus money received from Lessor existing at the termination of this Lease shall be returned to the City of Chester, Illinois. The times and method of payment of the \$10,000.00 per year shall be made and determined in the sole and exclusive direction of the Mayor and City Council of the City of Chester, Illinois.

The Lessee agrees that it will furnish the Lessor an accounting of the use and/or expenditures of the \$10,000.00 paid it annually by the Lessor. This accounting will be furnished annually; however, it shall be furnished at any time upon request of the Lessor.

SECTION FOUR - Improvements

The Lessee shall not construct or erect any new buildings or any other type of permanent improvements on the premises without the prior express consent of the Mayor and the City Council of the City of Chester, Illinois. Any such requests for approval shall be accompanied by plans and specifications to be submitted to the Lessor for Lessor's written approval or any revisions required by the Lessor.

The Lessee shall have the right to make such alterations, improvements and changes to any building which is now on the premises or may hereafter from time to time be on the premises. The Lessee shall have the right to replace any buildings now located on the premises with a new one of at least equal value, provided that prior to making any structural alterations, improvements or changes or to replacing any such building, the Lessee shall obtain the Lessor's written approval of plans and specifications thereof.

Any new building or permanent improvement or any other type of permanent improvement constructed by the Lessee on the premises and/or alterations, improvements, changes or additions made in or to such premises shall be the property of the Lessor, and the Lessee shall have only a leasehold interest therein.

SECTION FIVE - Repairs and Destruction of Improvements

The Lessee shall throughout the term of this Lease, at its own cost and without any expense to the Lessor, keep and maintain the premises, including all buildings and improvements of every kind which may be a part thereof, and all appurtenances thereto, including sidewalks adjacent thereto, in good, sanitary and neat order, condition and repair,

and, except as specifically provided herein, restore and rehabilitate any improvements of any kind which may be destroyed or damaged by fire, casualty or any other cause whatsoever. The Lessor shall not be obligated to make any repairs, replacements or renewals of any kind, nature or description whatsoever to the demised premises or any buildings or improvements thereon. The Lessee shall also comply with and abide by all federal, state, county, municipal or other governmental statutes, ordinances, laws and regulations affecting the demised premises, the improvements thereon or any activity or condition on or in such premises.

The Lessee represents that it has inspected the premises and agrees and understands that it accepts the lands, buildings or other improvements located thereon "AS IS". It is agreed and understood that there are no warranties either express or implied with respect to the general condition of the premises. It is agreed and understood that the Lessee assumes full responsibility for the condition of the premises whether or not any condition may be actually or apparently dangerous, or known or unknown by the Lessor or the Lessee.

SECTION SIX - Utilities

The Lessee shall fully and promptly pay for all water, gas, heat, light, power, telephone service and other public utilities of every kind furnished to the premises throughout the term hereof, and all other costs and expenses of every kind whatsoever of or in connection with the use, operation and maintenance of the premises and all activities conducted thereon, and the Lessor shall have no responsibility of any kind for any thereof.

SECTION SEVEN - Lessee's Liability Insurance

The Lessee shall maintain in effect throughout the term of this Lease general comprehensive personal injury liability insurance covering the premises herein providing coverage to the Lessee with a type of policy which the Lessee in its own discretion may choose, provided however, that the Lessee shall be afforded at least a minimum of \$1,000,000.00 for injury to or death of any one person, and \$1,000,000.00 for injury to or death of any number of persons in one occurrence, and property damage liability insurance in the amount of at least \$200,000.00. Such insurance shall specifically insure the Lessee against all liability assumed by it hereunder as well as liability imposed by law, and said insurance shall name the Lessor as additional insured.

SECTION EIGHT - Personal Property

It is agreed and understood that any items of personal property located on the premises herein leased or which may hereafter be received by the City of Chester shall be and remain the sole and absolute property of the City of Chester, Lessor herein. It is the intention and agreement of the parties hereto that individuals and/or organizations may donate or give property to the City of Chester, Illinois, to be utilized in connection with the premises leased herein, and such property shall be the sole and separate property of the City of Chester, Illinois, and no items of personal property, furnishings or fixtures shall be construed by anyone to be the property of the Lessee. In the event that the Lessee for some reason should acquire any personal property of its own which is used or placed upon the premises which might be used in

connection with the management or maintenance of the premises, then the Lessee and the Lessee's agents, employees, representatives, visitors or occupants shall be solely responsible for same in the event same should be lost, stolen or misplaced, and the City assumes no liability whatsoever for their safekeeping, storage or usage.

SECTION NINE - Right of Entry

The Lessor shall have the right to enter the premises at any reasonable hour for the purpose of inspection, and for purposes of making any reasonable or necessary emergency repair or maintenance type of work.

SECTION TEN - Assignment and Sublease

Any consenting of a subletting or assignment by the Lessor shall not release or relieve the Lessee from any of its obligations under this Lease whatsoever. It is agreed and understood that the Lessee may not sublet or assign any of its right or interest in this Lease whatsoever without the prior written approval of the Lessor.

SECTION ELEVEN - Destruction of Premises

If the leased premises are damaged or destroyed in whole or substantially destroyed by fire, windstorm or other casualty, then the Lessor shall have the right to determine whether or not the Lease shall then terminate or continue. The Lessor is currently a member of the Illinois Municipal Risk Management Association, a self-insured association consisting of various municipalities throughout the State of Illinois. In the event that the Lessor should receive payments from said association for such loss, then the Lessor shall determine the extent to which the proceeds of any such payments shall be used in order to make repairs or modifications. However, it is agreed and understood that in the event the premises are completely or substantially destroyed, the Lessor may elect to retain the insurance proceeds and terminate this Lease.

The Lessee also agrees and understands that with respect to any of its own items of personal property that may be destroyed or damaged, that the Lessee itself is responsible for such losses and for procuring its own insurance to cover any such type of loss.

SECTION TWELVE - Default

The Lessee shall be in default under the Lease if it: (1) abandons or vacates the premises prior to the expiration of the term without consent of the Lessor; (2) fails to perform and abide by the terms and conditions of this Lease; (3) files voluntary bankruptcy proceedings or involuntary proceedings instituted against it; (4) files for voluntary dissolution as a Not-for-Profit Corporation, or is dissolved involuntarily by the State of Illinois; (5) allows any materialman, mechanics or artisan liens to be placed upon the premises; (6) fails to keep and maintain the premises in reasonably good state of maintenance and repair taking into consideration the amount of financial assistance that has been extended to the Lessee by the

Lessor herein and resources available to the Lessee; (7) fails to keep and utilize the premises as a public facility for park and recreational facilities; (8) causes or permits the premises leased herein to be used for any type of purposes other than general park or general recreational type purposes.

In the event of any default, or breach of any provision of this Lease Agreement by the Lessee, the Lessor may declare this Lease terminated and **ten (10) days** after service of written notice by the Lessor terminating the Lease because of such default, the Lessor may reenter the premises and take possession of the premises.

LESSOR: CITY OF CHESTER, ILLINOIS
A Municipal Corporation

BY: _____
Joe L. Eggemeyer, Mayor

ATTEST:

Nancy J. Eggemeyer, City Clerk

LESSEE: WILLIAM AND ELLEN COHEN
MEMORIAL PARK, a Not-for-Profit Corporation

BY: _____
Bertha Mae Blechle, President

ATTEST:

Eileen Gordon, Secretary

CHAPTER 29

PROPERTY MAINTENANCE CODE

ARTICLE I - ADMINISTRATION

DIVISION - GENERAL

29-1-1 **TITLE.** These regulations shall be known as the *Property Maintenance Code* of the City of Chester, hereinafter referred to as "this Code". **(101.1)**

29-1-2 **SCOPE.** The provisions of this Code shall apply to all existing and new residential rental dwellings or units, all new construction (rental or non-rental), all existing and new commercial structures or buildings and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. **(101.2) (Ord. No. 1584; 09-15-14)**

29-1-3 **INTENT.** This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. **(101.3)**

29-1-4 **SEVERABILITY.** If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. **(101.4)**

DIVISION II - APPLICABILITY

29-1-5 **GENERAL.** The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in **Division I**. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. **(102.1)**

29-1-6 **MAINTENANCE.** Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises. **(102.2)**

29-1-7 **APPLICATION OF OTHER CODES.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Residential Code, International Fuel Gas Code, International Mechanical Code* and the *ICC Electrical Code*. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the *City Zoning Code*. **(102.3)**

29-1-8 **EXISTING REMEDIES.** The provision in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary. **(102.4)**

29-1-9 **WORKMANSHIP.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions. **(102.5)**

29-1-10 **HISTORIC BUILDINGS.** The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Enforcement Officer to be safe and in the public interest of health, safety and welfare. **(102.6)**

29-1-11 **REFERENCED CODES AND STANDARDS.** The codes and standards referenced in this Code shall be those that are listed in Chapter 8 of the 2006 International Property Maintenance Code and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur

between provisions of this Code and the referenced standards, the provisions of this Code shall apply. **(102.7) (Ord. No. 1475; 12-07-09)**

29-1-12 **REQUIREMENTS NOT COVERED BY CODE.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare not specifically covered by this Code, shall be determined by the Code Enforcement Officer. **(102.8)**

29-1-13 **RESERVED.**

DIVISION III - PROPERTY MAINTENANCE

29-1-14 **GENERAL.** The provisions of this Chapter shall be enforced by the Code Enforcement Officer established pursuant to Ordinance #1389 of the City of Chester, Illinois, and any police officer or any person designated by the Mayor and/or the City Council.

29-1-15 **LIABILITY.** The Code Enforcement Officer, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Enforcement Officer or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. **(103.4)**

29-1-16 **FEES.** The inspection fee will be **Fifty Dollars (\$50.00)** for the occupancy inspection and one follow-up inspection, if required. Additional inspections, if required, will be **Twenty-Five Dollars (\$25.00)** per inspection. The fees will be collected when the owner/occupant makes a deposit for water and gas services. The City Clerk will accept the fees and make arrangements for the inspection. **(Ord. No. 1498; 11-15-10)**

29-1-17 **NOTIFICATION OF RENTERS.** The owner of a residence, dwelling, structure or building that is leased for rent as a residence shall register with the City Clerk on or before **December 31** of each year and upon a change in occupancy and/or upon request of the City Clerk the name of each renter or lessee leasing or renting the residence, dwelling, structure or building. **(Ord. No. 1584; 09-15-14)**

29-1-18 - 29-1-20

RESERVED.

DIVISION IV - DUTIES AND POWERS OF THE CODE ENFORCEMENT OFFICER

29-1-21 **GENERAL.** The Code Enforcement Officer shall enforce the provisions of this Code. **(104.1)**

29-1-22 **RULE-MAKING AUTHORITY.** The Code Enforcement Officer shall have authority as necessary in the interest of public health, safety and general welfare to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such authority shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety. **(104.2)**

29-1-23 **INSPECTIONS.** The Code Enforcement Officer shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. **(104.3)**

29-1-24 **RIGHT OF ENTRY.** The Code Enforcement Officer is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Enforcement Officer is authorized to pursue recourse as provided by law. **(104.4)**

29-1-25 **IDENTIFICATION.** The Code Enforcement Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this Code. **(104.5)**

29-1-26 **NOTICES AND ORDERS.** The Code Enforcement Officer shall issue all necessary notices or orders to ensure compliance with this Code. **(104.6)**

29-1-27 **RECORDS.** The Code Enforcement Officer shall keep official records of all business and activities specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations. **(104.7) (Ord. No. 1498; 11-15-10)**

29-1-28 **FREQUENCY OF INSPECTION.** Inspections are required when occupancy or ownership changes for residential rental property and more than **one (1) year** has elapsed since the last inspection. Private residential (non-rental) property sales will be exempt from inspections when ownership changes and also prior to occupancy of newly constructed residences. **(Ord. No. 1584; 09-15-14)**

29-1-29 **EXCEPTIONS TO REQUIRED OCCUPANCY INSPECTIONS.** Occupancy inspections shall not be required for hospitals, nursing homes, assisted or supportive living facilities, public housing authorities or housing units or facilities which are inspected by or pursuant to any State or Federal programs, regulations or requirements or housing units or facilities with approved inspection programs. **(Ord. No. 1475; 12-07-09)**

DIVISION V - APPROVAL

29-1-30 **MODIFICATIONS.** Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Enforcement Officer shall have the authority to grant modifications for individual cases, provided the Code Enforcement Officer shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files. **(105.1)**

29-1-31 **ALTERNATIVE MATERIALS, METHODS AND EQUIPMENT.** The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Enforcement Officer finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety. **(105.2)**

29-1-32 **REQUIRED TESTING.** Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Enforcement Officer shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction. **(105.3)**

(A) **Test Methods.** Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test

methods, the Code Enforcement Officer shall be permitted to approve appropriate testing procedures performed by an approved agency. **(105.3.1)**

(B) **Test Reports.** Reports of tests shall be retained by the Code Enforcement Officer for the period required for retention of public records. **(105.3.2)**

29-1-33 MATERIAL AND EQUIPMENT REUSE. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. **(105.4)**

29-1-34 RESERVED.

DIVISION VI - VIOLATIONS

29-1-35 UNLAWFUL ACTS. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. **(106.1)**

29-1-36 NOTICE OF VIOLATION. The Code Enforcement Officer shall serve a notice of violation or order in accordance with **Division VII.** **(106.2)**

29-1-37 PROSECUTION OF VIOLATION. Any person failing to comply with a notice of violation or order served in accordance with **Division VII** shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Enforcement Officer shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. **(106.3)**

29-1-38 VIOLATION PENALTIES. Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements

thereof, shall be prosecuted and upon conviction or plea of guilty, be subject to a fine of not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense. **(Ord. No. 1637; 02-06-17)**

29-1-39 **ABATEMENT OF VIOLATION.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. **(106.5)**

29-1-40 **RESERVED.**

DIVISION VII - NOTICES AND ORDERS

29-1-41 **NOTICE TO PERSON RESPONSIBLE.** Whenever the Code Enforcement Officer determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in **Sections 29-1-42** and **29-1-43** to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with **Section 29-1-49.** **(107.1)**

29-1-42 **FORM.** Such notice prescribed in **Section 29-1-41** shall be in accordance with all of the following:

(A) Be in writing.
(B) Include a description of the real estate sufficient for identification.
(C) Include a statement of the violation or violations and why the notice is being issued.

(D) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

(E) Inform the property owner of the right to appeal.

(F) Include a statement of the right to file a lien in accordance with **Section 29-1-37.** **(107.2)**

29-1-43 **METHOD OF SERVICE.** Such notice shall be deemed to be properly served if a copy thereof is:

(A) Delivered personally;

(B) Sent by first-class mail addressed to the last known address; or

(C) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. **(107.3)**

29-1-44 **PENALTIES.** Penalties for noncompliance with orders and notices shall be as set forth in **Section 29-1-38.** **(107.4)**

29-1-45 **TRANSFER OF OWNERSHIP.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Enforcement Officer and shall furnish to the Code Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. **(107.5)**

29-1-46 **UTILITIES CONNECTION.** City utilities (gas, water and sewer) services shall not be connected or provided and may be discontinued to a residence, dwelling, structure or building after a compliance order or notice of violation has been issued for that residence, dwelling, structure or building until the required corrections or repairs have been made or satisfactory arrangements have been made with the Code Enforcement Officer and time limits set by the Code Enforcement Officer for completion of the required corrections and repairs. **(Ord. No. 1584; 09-15-14)**

DIVISION VIII - UNSAFE STRUCTURES AND EQUIPMENT

29-1-47 **GENERAL.** When a structure or equipment is found by the Code Enforcement Officer to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. **(108.1)**

(A) **Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged,

decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. **(108.1.1)**

(B) **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. **(108.1.2)**

(C) **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the Code Enforcement Officer finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. **(108.1.3)**

(D) **Unlawful Structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law. **(108.1.4)**

29-1-48 CLOSING OF VACANT STRUCTURES. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Enforcement Officer is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Enforcement Officer shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource. **(108.2)**

29-1-49 NOTICE. Whenever the Code Enforcement Officer has condemned a structure or equipment under the provisions of this Section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with **Section 29-1-43**. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in **Section 29-1-42**.

29-1-50 PLACARDING. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Enforcement Officer

shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. **(108.4)**

(A) **Placard Removal.** The Code Enforcement Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Enforcement Officer shall be subject to the penalties provided by this Code. **(108.4.1)**

29-1-51 PROHIBITED OCCUPANCY. Any occupied structure condemned and placarded by the Code Enforcement Officer shall be vacated as ordered by the Code Enforcement Officer. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code. **(108.5)**

29-1-52 - 29-1-59 RESERVED.

DIVISION IX - EMERGENCY MEASURES

29-1-60 IMMINENT DANGER. When, in the opinion of the Code Enforcement Officer, there is imminent damage of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building, occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Enforcement Officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Enforcement Officer shall cause to be posted at each entrance to such structure a notice reading as follows: **"This Structure is Unsafe and its Occupancy has been Prohibited by the Code Enforcement Officer."** It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same. **(109.1)**

29-1-61 TEMPORARY SAFEGUARDS. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Enforcement Officer, there is

imminent danger due to an unsafe condition, the Code Enforcement Officer shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Enforcement Officer deems necessary to meet such emergency. **(109.2)**

29-1-62 **CLOSING STREETS.** When necessary for public safety, the Code Enforcement Officer shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized. **(109.3)**

29-1-63 **EMERGENCY REPAIRS.** For the purposes of this Section, the Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. **(109.4)**

29-1-64 **COSTS OF EMERGENCY REPAIRS.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. **(109.5)**

29-1-65 **HEARING.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals boards, be afforded a hearing as described in this Code. **(109.6)**

29-1-66 **RESERVED.**

DIVISION X - DEMOLITION

29-1-67 **GENERAL.** The Code Enforcement Officer shall order the owner of any premises upon which is located any structure, which in the Code Enforcement Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and

make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than **two (2) years**, to demolish and remove such structure. **(110.1)**

29-1-68 **NOTICES AND ORDERS.** All notices and orders shall comply with **Division VII. (110.2)**

29-1-69 **FAILURE TO COMPLY.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Enforcement Officer shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. **(110.3)**

29-1-70 **SALVAGE MATERIALS.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. **(110.4)**

29-1-71 **RESERVED.**

DIVISION XI - MEANS OF APPEAL

29-1-72 **APPLICATION FOR APPEAL.** Any person directly affected by a decision of the Code Enforcement Officer or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within **twenty (20) days** after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means. **(111.1)**

29-1-73 **MEMBERSHIP OF THE BOARD.** The Board of Appeals shall consist of a minimum of **three (3) members** who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Code Enforcement Officer shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms. **(111.2)**

(A) **Alternate Members.** The Chief Appointing Authority shall appoint **two (2) or more alternate members** who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership. **(111.2.1)**

(B) **Chairman.** The Board shall annually select one of its members to serve as Chairman. **(111.2.2)**

(C) **Disqualification of Member.** A member shall not hear an appeal in which that member has any personal, professional or financial interest. **(111.2.3)**

(D) **Secretary.** The Chief Administrative Officer shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the Chief Administrative Officer. **(111.2.4)**

(E) **Compensation of Members.** Compensation of members shall be determined by the City Council. **(111.2.5)**

29-1-74 **NOTICE OF MEETING.** The Board shall meet upon notice from the Chairman, within **thirty (30) days** of the filing of an appeal, or at stated periodic meetings. **(111.3)**

29-1-75 **OPEN HEARING.** All hearings before the Board shall be open to the public. The appellant, that appellant's representative, the Code Enforcement Officer and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than **two-thirds (2/3)** of the Board membership. **(111.4)**

(A) **Procedure.** The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. **(111.4.1)**

29-1-76 **POSTPONED HEARING.** When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing. **(111.5)**

29-1-77 **BOARD DECISION.** The Board shall modify or reverse the decision of the Code Enforcement Officer only by a concurring vote of a majority of the total number of appointed Board members. **(111.6)**

(A) **Records and Copies.** The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the Code Enforcement Officer. **(111.6.1)**

(B) **Administration.** The Code Enforcement Officer shall take immediate action in accordance with the decision of the Board. **(111.6.2)**

29-1-78 **COURT REVIEW.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Chief Administrative Officer. **(111.7)**

29-1-79 **STAYS OF ENFORCEMENT.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board. **(111.8)**

ARTICLE II

DEFINITIONS

DIVISION I - GENERAL

29-2-1 **SCOPE.** Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this Chapter. **(201.1)**

29-2-2 **INTERCHANGEABILITY.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. **(201.2)**

29-2-3 **TERMS DEFINED IN OTHER CODES.** Where terms are not defined in this Code and are defined in the *International Building Code, International Residential Code, International Fire Code, City Zoning Code, Illinois Plumbing Code, International Mechanical Code*, or the *ICC Electrical Code*, such terms shall have the meanings ascribed to them as stated in those codes. **(201.3)**

29-2-4 **TERMS NOT DEFINED.** Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies. **(201.4)**

29-2-5 **PARTS.** Whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", "housekeeping unit", or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof". **(201.5)**

DIVISION II - GENERAL DEFINITIONS

29-2-6 **DEFINITIONS.**

"APPROVED": Approved by the Code Enforcement Officer.

"BASEMENT": That portion of a building which is partly or completely below grade.

"BATHROOM": A room containing plumbing fixtures including a bathtub or shower.

"BEDROOM": Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

"CODE ENFORCEMENT OFFICER": The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

"CONDEMN": To adjudge unfit for occupancy.

"DWELLING UNIT": A single unit providing complete, independent living facilities for **one (1)** or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"EASEMENT": That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

"EXTERIOR PROPERTY": The open space on the premises and on adjoining property under the control of owners or operators of such premises.

"EXTERMINATION": The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

"GARBAGE": The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"GUARD": A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

"HABITABLE SPACE": Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

"HOUSEKEEPING UNIT": A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

"IMMINENT DANGER": A condition which could cause serious or life-threatening injury or death at any time.

"INFESTATION": The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

"INOPERABLE MOTOR VEHICLE": A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

"LABELED": Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing

laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

"LET FOR OCCUPANCY OR LET": To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

"OCCUPANCY": The purpose for which a building or portion thereof is utilized or occupied.

"OCCUPANT": Any individual living or sleeping in a building, or having possession of a space within a building.

"OPENABLE AREA": The part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"OPERATOR": Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

"OWNER": Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"PERSON": An individual, corporation, partnership or any other group acting as a unit.

"PREMISES": A lot, plot or parcel of land, easement or public way, including any structures thereon.

"PUBLIC WAY": Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

"ROOMING HOUSE": A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

"ROOMING UNIT": Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

"RUBBISH": Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

"SLEEPING UNIT": A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities,

but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

"STRICT LIABILITY OFFENSE": An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

"STRUCTURE": That which is built or constructed or a portion thereof.

"TENANT": A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

"TOILET ROOM": A room containing a water closet or urinal but not a bathtub or shower.

"VENTILATION": The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

"WORKMANLIKE": Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

"YARD": An open space on the same lot with a structure.

(202)

ARTICLE III

GENERAL REQUIREMENTS

DIVISION I - GENERAL

29-3-1 **SCOPE.** The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. **(301.1)**

29-3-2 **RESPONSIBILITY.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control. **(301.2)**

29-3-3 **VACANT STRUCTURES AND LAND.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. **(301.3)**

29-3-4 **RESERVED.**

DIVISION II - EXTERIOR PROPERTY AREAS

29-3-5 **SANITATION.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. **(302.1)**

29-3-6 **GRADING AND DRAINAGE.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. **(302.2)**

Exception: Approved retention areas and reservoirs.

29-3-7 **SIDEWALKS AND DRIVEWAYS.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. **(302.3)**

29-3-8 **WEEDS.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of **twelve (12) inches.** All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with **Section 29-1-36** and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. **(302.4)**

29-3-9 **RODENT HARBORAGE.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. **(302.5)**

29-3-10 **EXHAUST VENTS.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste directly upon abutting or adjacent public or private property or that of another tenant. **(302.6)**

29-3-11 **ACCESSORY STRUCTURES.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. **(302.7)**

29-3-12 **MOTOR VEHICLES.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **(302.8)**

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

29-3-13 **DEFACEMENT OF PROPERTY.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. **(302.9)**

29-3-14 **RESERVED.**

DIVISION III -- SWIMMING POOLS, SPAS AND HOT TUBS

29-3-15 **SWIMMING POOLS.** Swimming pools shall be maintained in a clean and sanitary condition and in good repair. **(303.1)**

29-3-16 **ENCLOSURES.** Private swimming pools, hot tubs and spas, containing water more than **twenty-four (24) inches (610 mm)** in depth shall be completely surrounded by a fence or barrier at least **forty-eight (48) inches (1219 mm)** in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than **fifty-four (54) inches (1372 mm)** above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of **six (6) inches (152 mm)** from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. **(303.2)**

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

29-3-17 **RESERVED.**

DIVISION IV - EXTERIOR STRUCTURE

29-3-18 **GENERAL.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. **(304.1)**

29-3-19 **PROTECTIVE TREATMENT.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. **(304.2)**

29-3-20 **PREMISES IDENTIFICATION.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of **four (4) inches (102 mm)** high with a minimum stroke width of **one-half (0.5) inch (12.7 mm)**. **(304.3)**

29-3-21 **STRUCTURAL MEMBERS.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. **(304.4)**

29-3-22 **FOUNDATION WALLS.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. **(304.5)**

29-3-23 **EXTERIOR WALLS.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. **(304.6)**

29-3-24 **ROOFS AND DRAINAGE.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampers or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. **(304.7)**

29-3-25 **DECORATIVE FEATURES.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. **(304.8)**

29-3-26 **OVERHANG EXTENSIONS.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. **(304.9)**

29-3-27 **STAIRWAYS, DECKS, PORCHES AND BALCONIES.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. **(304.10)**

29-3-28 **CHIMNEYS AND TOWERS.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. **(304.11)**

29-3-29 **HANDRAILS AND GUARDS.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. **(304.12)**

29-3-30 **WINDOW, SKYLIGHT AND DOOR FRAMES.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. **(304.13)**

(A) **Glazing.** All glazing materials shall be maintained free from cracks and holes. **(304.13.1)**

(B) **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. **(304.13.2)**

29-3-31 **INSECT SCREENS.** During the period from April to October, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than **16 mesh per inch (16 mesh per 25 mm)** and every screen door used for insect control shall have a self-closing device in good working condition. **(304.14)**

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

29-3-32 **DOORS.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with **Section 29-7-6.**

29-3-33 **BASEMENT HATCHWAYS.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. **(304.16)**

29-3-34 **GUARDS FOR BASEMENT WINDOWS.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents. **(304.17)**

29-3-35 **BUILDING SECURITY.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be equipped with deadbolt lock or door knob with locking device incorporated into it designed to provide security for the occupants and property within. **(304.18) (Ord. No. 1498; 11-15-10)**

(A) **Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without

the need for keys, special knowledge or effort and shall have a lock throw of not less than **one (1) inch (25 mm)**. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. For the purpose of this Section, a sliding bolt shall not be considered an acceptable deadbolt lock. **(304.18.1)**

(B) **Windows.** Operable windows located in whole or in part within **six (6) feet (1828 mm)** above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device. **(304.18.2)**

(C) **Basement Hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry. **(304.18.3)**

29-3-36 RESERVED.

DIVISION V - INTERIOR STRUCTURE

29-3-37 GENERAL. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which the occupy control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, **two (2)** or more dwelling units or **two (2)** or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. **(305.1)**

29-3-38 STRUCTURAL MEMBERS. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. **(305.2)**

29-3-39 INTERIOR SURFACES. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. **(305.3)**

29-3-40 STAIRS AND WALKING SURFACES. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. **(305.4)**

29-3-41 HANDRAILS AND GUARDS. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. **(305.5)**

29-3-42 INTERIOR DOORS. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. **(305.6)**

29-3-43 RESERVED.

DIVISION VI - HANDRAILS AND GUARDRAILS

29-3-44 GENERAL. Every exterior and interior flight of stairs having more than **four (4) risers** shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than **thirty (30) inches (762 mm)** above the floor or grade below shall have guards. Handrails shall not be less than **thirty (30) inches (762 mm)** high or more than **forty-two (42) inches (1067 mm)** high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than **thirty (30) inches (762 mm)** high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted Building Code. **(306.1)**

29-3-45 RESERVED.

DIVISION VII - RUBBISH AND GARBAGE

29-3-46 **ACCUMULATION OF RUBBISH OR GARBAGE.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. **(307.1)**

29-3-47 **DISPOSAL OF RUBBISH.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. **(307.2)**

(A) **Rubbish Storage Facilities.** The occupant of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. **(307.2.1)**

(B) **Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. **(307.2.2)**

29-3-48 **DISPOSAL OF GARBAGE.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. **(307.3)**

(A) **Garbage Facilities.** Every dwelling shall be supplied with one of the following: an approved mechanical food waste grinder in each dwelling unit or an approved leakproof, covered outside garbage container. **(307.3.1) (Ord. No. 1498; 11-15-10)**

(B) **Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. **(307.3.2)**

29-3-49 **RESERVED.**

DIVISION VIII - EXTERMINATION

29-3-50 **INFESTATION.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. **(308.1)**

29-3-51 **OWNER.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. **(308.2)**

29-3-52 **SINGLE OCCUPANT.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises. **(308.3)**

29-3-53 **MULTIPLE OCCUPANCY.** The owner of a structure containing **two (2)** or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. **(308.4)**

29-3-54 **OCCUPANT.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where rat infestations are caused by defects in the structure, the owner shall be responsible for extermination. **(308.5)**

ARTICLE IV

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

DIVISION I - GENERAL

29-4-1 **SCOPE.** The provisions of this Chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure. **(401.1)**

29-4-2 **RESPONSIBILITY.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this Chapter. **(401.2)**

29-4-3 **ALTERNATIVE DEVICES.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted. **(401.3)**

29-4-4 **RESERVED.**

DIVISION II - LIGHT

29-4-5 **HABITABLE SPACES.** Every habitable space shall have at least **one (1) window** of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be **eight percent (8%)** of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than **three (3) feet (914 mm)** from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight percent (8%)** of the floor area of the interior room or space, but not less than **twenty-five (25) square feet (2.33 m²)**. The exterior glazing area shall be based on the total floor area being served. **(402.1)**

Windows in habitable spaces shall open and stay open on their own without props. **(Ord. No. 1498; 11-15-10)**

29-4-6 **COMMON HALLS AND STAIRWAYS.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a **sixty (60) watt** standard incandescent light bulb or compact florescent of equal output for each **two hundred (200) square feet (19 m²)** of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than **thirty (30) feet (9144 mm)**. In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of **one (1) footcandle (11 lux)** at floors, landings and treads. **(402.2) (Ord. No. 1498; 11-15-10)**

29-4-7 **OTHER SPACES.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliance, equipment and fixtures. **(402.3)**

29-4-8 **RESERVED.**

DIVISION III - VENTILATION

29-4-9 **HABITABLE SPACES.** Every habitable space shall have at least **one (1)** operable window. The total operable area of the window in every room shall be equal to at least **forty-five percent (45%)** of the minimum glazed area required in **Section 29-4-5**.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight percent (8%)** of the floor area of the interior room or space, but not less than **twenty-five (25) square feet (2.33 m²)**. The ventilation openings to the outdoors shall be based on a total floor area being ventilated. **(403.1)**

29-4-10 **BATHROOMS AND TOILET ROOMS.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by **Section 29-4-9**, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated. **(403.2)**

29-4-11 COOKING FACILITIES. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. **(403.3)**

Exceptions:

(A) Where specifically approved in writing by the Code Enforcement Officer.

(B) Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

29-4-12 PROCESS VENTILATION. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space. **(403.4)**

29-4-13 CLOTHES DRYER EXHAUST. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacture's instructions. **(403.5)**

29-4-14 RESERVED.

DIVISION IV - OCCUPANCY LIMITATIONS

29-4-15 PRIVACY. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces. **(404.1)**

29-4-16 MINIMUM ROOM WIDTHS. A habitable room, other than a kitchen, shall not be less than **seven (7) feet (2134 mm)** in any plan dimension. Kitchens shall have a clear passageway of not less than **three (3) feet (914 mm)** between counterfronts and appliances or counterfronts and walls. **(404.2)**

29-4-17 MINIMUM CEILING HEIGHTS. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than **seven (7) feet (2134 mm)**. **(404.3)**

Exceptions:

(A) In one- and two-family dwellings, beams or girders spaced not less than **four (4) feet (1219 mm)** on center and projecting not more than **six (6) inches (152 mm)** below the required ceiling height.

(B) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than **six (6) feet eight (8) inches (2033 mm)** with not less than **six (6) feet four (4) inches (1932 mm)** of clear height under beams, girders, ducts and similar obstructions.

(C) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least **seven (7) feet (2134 mm)** over not less than **one-third (1/3)** of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of **five (5) feet (1524 mm)** or more shall be included.

29-4-18 BEDROOM AND LIVING ROOM REQUIREMENTS. Every bedroom and living room shall comply with the requirements of Sections **29-4-18(A) through 29-4-18(E).** (404.4)

(A) **Room Area.** Every living room shall contain at least **one hundred twenty (120) square feet (11.2 m²)** and every bedroom shall contain at least **seventy (70) square feet (6.5 m²).** (404.4.1)

(B) **Access From Bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. (404.4.2)

Exception: Units that contain fewer than **two (2) bedrooms.**

(C) **Water Closet Accessibility.** Every bedroom shall have access to at least **one (1) water closet and one (1) lavatory** without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least **one (1) water closet and lavatory** located in the same story as the bedroom or an adjacent story. (404.4.3)

(D) **Prohibited Occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes. (404.4.4)

(E) **Other Requirements.** Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this Chapter; the plumbing facilities and water-heating facilities requirements of **Article V**; the heating facilities and electrical receptacle requirements of **Article VI**; and the smoke detector and emergency escape requirements of **Article VII.** (404.4.5)

29-4-19 **OVERCROWDING.** The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Enforcement Officer, endanger the life, health, safety or welfare of the occupants. **(404.5)**

29-4-20 **EFFICIENCY UNIT.** Nothing in this Section shall prohibit an efficiency living unit from meeting the following requirements:

(A) A unit occupied by not more than **two (2) occupants** shall have a clear floor area of not less than **two hundred twenty (220) square feet (20.4 m²)**. A unit occupied by **three (3) occupants** shall have a clear floor area of not less than **three hundred twenty (320) square feet (29.7 m²)**. These required areas shall be exclusive of the areas required by paragraphs (B) and (C).

(B) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than **thirty (30) inches (762 mm)** in front. Light and ventilation conforming to this Code shall be provided.

(C) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(D) The maximum number of occupants shall be **three (3)**. **(404.6)**

29-4-21 **FOOD PREPARATION.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. **(404.7)**

ARTICLE V

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

DIVISION I - GENERAL

29-5-1 **SCOPE.** The provisions of this Chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided. **(501.1)**

29-5-2 **RESPONSIBILITY.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this Chapter. **(501.2)**

29-5-3 **RESERVED.**

DIVISION II - REQUIRED FACILITIES

29-5-4 **DWELLING UNITS.** Every dwelling unit shall contain its own bathroom or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory. **(502.1)**

29-5-5 **ROOMING HOUSES.** At least **one (1)** water closet, lavatory and bathtub or shower shall be supplied for each **four (4)** rooming units. **(502.2)**

29-5-6 **HOTELS.** Where private water closets, lavatories and baths are not provided, **one (1)** water closet, **one (1)** lavatory and **one (1)** bathtub or shower having access from a public hallway shall be provided for each **ten (10)** occupants. **(502.3)**

29-5-7 **EMPLOYEES' FACILITIES.** A minimum of **one (1)** water closet, **one (1)** lavatory and **one (1)** drinking facility shall be available to employees. **(502.4)**

(A) **Drinking Facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms. **(502.4.1)**

29-5-8 **RESERVED.**

DIVISION III - TOILET ROOMS

29-5-9 **PRIVACY.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling. **(503.1)**

29-5-10 **LOCATION.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than **one (1)** flight of stairs and shall have access from a common hall or passageway. **(503.2)**

29-5-11 **LOCATION OF EMPLOYEE TOILET FACILITIES.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than **one (1) story** above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of **five hundred (500) feet (152 m)**. Employee facilities shall either be separate facilities or combined employee and public facilities. **(503.3)**

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of **five hundred (500) feet (152 m)** from the employees' regular working area to the facilities.

29-5-12 **FLOOR SURFACE.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition. **(503.4)**

29-5-13 **RESERVED.**

DIVISION IV - PLUMBING SYSTEMS AND FIXTURES

29-5-14 **GENERAL.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. **(504.1)**

29-5-15 **FIXTURE CLEARANCES.** Plumbing fixtures shall have adequate clearance for usage and cleaning. **(504.2)**

29-5-16 **PLUMBING SYSTEM HAZARDS.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard. **(504.3)**

29-5-17 **RESERVED.**

DIVISION V - WATER SYSTEM

29-5-18 **GENERAL.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Illinois Plumbing Code*. **(505.1)**

29-5-19 **CONTAMINATION.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sinks faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker. **(505.2)**

29-5-20 **SUPPLY.** The water supply system shall be installed and maintained provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixture to function properly, safely, and free from defects and leaks. **(505.3)**

29-5-21 **WATER HEATING FACILITIES.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than **one hundred ten (110) degrees F. (43 degrees C.).** A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. **(505.4)**

29-5-22 **RESERVED.**

DIVISION VI - SANITARY DRAINAGE SYSTEM

29-5-23 **GENERAL.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system. **(506.1)**

29-5-24 **MAINTENANCE.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects. **(506.2)**

29-5-25 **RESERVED.**

DIVISION VII- STORM DRAINAGE

29-5-26 **GENERAL.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. **(502.1)**

ARTICLE VI

MECHANICAL AND ELECTRICAL REQUIREMENTS

DIVISION I - GENERAL

29-6-1 **SCOPE.** The provisions of this Chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided. **(601.1)**

29-6-2 **RESPONSIBILITY.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this Chapter. **(601.2)**

29-6-3 **RESERVED.**

DIVISION II - HEATING FACILITIES

29-6-4 **FACILITIES REQUIRED.** Heating facilities shall be provided in structures as required by this Division. **(602.1)**

29-6-5 **RESIDENTIAL OCCUPANCIES.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of **sixty-eight (68) degrees F. (20 degrees C.)** in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature required for the locality indicated in **Appendix D** of the *Illinois Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this Division. **(602.2)**

Exception: In areas where the average monthly temperature is above **thirty (30) degrees F. (-1 degrees C.)**, a minimum temperature of **sixty-five (65) degrees F. (18 degrees C.)** shall be maintained.

29-6-6 **HEAT SUPPLY.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heat during the

period from October to April to maintain a temperature of not less than **sixty-eight (68) degrees F. (20 degrees C.)** in all habitable rooms, bathrooms, and toilet rooms. **(602.3)**

Exceptions:

(A) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in **Appendix D** of the *Illinois Plumbing Code*.

(B) In areas where the average monthly temperature is above **thirty (30) degrees F. (-1 degrees C.)** a minimum temperature of **sixty-five (65) degrees F. (18 degrees C.)** shall be maintained.

29-6-7 OCCUPIABLE WORK SPACES. Indoor occupiable work spaces shall be supplied with heat during the period from October to April to maintain a temperature of not less than **sixty-five (65) degrees F. (18 degrees C.)** during the period the spaces are occupied. **(602.4)**

Exceptions:

(A) Processing, storage and operation areas that require cooling or special temperature conditions.

(B) Areas in which persons are primarily engaged in vigorous physical activities.

29-6-8 ROOM TEMPERATURE MEASUREMENT. The required room temperatures shall be measured **three (3) feet (914 mm)** above the floor and near the center of the room and **two (2) feet (610 mm)** inward from the center of each exterior wall. **(602.5)**

29-6-9 RESERVED.

DIVISION III - MECHANICAL EQUIPMENT

29-6-10 MECHANICAL APPLIANCES. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. **(603.1)**

29-6-11 REMOVAL OF COMBUSTION PRODUCTS. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. **(603.2)**

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

29-6-12 CLEARANCES. All required clearances to combustible materials shall be maintained. **(603.3)**

29-6-13 SAFETY CONTROLS. All safety controls for fuel-burning equipment shall be maintained in effective operation. **(603.4)**

29-6-14 COMBUSTION AIR. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment. **(603.5)**

29-6-15 ENERGY CONSERVATION DEVICES. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved. **(603.6)**

29-6-16 RESERVED.

DIVISION IV - ELECTRICAL FACILITIES

29-6-17 FACILITIES REQUIRED. Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and **Article VI Division V.** **(604.1)**

29-6-18 SERVICE. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *ICC Electrical Code* or the *National Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than **sixty (60) amperes.** **(604.2)**

29-6-19 ELECTRICAL SYSTEM HAZARDS. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improperly sized fuses or breakers, insufficient receptacle and lighting outlets, missing or broken cover plates for outlets, light switches and junction boxes, frayed wires that may present a hazard to the occupant or building, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard. **(604.3) (Ord. No. 1498; 11-15-10)**

29-6-20 RESERVED.

DIVISION V - ELECTRICAL EQUIPMENT

29-6-21 INSTALLATION. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. **(605.1)**

29-6-22 RECEPTACLES. Every habitable space in a dwelling shall contain at least **two (2)** separate and remote receptacle outlets. Every laundry area shall contain at least **one (1)** grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least **one (1)** receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. **(605.2)**

29-6-23 LUMINARIES. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least **one (1)** electric luminaire. **(605.3)**

29-6-24 RESERVED.

DIVISION VI - ELEVATORS, ESCALATORS AND DUMBWAITERS

29-6-25 GENERAL. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the

building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction. **(606.1)**

29-6-26 **ELEVATORS.** In buildings equipped with passenger elevators, at least **one (1)** elevator shall be maintained in operation at all times when the building is occupied. **(606.2)**

Exception: Buildings equipped with only **one (1)** elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

29-6-27 **RESERVED.**

DIVISION VII - DUCT SYSTEMS

29-6-28 **GENERAL.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. **(607.1)**

ARTICLE VII

FIRE SAFETY REQUIREMENTS

DIVISION I - GENERAL

29-7-1 **SCOPE.** The provisions of this Chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. **(701.1)**

29-7-2 **RESPONSIBILITY.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this Chapter. **(701.2)**

29-7-3 **RESERVED.**

DIVISION II - MEANS OF EGRESS

29-7-4 **GENERAL.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*. **(702.1)**

29-7-5 **AISLES.** The required width of aisles in accordance with the *International Fire Code* shall be unobstructed. **(702.2)**

29-7-6 **LOCKED DOORS.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*. **(702.3)**

29-7-7 **EMERGENCY ESCAPE OPENINGS.** Required emergency escape openings shall be maintained in accordance with the Code in effect at the time of

construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. **(702.4)**

29-7-8 RESERVED.

DIVISION III - FIRE-RESISTANCE RATINGS

29-7-9 FIRE-RESISTANCE-RATED ASSEMBLIES. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. **(703.1)**

29-7-10 OPENING PROTECTIVES. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. **(703.2)**

29-7-11 RESERVED.

DIVISION IV - FIRE PROTECTION SYSTEMS

29-7-12 GENERAL. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*. **(704.1)**

29-7-13 SMOKE ALARMS. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

(A) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

(B) In each room used for sleeping purposes.

(C) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than **one (1)** full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*. **(704.2)**

29-7-14 POWER SOURCE. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. **(704.3)**

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

29-7-15 INTERCONNECTION. Where more than **one (1)** smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. **(704.4)**

Exceptions:

(A) Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.

(B) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

29-7-16 CARBON MONOXIDE DETECTORS. Carbon Monoxide Detectors shall be required as set forth in the *Illinois State Statutes*.

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 threat to use force if accompanied by immediate power to execute by **two (2) or more persons** acting together without authority; 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** of this Article exists, the Mayor or an appointed designee of 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 or an appointed designee of the Mayor, he or she may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he or she 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 or an appointed designee of 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, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(D) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(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 or an appointed designee of the Mayor indicating that the civil emergency no longer exists. The Mayor or an appointed designee of the Mayor shall have the power to re proclaim 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 Chief of Police 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 Police Station.

30-1-7 **PENALTY.** Any person violating the provisions of this Article or executive order issued pursuant thereto shall be guilty of an offense against the City and shall be punishable by a fine not to exceed **Seven Hundred Fifty Dollars (\$750.00)**.

(65 ILCS 5/11-1-6)

ARTICLE II - POLICE DEPARTMENT

30-2-1 **ESTABLISHMENT AND PURPOSE.** A Police Department is hereby established to provide for the preservation of the peace and the enforcement of all municipal ordinances and applicable State Statutes within the corporate limits of this Municipality. **(Ord. No. 822; 01-03-83)**

30-2-2 **ORGANIZATION.** The Municipal Police Department shall consist of a Police Chief, who shall head the department, a Deputy Chief of Police, which shall be an exempt rank immediately below that of Chief, and such other officers as may be provided for from time to time by the City Council. **(Ord. No. 1418; 04-21-08)**

30-2-3 **APPOINTMENTS.**

(A) The Mayor and City Council expressly reserve unto themselves, their powers as granted by **Chapter 65 ILCS Section 5/10-2.1-4.**

(B) The selection, qualifications and appointment and removal of the Chief of Police shall be solely vested in and with the corporate authorities of the City, and the Police Chief shall be appointed by the Mayor, with the advice and consent of the City Council at the first meeting in May, and the Chief of Police shall hold his/her office for a term of **one (1) year.** The Chief of Police shall be a full time position, and he/she shall receive a salary established and set by the City Council. **(Ord. No. 1579; 06-02-14)**

(C) The Deputy Chief of Police shall be appointed by the Chief of Police as set forth in **Chapter 65, Section 5/10-2.1-4,** with the advice and consent of the Mayor and City Council. The Deputy Chief of Police shall be a full time position, and he/she shall receive a salary established and set by the City Council.

(D) All other full-time police officers of this Municipality shall be appointed by the Board of Police Commissioners in accordance with the applicable provisions of the **Board of Fire and Police Commissioners Act** upon their being advised by the Mayor and City Council that a vacancy exists and an officer is needed. **(Ord. No. 1600; 05-04-15)**

30-2-4 **OATH AND BOND.** Before entering upon the duties of his/her office, every member of the Police Department shall subscribe to the oath for municipal officers. **(Ord. No. 822; 01-03-83)**

30-2-5 **EXEMPTION FROM JURY DUTY.** Every police officer employed by this Municipality is hereby declared exempt from jury duty. **(Ord. No. 822; 01-03-83)**

30-2-6 **QUALIFICATIONS.** Every police officer of this Municipality shall meet the following qualifications:

(A) Applicant shall be at least **twenty-one (21) years of age.**
(B) Applicant shall possess a high school diploma or its equivalent.
(C) Applicant shall be physically and psychologically healthy as determined by appropriate tests.

(D) Applicant shall be of good character and shall not have been convicted of a felony or a crime involving moral turpitude.

(E) It is specifically provided that a person shall be eligible to take the initial examination for a position as a full-time regular police officer of the City even if that person is not an actual resident of the City at the time of the making of the application or at the time of the taking of any such examinations as prescribed by the Board of Fire and Police Commissioners of the City; however, any applicant selected must, upon notification of the commencement of the probationary appointment, the residency requirements as stated in the current union agreement, within **six (6) months** of the date of commencement of his/her duties as a police officer.

Residence within the meaning of this Article is defined as follows: That place where a person has his/her true, fixed, and permanent home, and to which whenever he/she is absent, he/she has the intention of returning. Residence within the meaning of this Article further means that it is the police officer's home and fixed place of habitation and not a transient place of dwelling. It is further specifically provided that all persons, in order to continue to qualify to be a member of the Police Department of the City must, at all times, maintain the residency requirements as stated in the current union agreement. Any such person's failure to so maintain a residence shall be considered an automatic ground for such person's dismissal. Any rules adopted or hereinafter amended by the Board of Fire and Police Commissioners shall be in conformity and consistent with the provisions of this Article.

(F) Applicant shall meet any other qualifying requirements imposed by proper authorities acting pursuant to the provisions of the **Board of Fire and Police Commissioners Act.**

(Ord. No. 1244; 06-03-02, Unless Otherwise Noted)

30-2-7 **DUTIES OF POLICE OFFICERS.** In addition to any duties a particular police officer may have by virtue of his/her rank within the Department, every police officer of this Municipality is authorized and obliged to perform the following duties:

(A) To serve and execute all warrants for the violation of municipal ordinances and codes or the State Criminal Code.

(B) To arrest or cause to be arrested all persons who break the peace or are found violating any municipal ordinance or code or any State criminal law.

(C) To direct, control, and regulate vehicular and pedestrian traffic in a manner consistent with the provisions of State law and the Motor Vehicle Code of the City.

(D) To remove any unattended, abandoned, or disabled vehicle from the public roadways of this Municipality if such vehicle is obstructing normal traffic flow; and

(E) To exercise all other powers as conservators of the peace that the Council may prescribe.

(Ord. No. 822; 01-03-83)

30-2-8 DUTIES OF CHIEF OF POLICE AND DUTIES OF DEPUTY CHIEF OF POLICE.

(A) The Chief of Police of this Municipality shall have the following powers and duties in addition to those set forth in **Section 30-2-7:**

- (1) He/She shall be responsible for the administration and management in directing the day-to-day operations, activities and staff of the Chester Police Department.
- (2) He/She shall plan, direct, coordinate and administer operational readiness of all units within the department.
- (3) He/She shall provide leadership and serve as a resource to personnel.
- (4) He/She shall be responsible for ensuring compliance with applicable state, federal and local ordinances, laws, rules and regulations.
- (5) He/She shall aid municipal officers in the execution of their official duties, upon request.
- (6) He/She shall report monthly, or at such times upon request of the Mayor and the City Council, on the state of the Police Department.
- (7) He/She shall be in command of all municipal police officers and the Deputy Chief of Police, and shall see that the discipline and conduct of every officer conforms to rules of the Department.
- (8) He/She shall make rules consistent with the provisions of applicable municipal codes and State laws as needed for the detailed operation of the Police Department, subject to the approval of the Mayor and City Council. Such rules shall cover off-duty and on-duty conduct and activity of officers, the wearing and care of the uniform, the use and practice with sidearms and other police weapons, the use of police radios and other communications, attendance at training meetings, and such other matters as he/she determines to be necessary for the operation of the Department.
- (9) He/She shall be responsible for the care, maintenance, and use of all vehicles and equipment for the Department.

- (10) He/She shall diligently perform all of his/her duties with respect to the reporting of vehicular accidents.
- (11) He/She shall cause nuisances to be abated when so directed by the Mayor.
- (12) He/She shall work under the direction of the Mayor and City Council.
- (13) He/She shall carry out supervisory responsibility in accordance with City policies, procedures and applicable laws, including but not limited to cooperating with and participating in interviewing, hiring, training, planning, assigning, and directing work; appraising performance, rewarding and disciplining employees, addressing complaints/grievances and resolving problems.
- (14) Being responsible for preparing and/or oversight of yearly evaluations of all municipal Police Officers and dispatchers and ensure the completion of evaluations on all officers and dispatchers.
- (15) He/She shall manage, plan and direct the operation and administration of the Police Department. Examples include but not limited to: creation and dissemination of departmental policies and standard operational guidelines; efficient use of personnel and equipment; procurement of apparatus, materials, supplies and equipment; preparation and administration of Department budget; and the maintenance of adequate records of departmental activities and expenditures.
- (16) He/She shall develop short and long term goals and objectives and is responsible for overall direction of the Department projects and programs to ensure efficient organization and operation. He/She shall monitor, review and communicate implementation phases of departmental strategic plans to ensure goals and objectives are met.
- (17) He/She shall confer with the Mayor and/or Chairman of the Public Safety Committee to keep them informed on key issues and progress toward objectives and to gain their support and approval and make recommendations to assist management in making needed improvements.
- (18) He/She shall perform special assignments as requested, including but not limited to researching and preparing reports and projects, developing and implementing programs and presenting technical data to management, elected officials and others as directed.

- (19) He/She shall maintain effective relations with other public officials, City Departments, police departments, community leaders, citizens and media.
- (20) He/She shall create, attend and participate in programs to maintain favorable public relations within the police department and between the public and the police department.
- (21) He/She shall keep abreast of changes in the state, federal and local ordinances, laws, rules and regulations applicable to the Police Department.
- (22) He/She shall participate in the collective bargaining process as directed by the Mayor.
- (23) He/She shall participate in the Safety Committee programs/activities.
- (24) He/She shall be required to attend regular City Council Meetings and Departmental Committee Meetings.
- (25) His/Her attendance for any other Department Committee Meetings and/or Special City Council Meetings is required when the Mayor and/or Chairman of the applicable Committee request attendance.
- (26) He/She shall perform other duties and tasks as assigned by the Mayor and/or City Council.

(B) The Deputy Chief of Police of this Municipality shall have the following powers and duties in addition to those set forth in **Section 30-2-7:**

- (1) The Deputy Chief of Police shall be a supervisory position working under the direction of the Chief of Police and subordinate to the Chief of Police. The primary responsibility of this position will be to fill the appropriate link in the Chain of Command. All municipal police officers will be subordinates, and the Deputy Chief of Police shall be responsible for their supervision and the supervision of the dispatchers.
- (2) The Deputy Chief of Police shall work with the Chief of Police to develop new programs designed for the betterment of the department and strive to ensure that policies are enforced as intended.
- (3) The Deputy Chief of Police shall assist the Chief of Police in the development and implementation of each year's budget.
- (4) At the direction of the Chief of Police, the Deputy Chief of Police may conduct investigations and/or provide disciplinary recommendations for consideration by the Chief of Police, regarding alleged violations of any City or departmental policy misconduct or grievances.
- (5) The Deputy Chief of Police shall work with the Chief of Police to provide leadership and serve as a resource to officers and dispatchers.

- (6) The Deputy Chief of Police shall support the Chief of Police in the presence of the officers and dispatchers at all times.
- (7) The Deputy Chief of Police shall work under the direction of the Chief of Police and/or Mayor, and the hours, days and shifts worked shall be determined by the Chief of Police.
- (8) The Deputy Chief of Police shall carry out supervisory responsibility at the direction of the Chief of Police, including but not limited to:
 - (a) Providing recommendations regarding staffing levels and officer shift assignments.
 - (b) Being responsible for completing work scheduled in a timely manner and ensuring that all officers and dispatchers adhere to departmental policies and/or Union contract requirements.
 - (c) Being responsible for documenting all hours worked by all municipal Police Officers and dispatchers. Additionally, recording use of and keeping a running total of each officer's and each dispatcher's sick, vacation, personal and compensatory time and coordinating efforts with the Deputy City Clerk as needed to ensure records are correct.
 - (d) Being responsible for ordering equipment, clothing and supplies for all members of the Police Department, including keeping a running total of each Police Department employee's clothing allowance balance for the year.
 - (e) Coordinating the repairs of all departmental vehicles ensuring that all departmental vehicles receive the necessary routine maintenance. Being responsible for maintaining accurate vehicle maintenance records on each vehicle.
 - (f) Being responsible for reviewing Officer's reports for accuracy and completeness.
 - (g) Assist the Chief in preparing evaluations of all municipal Police Officers and dispatchers.
 - (h) Carrying out supervisory responsibility, at the direction of the Chief of Police, in accordance with City policies, procedures and applicable laws including but not limited to participation in interviewing, hiring, training, planning, assigning and directing work; appraising performance, commending and disciplining employees; investigating, addressing complaints/

- grievances and preparing reports and/or draft responses to same; and resolving problems.
- (i) Assist the Chief of Police in representing the Department in negotiations with Union, gathering information for same and participating in recommendations for proposals and responses thereto, at the direction of the Chief of Police.
 - (j) Assisting the Chief of Police in the direction, operation and administration of the Police Department. Examples include but not limited to: creation and dissemination of departmental policies and standard operational guidelines; efficient use of personnel and equipment; procurement of materials, supplies and equipment; preparation and administration of Department budget; and the maintenance of adequate records of departmental activities and expenditures.
 - (k) Maintaining effective relations with other public officials, City Departments, police departments, community leaders, citizens and media.
 - (l) Maintaining favorable relations with the public for the purpose of promoting the Police Department and assisting the Chief of Police in guiding Officers of the Police Department.
 - (m) Assuming the duties of the Chief of Police in the Chief of Police's absence.
 - (n) May be required to attend City meetings as directed by the Chief of Police.
 - (o) Performing other duties and tasks as assigned by the Chief of Police, the Mayor and/or City Council.

(Ord. No. 1418; 04-21-08)

30-2-9 **UNIFORM.** All police officers shall be furnished clothing meeting the standards of color, style, and quality specified by the Department. Any officer who leaves the Department shall return all official uniforms, insignia, sidearms, badges, or any other equipment or paraphernalia furnished to him before receiving final compensation. **(Ord. No. 822; 01-03-83)**

30-2-10 **DETECTIVE POSITION.** The Chief of Police may at his discretion from time to time designate a regular full-time Police Officer to serve as a detective. This officer shall meet the same standards and qualifications specified for other Police Officers and perform such duties as prescribed by the Chief of Police. **(Ord. No. 1244; 06-03-02)**

30-2-11 **PROBATIONARY OFFICERS: EXPENSE.**

(A) All probationary police officers hired after **February 21, 1995** shall be responsible to defray all expense for all minimum training requirements necessary for said person to become a regular non-probationary police officer. Such expenses include but are not limited to cost of training academy, tuition, miscellaneous fees, books, travel and lodging.

(B) The police officers shall be paid from the date they are hired even if they are undergoing or will be undergoing required minimum training. **(Ord. No. 1076; 02-21-95)**

30-2-12 **PART-TIME POLICE.**

(A) **Employment.** The City of Chester, Illinois, may employ part-time police officers from time to time as they deem necessary. Part-time police officers shall be appointed annually at the first meeting in May by the Mayor with the advice and consent of the City Council. **(Ord. No. 1600; 05-04-15)**

(B) **Duties.** A part-time police officer shall have all the responsibilities of a full-time police officer and such duties as delineated in the General Orders of the Chester Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (**50 ILCS 705/1 et seq.**) and the rules and requirements of the ILETSB.

(C) **Hiring.** The hiring standards for part-time law enforcement officers shall be the following:

- (1) A part-time police officer shall be at least **twenty-one (21) years of age.**
- (2) A part-time police officer shall possess a valid State of Illinois driver's license.
- (3) A part-time police officer shall possess a high school diploma or its equivalent.
- (4) A part-time police officer shall be physically and psychologically healthy, and may be required to undergo such examinations as the City may from time to time require.
- (5) A part-time police officer shall be of good character and shall not have been convicted of a felony or a crime involving moral turpitude.
- (6) A part-time officer shall be a resident of Randolph County, Illinois, or establish residency in Randolph County, Illinois, within **six (6) months** of the date of hire. A part-time dispatcher shall be a resident of Randolph County, Illinois, or establish residency in Randolph County, Illinois, within **six (6) months** of the date of hire. (**Ord. No. 1719; 10-07-19**)
- (7) A part-time police officer shall obtain, from the Illinois Law Enforcement Training Standards Board, a certificate:
 - (a) attesting to his or her successful completion of the part-time police training course;
 - (b) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Illinois Law Enforcement Training Standards Board; or
 - (c) attesting to the Illinois Law Enforcement Training Standards Board's determination that the part-time police training course is unnecessary because of the persons extensive prior law enforcement experience.Part-time police officers hired after **January 1, 1996** must obtain this certificate within **eighteen (18) months** after the date of hire. Part-time police officers hired before **January 1, 1996** must obtain this certificate before **January 1, 1998.**
- (8) Any individual who has served in the U.S. Military must have been honorably discharged.
- (9) A part-time police officer shall meet any other qualifying requirement imposed by law.

(D) **Discipline.** Part-time police officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers shall serve at the discretion of the City authorities, shall not have any property rights in said employment and may be removed by the City authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

(**Ord. No. 1540; 06-04-12**)

ARTICLE III - POLICE REGULATIONS

30-3-1 **POLICE DEPARTMENT ORGANIZATION.**

(A) The Municipal Police Department shall be headed by the Chief of Police who shall be in command. The Chief of Police shall at all times be in command of the Police Department; however, in the event of absence of the Chief of Police due to illness, vacation or other reason, the Deputy Chief of Police shall be in command of the Police Department due to the Chief of Police's temporary absence. In the event that the Chief of Police and the Deputy Chief of Police should both be unable to be in command of the Police Department, then the Chief of Police shall exercise power and authority to designate who shall be in temporary command of the Police Department due to the absence or inability of the Chief of Police and Deputy Chief of Police, and if the Chief of Police is unable to so designate, then the Mayor shall designate who shall be in the temporary command of the Police Department due to the absence or inability of the Chief of Police and Deputy Chief of Police.

(B) Sergeants who shall be full-time police officers appointed from within the Chester Police Department by the Board of Police Commissioners pursuant to the **Board of Fire and Police Commissioners Act** may be appointed when requested by the Mayor and the City Council. Sergeants shall be responsible to the Chief of Police and the Deputy Chief of Police and be responsible for the direct supervision and management of patrol officers and perform such duties as designated by the Chief of Police and the policy of the Chester Police Department.

(Ord. No. 1600; 05-04-15)

30-3-2 **VIOLATION OF LAW.**

(A) There shall be no violation or attempted violation of any Federal, State, County, or Municipal Law.

(B) A conviction of the violation of any law will be prima facie evidence of a violation of this Section.

(C) Officers shall not commit any acts or omit any acts which constitute a violation of any of the rules, regulations, directives or orders of the Department, whether stated in these Rules and Regulations or elsewhere.

(D) Failure by any officer or officers to comply, carry out, enforce, or execute the rules and regulations approved by the Mayor and Council for the government of the City Police Department or a violation of such rules and regulations by any officer or officers shall be sufficient grounds for the Chief of Police to take appropriate disciplinary action to reflect the seriousness of the violation. In the event the Chief of Police fails to comply, carry out, enforce, execute any rules and regulations as approved by the Mayor and the Council, or the Chief of Police violates such rules and regulations, the Chief of Police shall be subject to disciplinary action as deemed appropriate by the Mayor. In the event the Deputy Chief of Police fails to comply, carry out, enforce, or execute any rules and regulations as approved by the Mayor and the Council, or the Deputy Chief of Police violates such rules and regulations, the Deputy Chief of Police shall be subject to disciplinary action as deemed appropriate by the Mayor. **(Ord. No. 1418; 04-21-08)**

30-3-3 **DISOBEDIENCE OF ORDERS.** It is prohibited to fail to obey and fully execute any lawful order, written or verbal, given by a superior officer/employee, which shall include, but not necessarily be limited to, these rules and regulations, all general and special orders, and policies and procedures of the Department. (The term "**lawful order**" shall be construed as any order in keeping with the performance of any duty prescribed by law or by these rules and regulations, or for the preservation of good order, efficiency and proper discipline, which is not in conflict with these rules and regulations.) **(Ord. No. 844; 10-17-83)**

30-3-4 POSSESSION/USE OF ALCOHOL. Possession and/or use of alcohol on duty, other than in an authorized duty capacity, unless absolutely required to conduct a police investigation shall be prohibited and no member or employee of the Department shall be, to any degree, under the influence of alcoholic beverages while on duty. Additionally, being intoxicated in public while off-duty is prohibited. (For purposes of this rule, a person shall be considered intoxicated if the amount of alcohol in the person's blood attains/exceeds the level of the presumption of being under the influence as found in the **Illinois Vehicle Code.**) **(Ord. No. 844; 10-17-83)**

30-3-5 POSSESSION/USE OF CONTROLLED SUBSTANCES. Possession and/or use on duty of controlled substances, except with the approval and guidance of a licensed physician of Illinois and with the knowledge of a superior is prohibited. At no time may an employee of the Department use or be under the influence of a controlled substance where such use or influence impairs or compromises the efficiency and integrity of the Department/City. **(Ord. No. 844; 10-17-83)**

30-3-6 PAYMENT OF DEBTS/LEGAL LIABILITIES. Failure to pay all just debts and legal liabilities: No member or employee shall borrow any money from or otherwise become indebted to any City official, other member, or employee; shall solicit any City official, other members, or employees to co-sign, endorse or in any way whatsoever guarantee any promissory note or other loan; or shall offer to act as co-signatory, endorser or guarantor of any promissory note or other loan for any City official, other member, or employee of the Department. **(Ord. No. 844; 10-17-83)**

30-3-7 WITHHOLDING INFORMATION ON CRIMINAL ACTIVITY. Withholding information on criminal activity is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-8 UNDERTAKING SELF-ASSIGNED POLICE ACTION. For purposes of this Article, "self-assigned" means action undertaken at the discretion of a member of the Department under less than emergency circumstances, or action initiated by any member of the Department without the request, direction, or by the instruction of a superior. All emergency self-assigned police action shall, **within twenty-four (24) hours** after commencement, be reported in writing to the Chief of Police. Should the matter involve the Chief of Police, all reporting shall be reported to the Mayor. **(Ord. No. 844; 10-17-83)**

30-3-9 **PROHIBITED ASSOCIATION/FREQUENTING.** Frequenting or associating with person(s), organizations, or places with a bad reputation, unless necessary for police business, where such associating or frequenting would be detrimental to the image of the Department or the City is prohibited. To this end, personal association with persons who have been convicted of a felony within the last **five (5) years**, or who are under criminal investigation or indictment, or have an open and notorious reputation in the community for felonious activity is prohibited. **(Ord. No. 1244; 06-03-02)**

30-3-10 **COOPERATION WITH POLICE INVESTIGATIONS: FAILURE.** Failure to fully cooperate with a police investigation is prohibited. Nothing in this Section shall be construed to be violative of one's Federal or State constitutional rights. **(Ord. No. 844; 10-17-83)**

30-3-11 **USE/DISPLAY OF FIREARMS.** Drawing or displaying of a firearm in any place except for necessary inspection or use is prohibited. Officers firing a gun accidentally or intentionally, except on a target range shall report the same in writing to the Chief of Police. Officers shall not intentionally fire their guns, except as authorized by law or at a firearms range. **(Ord. No. 844; 10-17-83)**

30-3-12 **PUBLIC CRITICISM OF THE DEPARTMENT.** Public criticism of the Department, its policies or members by talking, writing, or expression in any manner, where such talking, writing or expression: (a) is defamatory; (b) is obscene; (c) is unlawful; (d) tends to impair the operation of the Department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or having been made with reckless disregard for truth or falsity is prohibited. To this end, employees and members shall make maximum utilization of the grievance procedure of the Department as described in the general orders of the Department. **(Ord. No. 1244; 06-03-02)**

30-3-13 **DIVULGENCE OF DEPARTMENTAL BUSINESS.** Discussion of the operations and official business of the Department, which is of a confidential nature, with anyone outside the Department without the permission of a superior is prohibited. For purposes of this Section, all Department documents and orders are to be considered confidential unless otherwise directed by a superior. This Section does not apply to orders that are of such a nature that they must be communicated to others. **(Ord. No. 844; 10-17-83)**

30-3-14 DEPARTMENT CORRESPONDENCE. Entering into official Department correspondence with anyone or any agency outside the Department, except with the approval of the Chief of Police, is prohibited. All official department communications, by telephone or otherwise, outside of the City without the permission of a superior is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-15 POLITICAL UTILIZATION OF OFFICIAL POSITION. Utilization of one's official position with the Department for political purposes: To this end, the use of one's official position for a non-duty related involvement in an election is prohibited. Nothing in this Section should be construed to prohibit a member of the Department from, as a private citizen: (a) exercising the right of suffrage; (b) casting a vote or expressing one's opinions; (c) being delegates to or members of a political caucus; or (d) taking part in a political canvass. **(Ord. No. 844; 10-17-83)**

30-3-16 NOTICES - POSTING; CIRCULATION; DESTRUCTION; DEFACING. Destroying or defacing any official written notice relating to police business is prohibited. The posting or circulation of any notices of a non-official derogatory character relating to any person, group or police activity is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-17 PERSONAL APPEARANCE. Failure to have a neat, clean personal appearance, which adversely reflects upon the individual's competency, efficiency and pride as a member of the Department and the ability of the City and Department to foster and enhance a professional, efficient, effective image/posture: To this end, the wearing of an improper uniform, failure to carry all necessary police equipment, or to maintain one's uniform and/or equipment in good order is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-18 PROFESSIONAL IMAGE. Failure to work diligently or with a bearing consistent with the image of a professional police officer is prohibited. Such conduct shall not include but not necessarily be limited to the following:

- (A) Unnecessary shouting or using obscene language;
- (B) tardiness in reporting for work;
- (C) conducting personal business while on duty;
- (D) sleeping, loafing, or being idle while on duty;
- (E) taking excessively long meals or refreshment breaks;
- (F) failure to respond promptly to a request for police service;
- (G) failure to return promptly to service after finishing handling a call for police service;

- (H) lack of courtesy to an individual, either on the phone or in person;
- (I) gambling, unless to further a legitimate police purpose.

(Ord. No. 1244; 06-03-02)

30-3-19 VACATIONS; SICK DAYS; ETC. The policy established per current Fraternal Order of Police contract and as amended by the Council which governs the following: vacation earned, sick days earned, days off, observance of holidays, leave of absence, and overtime will apply to and cover the Police Department. **(Ord. No. 844; 10-17-83)**

30-3-20 USE OF FORCE. Use of force which is excessive to accomplish one's lawful purpose. To this end, all persons detained shall be treated humanely and with regard to their legal rights. **(Ord. No. 1244; 06-03-02)**

30-3-21 UNSATISFACTORY PERFORMANCE. Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluation or a written report of repeated infractions of rules, regulations, directives or orders of the Department. **(Ord. No. 844; 10-17-83)**

30-3-22 CARRYING OF GUN AND DEPARTMENTAL IDENTIFICATION. Failure to carry one's gun and Department Identification in the City, while on actual duty is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-23 DEPARTMENTAL PROPERTY - REPORTING DAMAGE/RETURN. Failure to immediately report in writing all damage to police vehicles and equipment or to file such report which contains all known facts surrounding the cause and nature of the damage is prohibited. In the event that municipal 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.

Additionally, officers shall return all equipment owned by the Department when they retire, resign, or otherwise leave the Department, and they shall return any police equipment when ordered to do so because of suspension or other absence from work. **(Ord. No. 844; 10-17-83)**

30-3-24 UNAUTHORIZED PERSONS IN POLICE VEHICLES. Allowing unauthorized persons to ride in police vehicles is prohibited. Unauthorized persons are those who are not police personnel, prisoners, or on official **(authorized)** police business. **(Ord. No. 844; 10-17-83)**

30-3-25 DUTY TO READ/UNDERSTAND/COMPLY WITH ORDERS. Failure to read, understand or comply with all rules and regulations, general and special orders, policies and procedures of the Department, written or verbal orders of a superior is prohibited. To this end, it shall be considered to be **Neglect of Duty** to fail to inquire of a superior, until the matter is resolved, any question as to the meaning or application of any law, rule or regulation, general or special order, policy or procedure, written or verbal order. **(Ord. No. 844; 10-17-83)**

30-3-26 RECEIPT OF MAIL/CALLS/VISITORS AT POLICE STATION. Consistently receiving personal mail, or visitors at the police station, utilization of departmental telecommunications equipment for non-duty related purposes is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-27 COURTROOM DEMEANOR. Unprofessional courtroom demeanor is prohibited. Officers should be punctual, properly dressed and prepared (to include consultation with the prosecutor and processing pertinent police reports, notes and evidence). At all times, members of the Department shall maintain a respectful attitude toward the court and both counsels. Should one be requested/subpoenaed to testify for the defense in any trial or hearing, or against the City or Department in any hearing or trial, the one so requested/subpoenaed shall notify the Chief of Police in writing upon receipt of the request/subpoena. **(Ord. No. 1244; 06-03-02)**

30-3-28 TRUTHFULNESS/COOPERATION. Testifying, making reports or conducting police business in a less than truthful and/or cooperative manner is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-29 DEPARTMENTAL RECORDS/REPORTS/CITATIONS. Stealing, altering, forging, or tampering with any kind of police record, report or citation: To this end, the removal of any records, card, report, letter, document, or other official file from the Department, except by process of law as directed by the Chief of Police or a superior, is prohibited. Additionally, the obtaining/duplicating or attempted obtaining/duplicating or attempted obtaining/duplication of any information from Department files, sources or reports other than that to which one is properly entitled to in accordance with one's duties/assignments is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-30 ILLNESS/CONDITION (PHYSICAL/MENTAL)/SICK LEAVE. Failure to notify a superior officer when one becomes ill and cannot report for work, or if there is any change in one's physical/mental health that could disqualify the individual from being employed by the Department is prohibited. Additionally, the use of sick leave without just cause, submitting a false statement, or the furnishing of any false information with reference thereto by any member or employee of the Department is strictly prohibited. **(Ord. No. 1244; 06-03-02)**

30-3-31 ABSENCE FROM WORK. Absence from work without permission or abstaining wholly or in part from the full performance of one's duties in one's normal manner without permission is prohibited. To this end, employees claiming physical or mental incapacity relating to their employment shall honor the request of the Chief of Police or his designated agent to be periodically interviewed as to the nature and extent of a claimed injury or illness and/or submit to an examination of the claimed physical/mental incapacity by an individual chosen by the Chief of Police or his designated agent or in the alternative, an individual chosen by the employee claiming the incapacity. In either event, the examining party must be licensed by the State of Illinois to conduct such examinations and the results of the examination shall be made totally available both to the employee and the Chief of Police. Failure to honor such a request of the Chief of Police or his designated agent shall be violative of this rule. **(Ord. No. 844; 10-17-83)**

30-3-32 RESIDENCE - TELEPHONE/ADDRESS. An employee must maintain a telephone at one's residence and immediately notify the Chief of Police, in writing, of any change of address or telephone number. **(Ord. No. 844; 10-17-83)**

30-3-33 COMMERCIAL UTILIZATION OF ENFORCEMENT AUTHORITY. Utilization of the enforcement authority granted/approved by the City where one is compensated, directly or indirectly for exercising the enforcement authority/image for commercial purpose, as opposed to official purpose, is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-34 EMPLOYMENT OUTSIDE OF DEPARTMENT.

(A) Officers may engage in off-duty employment subject to the following conditions:

- (1) such employment shall not interfere with the officer's employment with the Department;
- (2) officers shall submit a written request for off-duty employment through the chain-of-command, to the Chief, whose written approval must be granted prior to engaging in such employment; and
- (3) officers shall not engage in any employment or business involving the sale or distribution of alcoholic beverages, bail bond agencies, or investigative work for other police agencies, insurance agencies, private guard services, collection agencies or attorneys or any other real or apparent conflict of interest.

(B) Approval may be denied or withdrawn where it appears that the outside employment might:

- (1) render the officer unavailable during an emergency, or
- (2) physically or mentally exhaust the officer to the point that his performance may be affected, or
- (3) require that any special consideration be given to scheduling of the officer's regular duty hours, or
- (4) bring the Department into disrepute or impair the operation or efficiency of the Department or the officer, or
- (5) place the officer in situations that may result in utilization of Departmental resources for Non-departmental activities/employment.

(Ord. No. 844; 10-17-83)

30-3-35 GIFTS - SOLICITATIONS/ACCEPTANCE. Soliciting or accepting any gifts/gratuity from a host or donor if the employee knows or has reason to believe that the host or donor is seeking to influence the member/employee's performance or non-performance of an official duty, has an interest which may be substantially affected by the performance of an official duty, has a substantial interest in an enterprise which is licensed or regulated by the Municipality, or has a pending matter before the Municipality or the judiciary. No member or employee of the Department shall receive any gift or gratuity without the written permission of the Chief of Police, and the Mayor. This shall not preclude a member or employee from giving or receiving any gift or gratuity from relatives or close friends upon appropriate occasions.

(Ord. No. 844; 1017-83)

30-3-36 ON/OFF DUTY CONDUCT - MORALE/EFFICIENCY/IMAGE/PUBLIC CONFIDENCE. Engaging in conduct on or off-duty which adversely affects the morale or efficiency of the Department, or in the alternative, engaging in conduct on or off-duty which has a tendency to destroy public respect for the employee and/or the Department and/or destroy confidence in the operation of the municipal service is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-37 NEGLECT OF DUTY. Neglect of duty is prohibited. To this end, there shall be no failure to give suitable attention to the performance of duty. Examples include, but are not necessarily limited to, failure to take appropriate action on the occasion of a criminal offense, disorder or other act or condition deserving police attention; absence without leave, failure to report to duty at the time and place designated; unnecessary absence from one's assignment during a tour of duty; failure to perform duties or comply with any rule or regulation, general or special order; or failure to conform to Department operating policies and/or procedures. **(Ord. No. 844; 10-17-83)**

30-3-38 PROMPT PERFORMANCE OF DUTY. Failure to promptly perform as directed all lawful duties required by constituted authority, in spite of the general assignment of duties and responsibilities is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-39 INSUBORDINATION. Insubordination, which shall include, but not necessarily be limited to, any failure or deliberate refusal to obey a lawful order given by a superior or any disrespectful, mutinous, insolent, or abusive language or action toward a superior, whether in or out of the presence of the superior, is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-40 VALUABLE ITEMS - BUYING/RECEIVING/SELLING. Buying, receiving, or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to the attention of or which arose out of Department employment is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-41 SOLICITATION OF FAVORABLE ACTS. Soliciting anyone to intercede with the Chief of Police, Mayor, legislative body, Chester Police Commission, or any elected/appointed official in relation to promotions, departmental assignment, disposition of pending changes or findings in a disciplinary proceeding is prohibited. Nothing in this Section shall be construed to be applicable to a licensed attorney-at-law of the State of Illinois when representing an employee/member of the Department. **(Ord. No. 1244; 06-03-02)**

30-3-42 MISCONDUCT KNOWN TO DEPARTMENTAL PERSONNEL.

Failure to report a fellow Department member or employee's violation of a law, rule or regulation, policy or procedure, general or special order will be subject to disciplinary action. To this end, all such violations shall be reported in writing to a superior in the Department. Any violation on the part of the Chief of Police shall be reported to the Mayor. **(Ord. No. 844; 10-17-83)**

30-3-43 PHYSICAL/MENTAL CONDITION. Lack of maintenance of good physical/mental condition which interferes with the proper handling of Departmental business is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-44 TERMINATION OF DUTY/ASSIGNMENT. Termination of duty/assignment unless properly relieved or dismissed by constituted authority is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-45 POSSESSION OF KEYS. Possession of keys pertaining to Department business or obtained under Departmental authority, not one's own, without the approval of the Chief of Police is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-46 COOPERATION WITH INTERNAL INVESTIGATIONS. Failure to answer questions, respond to lawful orders, to render material and relevant statements in an internal departmental investigation when such orders, questions and statements are directly related to job responsibilities is subject to disciplinary action. Nothing in this Section shall be construed as to be violative of one's Federal or State constitutional rights. **(Ord. No. 844; 10-17-83)**

30-3-47 PARTICIPATION IN CIVIL MATTERS. Giving a deposition, affidavit or appearing as a witness in a civil matter stemming from one's official duties as a Department member without the knowledge of the Chief of Police is prohibited. **(Ord. No. 1244; 06-03-02)**

30-3-48 LEAVING CITY. Members of the City Police Department will be prohibited, while on duty, of leaving the City limits, unless:

- (A) They have been requested to assist the County Police Department or the State Police Department;
- (B) In pursuit of a car in which the officer is confident that a felony has been committed or such other duties as assisting the fire department, ambulance service, or other similar emergencies; and

(C) Is ordered to do so by a superior officer such as the Chief of Police, Deputy Chief of Police, Sergeant or the Mayor. **(Ord. No. 1600; 05-04-15)**

30-3-49 RENDERING AID/FURNISHING IDENTIFICATION. Failure to render aid or furnish information as is consistent with one's duty is subject to disciplinary action. To this end, a Department member/employee shall furnish one's name and badge number in a respectful manner when so requested. **(Ord. No. 844; 10-17-83)**

30-3-50 LOSS OF CITY PROPERTY OR EQUIPMENT - REPORTING. Failure to promptly report to the Chief of Police, Deputy Chief of Police or Sergeant the loss of any City property/equipment that has been furnished the individual is subject to disciplinary action. **(Ord. No. 1600; 05-04-15)**

30-3-51 RECOVERED PROPERTY/EVIDENTIARY MATERIAL. Failure to turn over to the designated agent of the Department all lost, stolen, recovered, abandoned or evidentiary material which comes into the possession of a Department member as a result of the performance of departmental duties is subject to disciplinary action. To this end, all such material shall be turned over prior to the completion of the tour of duty during which the material came into the possession of the member of the Department. **(Ord. No. 844; 10-17-83)**

30-3-52 FEES/REWARDS. Acceptance or receipt of any fee or reward from any source for any services rendered in the line of duty is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-53 FIGHTING/QUARRELING. Fighting or quarreling with another member of the Department is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-54 DEPARTMENT PROPERTY: LOSS/DAMAGE - NEGLIGENCE OR INATTENTION. Loss/damage to Department property due to negligence or inattention to duty is subject to disciplinary action. **(Ord. No. 844; 10-17-83)**

30-3-55 ESCAPES. Allowing a suspect or prisoner to escape from custody due to negligence or inattention to duty is subject to disciplinary action. **(Ord. No. 844; 10-17-83)**

30-3-56 GENERAL RESPONSIBILITIES AT CRIME SCENE/ARRESTS.

Failure to thoroughly search for, collect, preserve and identify evidence of persons, property and locations in any arrest or investigation is subject to disciplinary action. **(Ord. No. 844; 10-17-83)**

30-3-57 SERVING AS CHARACTER WITNESS.

Giving testimony as a character witness for any defendant in a criminal trial without the knowledge of the Chief of Police is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-58 KNOWLEDGE OF LAWS/RULES; REGULATIONS/POLICIES AND PROCEDURES/GENERAL AND SPECIAL ORDERS.

Failure to establish and maintain a working knowledge of laws, policies and procedures, rules and regulations, general and special orders is subject to disciplinary action. **(Ord. No. 844; 10-17-83)**

30-3-59 REGISTRATION OF PERSONAL POLICE EQUIPMENT.

Failure to register with the Chief of Police, Deputy Chief of Police or Sergeant the description and/or serial numbers of all personal police equipment owned or carried is subject to disciplinary action. **(Ord. No. 1600; 05-04-15)**

30-3-60 SETTLEMENT OF DUTY INCURRED EXPENSES/DAMAGES.

Acceptance from any person of money or other compensation for damages sustained or expenses incurred in the line of duty is prohibited unless authorized by the Court. **(Ord. No. 844; 10-17-83)**

30-3-61 DUPLICATION OF POLICE IDENTIFICATION.

Duplication, trading, or exchanging of police identification without the knowledge and consent of the Chief of Police is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-62 PRIVATE BENEFIT FROM DEPARTMENTAL ASSOCIATION.

Use of the prestige or influence of one's official position, or the use of the time, facilities, equipment or supplies of the Department for the private gain or advantage to oneself or another is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-63 USE OF PRIVATE VEHICLES/EQUIPMENT.

Use of private vehicles/equipment for official purposes unless directed/authorized to do so by the Chief of Police or Mayor is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-64 **LABOR DISPUTES.** Entry into any buildings, structures, or premises where persons have been placed to indicate a labor dispute in progress, except when necessary in the performance of duty, is prohibited. **(Ord. No. 844; 10-17-83)**

30-3-65 **REPORTS.** When a crime has been committed, the officer on duty will cause a preliminary report to be prepared and left at the Police Department prior to termination of duty for that date. A complete report by officers involved when a crime has been committed will be submitted to the Chief of Police with all pertinent facts in writing at the earliest possible time **within twenty-four (24) hours** from the time of knowledge of the crime. **(Ord. No. 844; 10-17-83)**

30-3-66 **RESIDENCY.** Employees shall reside within **four (4) miles** of the police department. Those employees with **twenty (20)** or more years of service may reside within the Chester Community School District boundaries, which lie east of the Mississippi River contingent upon the employee retiring within **one (1) year** of moving outside the City limits. The Chief of Police and the Deputy Chief of Police are required to maintain residency within the City. Full-time police and telecommunication staff shall reside within **four (4) miles** of the police department. Those employees within **twenty (20)** or more years of service may reside within the Chester Community School District boundaries, which lie east of the Mississippi River contingent upon the employee retiring within **one (1) year** of moving outside the City limits. Part-time staff are required to reside within the Chester Community School District #139.

30-3-67 **DEPARTMENTAL DISCIPLINE.**

(A) **Who Is Subject to Disciplinary Action.** Any member or employee who violates or attempts to violate a law of the United States of America, the State of Illinois, local codes or ordinances, or who violates or attempts to violate any rule or regulation, policy or procedure, general or special order, written or verbal order, or who is incompetent to perform one's duty is subject to appropriate disciplinary action.

(B) **Department Authority to Discipline.** Final departmental disciplinary authority and responsibility rests with the Chief of Police. Other supervisory personnel may take the following disciplinary measures:

- (1) Oral reprimand;
- (2) Written reprimand (subject to approval by the Chief of Police);
- (3) Emergency suspension;
- (4) Written recommendations for other penalties.

(C) **Emergency Suspension.** The following personnel have the authority to impose emergency suspension until the next business day against a member or employee when it appears that such action is in the best interest of the Department:

- (1) Chief of Police
- (2) Deputy Chief of Police
- (3) Sergeant
- (4) The Mayor in cases involving the Chief of Police or Deputy Chief of Police.

(Ord. No. 1600; 05-04-15)

(D) **Follow-Up Action on Emergency Suspension.** A member or employee receiving an emergency suspension shall be required to report to the Chief of

Police on the next business day at **0900 hours** unless otherwise directed by constituted authority. The supervisor imposing or recommending the suspension shall also report to the Chief of Police at the same time.

(E) **Reports of Disciplinary Action Taken or Recommended.**

Whenever disciplinary action is taken or recommended (except for oral reprimand) a written report must be submitted immediately to the Board of Police and Fire Commissioners and the Mayor by the Chief of Police or the officer in charge containing the following information:

- (1) The name, rank, identification number, and present assignment of the person being disciplined, including specific assignment and hours of assignment;
- (2) The date(s) and time(s) of the misconduct and location(s), indicating on or off duty;
- (3) The section number(s) of these rules violated or common name of this infraction;
- (4) A complete statement of facts of the misconduct;
- (5) The punishment imposed or recommended;
- (6) The written signature and position of the preparer and the preparer's position in relation to the member being examined.

(F) **Distribution of Reports of Disciplinary Action.** The report shall be distributed as follows by the one imposing or recommending disciplinary action:

- (1) Original and **one (1) copy** to the Chief of Police via the chain of command.
- (2) **One (1) copy** to the subject of the report.
- (3) **One (1) copy** retained by the supervisor imposing or recommending the action.

(G) **Informing the Person Being Disciplined.** The member or employee being disciplined shall be informed of the charges at the time such action is taken.

(H) **Citizen Complaints Against Department Personnel.**

Complaints by citizens against members or employees of the Department shall be recorded and investigated by the supervisor in charge as soon as possible in accordance with the following directions. When the investigation cannot be completed on the date it is received, a preliminary report will be prepared by the supervisor in charge outlining the complaint and his/her actions and delivered to the Chief of Police via chain of command. Cases involving the supervisor in charge shall be investigated by the next senior supervisor. All investigations of the Chief of Police or Deputy Chief of Police shall be conducted by the Mayor or a committee appointed by the Mayor. **(Ord. No. 1418; 04-21-08)**

(I) **Serious Complaints or Allegations.**

If, in the opinion of the supervisor-in-charge, the incident is of sufficient gravity, the Supervisor shall notify the Chief of Police, regardless of the hour. In addition, immediate action necessary to

preserve the integrity of the Department until arrival of the Chief of Police shall be taken. Should the matter pertain to or involve the Chief of Police, the Mayor shall be notified.

(J) **Investigation of Alleged Misconduct.** The individual assigned the investigation of an alleged act of misconduct on the part of a member or employee of the Department shall conduct a thorough and accurate investigation.

Such investigation shall include formal statements from all parties concerned, when necessary and pertinent, the gathering and preservation of physical evidence pertaining to the case, and all other information bearing on the matter.

(K) **Reports of Investigation of Alleged Acts of Misconduct.** Alleged acts of misconduct must be investigated and results of the investigation must be reduced to a written report. The investigator shall summarize the pertinent facts, including:

- (1) An abstract (summary) of the complaint or alleged act of misconduct;
- (2) A description of the incident, physical evidence and other evidence important to the case;
- (3) The observations and conclusions of the investigating officer.

(L) **Conclusion of Investigation Involving Department Members/Employees.** All investigations of Department members or employees accused of misconduct will conclude with one of the following findings:

- (1) **Unfounded:** The investigation indicates that the act or acts complained of did not occur or failed to involve police personnel;
- (2) **Exonerated:** Acts did occur, but were justified, lawful and proper;
- (3) **Not Sustained:** Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
- (4) **Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.

Appropriate disciplinary action, if required, will be recommended by the investigator in accordance with the following paragraph (M). The report will be forwarded via the chain of command to the Chief of Police with each member in the chain indicating his/her approval or disapproval and attaching any remarks or observations bearing on the case.

(M) **Penalties.** The following penalties may be assessed against any member or employee of the Department as disciplinary action:

- (1) Oral reprimand;
- (2) Written reprimand;
- (3) Suspension;
- (4) Dismissal from service.

Department members shall have the right to have their discipline cases reviewed by the Board of Police and Fire Commissioners. Probationary employees have no appeal rights of disciplinary proceedings.

(Ord. No. 1244; 06-03-02)

ARTICLE IV

EMERGENCY MANAGEMENT AGENCY (EMA)

30-4-1 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 management 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**); and
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management 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.

30-4-2 **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, internet, 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.

30-4-3 **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, domestic terrorism 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.

30-4-4 EMERGENCY MANAGEMENT AGENCY.

(A) There is hereby created an Emergency Management Agency and a coordinator of the Emergency Management Agency, herein called the "coordinator", who shall be the head thereof. The coordinator shall be appointed at the first meeting in May by the Mayor with the advice and consent of the City Council and he/she shall serve for a term of **one (1) year**.

(B) The Emergency Management Agency shall obtain, with City 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 Management Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this municipality. He/She shall coordinate the activities of all organizations for emergency management operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organizations of the county, other counties and municipalities, and of the federal and state government. The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the EMA, subject to the direction and control of the Mayor, as provided by statute.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the assistant coordinator shall serve and if he/she is not able to serve then the Mayor or any persons designated by him/her, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Management 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 Management Agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Management 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.

30-4-5 EMERGENCY MANAGEMENT POWERS OF THE MAYOR.

(A) The Mayor shall have the general direction and control of the Emergency Management Agency, and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his/her duties under this Code, the Mayor is authorized to cooperate with county, state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his/her 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/her.
- (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 county, 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 management 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 Management Agency as its office.

30-4-6 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, the Mayor 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/she 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 during a disaster to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-4-7 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/she shall act subject to the directions and restrictions imposed by that body.

30-4-8 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.

30-4-9 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS. The coordinator for emergency management operations may, in collaboration with other public agencies within his/her 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 30-4-3** of this Code, it shall be the duty of each local department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

30-4-10 COMMUNICATIONS. The local Emergency Management 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.

30-4-11 IMMUNITY. Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency management 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/she 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.

30-4-12 PROFESSIONS, TRADES AND OCCUPATIONS. If such disaster as is described in **Section 30-4-3** 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.

30-4-13 APPROPRIATIONS AND LEVY OF TAX. The City Council may make appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The City Council may also, pursuant to **65 ILCS 5/8-3-16**, levy for emergency management 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.

30-4-14 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.

30-4-15 ORDERS, RULES AND REGULATIONS.
(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him/her 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 30-4-7**, 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 Management 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 Management 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.

30-4-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL. In carrying out the provisions of this Code, the Mayor and the coordinator of the Emergency Management 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 Management Agency.

30-4-17 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/her 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.

30-4-18 SUCCESSION. In the event of the death, absence from the municipality or other disability of the Mayor preventing him/her from acting under this Code or for any other municipal purpose, and until the office is filled in the manner

prescribed by law during an emergency, the coordinator of the Emergency Management Agency shall succeed to the duties and responsibilities of the Mayor relating to such emergency.

30-4-19 COMPENSATION. The Emergency Management Agency Coordinator and Assistant Coordinator shall receive a salary as established by the Mayor and City Council. Other members of the Emergency Management Agency who are paid employees or officers of the City, if called for training by the State Director of the Emergency Management Agency, shall receive, for the time spent in such training, the same rate of pay as is attached to the position held; members who are not such City employees or officers shall receive for such training time, such compensation as may be established by the Mayor and City Council. **(Ord. No. 1579; 06-02-14)**

30-4-20 ASSISTANT COORDINATOR. The Assistant Coordinator of the City Emergency Management Agency shall be appointed by the Mayor with the advice and consent of the City Council. The Assistant Coordinator shall be under the direction of the Emergency Management Agency Coordinator. The Assistant Coordinator shall assist the Coordinator as necessary. In the event of the absence, resignation, death or inability of the Coordinator to serve, the Assistant Coordinator shall be and act as Coordinator.

30-4-21 PERSONNEL OATH. Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Management Agency, shall, before entering upon his/her duties, take an oath, in writing, before the coordinator of the municipal Emergency Management Agency or before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the Emergency Management 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."

30-4-22 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 30-4-7(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.

30-4-23 MOBILE SUPPORT TEAM. All or any members of the City EMA organization may be designated as members of a Mobile Support Team created by the Director of the State EMA as provided by law.

The leader of such Mobile Support Team shall be designated by the Coordinator of the City EMA organization.

Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor or the State Director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State, reasonable compensation as provided by law.

30-4-24 PENALTY. Any person convicted of violating this Code or any order thereunder shall be punished by a fine of not exceeding **Five Hundred Dollars (\$500.00)**.

(See 20 ILCS 3305/1 et seq.)

(Ord. No. 1453; 04-20-09)

ARTICLE V - FIRE DEPARTMENT

DIVISION I - GENERALLY

30-5-1 **DEPARTMENT ESTABLISHED.** There is hereby established a department of the government known as the Fire Department. It shall consist of the Volunteer Fire Department and the Fire Committee of the City Council.

30-5-2 **FIRE COMMITTEE.** The standing committee on fires shall exercise a general supervision over the affairs of the Fire Department. It shall ascertain the needs and condition thereof and shall report the same to the City Council from time to time.

30-5-3 **PURPOSE.** The purpose of the City Fire Department is to provide fire protection without charge within the corporate City limits, and also to provide fire protection for a charge to the area immediately adjoining the City.

30-5-4 **NAME.** The name of the Department shall be the **Chester Volunteer Fire Department.**

30-5-5 **MEMBERSHIP.** The membership of the City Volunteer Fire Department consists of a Fire Chief, Assistant Fire Chief, **four (4) Captains, two (2) Lieutenants** and **seventeen (17) Firefighters.** These **twenty-five (25) persons** are the regular firefighters and the Department also has **five (5) auxiliary firefighters** making a total of **thirty (30) firefighters.** The Fire Chief is appointed by the Mayor of the City subject to the approval of the City Council. The Assistant Chief is named by the Fire Chief and is subject to the approval of the Mayor and City Council. **Four (4) Captains** are named by the Fire Chief subject to the approval of the Mayor and City Council. **Two (2) Lieutenants** are named by the Fire Chief subject to the approval of the Mayor and City Council.

The remaining firefighter positions are filled by the selection of a member of the Auxiliary Firefighters or from applications on file to be a regular Firefighter and subject to a written vote of the members of the regular Firefighters present at the meeting at the time such a position is open. The regular firefighter appointments are subject to the approval of the Mayor and the City Council.

The Auxiliary Firefighters are named by the regular members of the Chester Volunteer Fire Department from an application list of names which have been given by the regular firefighters. The appointment of all Auxiliary Firefighters shall be subject to a written vote by the members present at the meeting. The Secretary-Treasurer of the Chester Volunteer Fire Department is nominated from the members of the regular Fire

Department and subject to a written vote of the members present at the meeting of such nomination. The nomination and election of a Secretary-Treasurer shall be held at the annual **January Meeting**.

All members of and applicants for the Chester Volunteer Fire Department or Auxiliary Firefighters shall be **eighteen (18) years** of age and a graduate of high school or have a GED, shall be physically and mentally able to perform the duties of a firefighter and reside in Illinois within the area designated as the area protected by the Chester Fire Department prior to becoming a Volunteer or Auxiliary Firefighter and during the time that he or she may be a Volunteer or Auxiliary Firefighter. However, pursuant to **65 ILCS 5/3.1-10-6**, the Fire Chief shall reside within the City of Chester. **(Ord. No. 1609; 09-08-15)**

30-5-6 RESIGNATION. A Fireman may resign from the Department by stating his wish to resign at any regular meeting of the City Volunteer Fire Department, or may be asked to resign by a majority vote of the members voting to this request.

30-5-7 SUSPENSION. Membership shall automatically be suspended if a member misses **three (3) successive regular meetings** of the City Volunteer Fire Department. Membership may be reinstated on the request of the suspended member and a favorable written vote of the members at the meeting and payment of a fine shall be determined at that time.

30-5-8 MEETING AND DRILLS. The regular meeting of the City Volunteer Fire Department shall be held on the **last Tuesday of every month at 7:30 P.M.** in the Department Fire House. Members are required to be in uniform for the regular meetings unless otherwise notified. Members not attending the regular meeting as well as members attending who are out of uniform are subject to a fine.

30-5-9 REGULAR DRILL. The regular drills of the Fire Department shall be held on the **first (1st) and third (3rd) Tuesday of every month at 6:30 P.M.** at the Department Fire House. Members not attending the regular drills are subject to fine. **(Ord. No. 1239; 04-01-02)**

30-5-10 SPECIAL MEETINGS. Special meetings and drills of the City Volunteer Fire Department may be called at any time by the Fire Chief.

30-5-11 CHAIN OF COMMAND. During the absence of the Fire Chief or temporary incapacity of the Fire Chief, the Assistant Fire Chief shall perform the duties and have the power of the Fire Chief. In the event of the absence or incapacity of the Fire Chief and the Assistant Fire Chief, the Senior Captain is next in the chain of command and other Captains in their seniority order.

30-5-12 **FIRE CHIEF SHALL PRESIDE AT MEETINGS.** The Fire Chief shall preside at all meetings of the City Volunteer Fire Department, shall appoint all committees, and shall carry on those other responsibilities assigned to him by the Mayor, City Code, or the By-laws.

30-5-13 **SECRETARY RESPONSIBLE FOR FUNDS.** The Secretary-Treasurer shall keep all records and accounts of the City Fire Department and have charge of its funds. He shall keep all funds in a bank approved by the members, and in the name of the City Volunteer Fire Department, subject to withdrawal by checks signed in such a manner as may, from time to time, be approved by the members. He shall provide a bond, as required by the City Council.

30-5-14 **EMAC PAYMENT.** Members of the Fire Department of the City of Chester, Illinois, who are deployed during times of Federally Authorized Interstate Deployments following the expressed agreements in the Emergency Management Assistance Compact (EMAC) and during statewide Intrastate Deployments authorized by the State of Illinois Emergency Operations Center in compliance with and pursuant to the Illinois Statewide Emergency Plan and/or in response to any incident involving a Presidential declared disaster shall be paid at the rate of **Twenty-Two Dollars (\$22.00)** per hour for each hour worked during the deployment. **(Ord. No. 1590; 12-15-14)**

30-5-15 **RESERVED.**

DIVISION II - FIRE REGULATIONS

30-5-16 **ENFORCEMENT OF CODE.** It shall be the duty of all officers of the Fire Department to see that the provisions of this Code are enforced and to arrest on view any person who shall be found violating any of the provisions of this Code, or who shall hinder, resist, or refuse to obey any such officer in the discharge of his duty, and to that end, all such officers are hereby vested with the usual power and authority of police officers.

30-5-17 **USE OF APPARATUS - INJURY.** No person shall use any fire engine, hose or any other apparatus belonging to the City for any private purpose, other than the extinguishment of fires, nor shall he remove the same or any part thereof from its place of deposit, or having the control thereof shall permit such engine, hose or other apparatus to be used for any private purpose other than aforesaid.

No person shall willfully or negligently break, deface or in any manner, injure any fire engine, hose, equipment, or other fire apparatus, belonging to the City, or shall remove any screw, bolt, nut, or any part of such engine or other fire apparatus or in any manner, interfere with the sale when being used by the proper person or authority. **(Ord. No. 1239; 04-01-02)**

30-5-18 **ENTERING FIRE HOUSES.** It shall be and is hereby declared unlawful for any unauthorized person or persons to enter the Fire Department house or any place where the equipment and apparatus of the Fire Department is stored, at any time, except on business of the Fire Department or other City business.

30-5-19 EQUIPMENT. The City Council shall supply the necessary apparatus and equipment as may be required from time to time to maintain the efficiency of the Department and its ability to protect life and property.

30-5-20 INSPECTIONS. The Chief is empowered to inspect or he may request the State Fire Marshal to inspect any and all public buildings and premises at any reasonable time for the purpose of inspecting the premises for dangerous fire hazards which may threaten life or property. Any dangerous condition shall be ordered abated by the Fire Chief and/or State Fire Marshal.

30-5-21 MUTUAL AID AGREEMENTS. The Fire Department is authorized to enter into mutual aid agreements with neighboring fire districts or municipalities owning fire apparatus; no apparatus or equipment shall aid a municipality or district unless an agreement is on record. Such aid and assistance to another municipality or district shall not jeopardize the fire protection within the City.

30-5-22 FALSE ALARMS. In the event that the Fire Department responds to more than **three (3) false alarm** calls within the City on behalf of any person or entity in any given calendar year, then such person or entity shall beginning with the fourth such call be liable to the City to the same extent as a non-residential call. **(Ord. No. 1049; 11-15-93)**

30-5-23 FIREFIGHTING SERVICE AND/OR NON-MEDICAL EMERGENCY SERVICE: MEMBERSHIP CONTRACTS.

(A) **Membership Contract Available.** The City of Chester will offer membership contracts for firefighting service and/or non-medical emergency service (those services normally provided by the City of Chester Fire Department) to landowners and/or persons in possession of real estate outside the corporate limits, but within the 911 service area map (ESN 223) encircled in blue on Appendix "C" available at City Hall. The membership contracts shall contain the terms and conditions as stated in this Section.

(B) **Membership Fees.** The annual rate for Members who have contracted with the City for firefighting services and/or non-medical emergency services shall be **Sixty Dollars (\$60.00)**, and shall not be pro rated. If the landowner or person in possession of real estate fails to make this payment in a timely manner, the landowner or person in possession of real estate will be subject to the non-member rates below. **(Ord. No. 1602; 05-18-152)**

(C) **Non-Member Fees.** The rates for firefighting service and/or non-medical emergency service for persons not residing within the corporate limits of the

City of Chester and who have not entered into a membership contract for such services shall be as follows:

- (1) **One Thousand Five Hundred Dollars (\$1,500.00)** for the **first (1st) hour**. This shall be the minimum charge.
- (2) **Three Hundred Seventy-Five Dollars (\$375.00)** for each **fifteen (15) minutes** or portion of any subsequent quarter hour thereafter.

The time of service shall be computed from departure from the Chester Fire Department facilities until time of return to such facilities.

This charge shall apply whether the service is rendered within or outside of the corporate limits of the City of Chester.

(Ord. No. 1602; 05-18-15)

(D) **Separate Tract.** A separate membership fee and agreement shall be required for each residence and for each separate tract of real estate for which service is desired if the separate tract is not adjacent to the residential tract. **(Ord. No. 1293; 06-07-04)**

30-5-24 COSTS FOR CERTIFICATION. Upon the recommendation of the Fire Chief of the Chester Volunteer Fire Department, the actual costs of classes and books necessary for a member of the Fire Department to obtain his/her Firefighter II Certification shall be paid by the City of Chester. The costs for additional certifications or classes may be paid by the City of Chester upon approval of the City Council. **(Ord. No. 1589; 12-15-14)**

30-5-25 MABAS AGREEMENT. The Mayor and the City Council and the Clerk be and are hereby authorized to execute an Agreement for participation in the Mutual Aid Box Alarm System, a copy of said Agreement being attached hereto and being made a part thereof. **(See Appendix "A")**

30-5-26 MABAS BY-LAWS. The Mutual Aid Box Alarm System Executive Board By-Laws attached hereto and made a part hereof is hereby approved. **(See Appendix "B")**

APPENDIX "A"

MUTUAL AID BOX ALARM SYSTEM MASTER AGREEMENT

This Agreement by and among the units of federal, state and local government, and other non-governmental emergency response organizations, subscribed hereto, hereafter referred to as "Units", or "Parties" is made and entered into the date set forth next to the signatures of those authorized to execute this Agreement on behalf of the respective Parties, each Party having approved this Agreement and adopted same pursuant to their state's constitutional and statutory authority and in a manner provided by law. In order to provide efficient and effective management of this Agreement, groups of the Parties may be established as "Chapters" on a state-by-state basis and Chapters may include Parties from adjoining states.

WHEREAS, the Mutual Aid Box Alarm System (MABAS) was formally organized beginning in 1968 in the northwest and western suburbs of Chicago, Illinois to coordinate and automate fire department mutual aid based roughly on the Chicago Fire Department's box alarm system, whereby predetermined resources of personnel and fire equipment were assigned to respond to a specific incident or area; and

WHEREAS, MABAS has grown into a multi-state organization through prearranged mutual aid and dispatch agreements that coordinate responses to emergencies and disasters including fires, emergency medical calls, hazardous material incidents, water related rescues, and technical rescues, and MABAS is designed to facilitate all levels of mutual aid from day-to-day automatic aid responses to major incidents and disasters requiring significant deployment of resources; and

WHEREAS, since the last revision of the master MABAS intergovernmental agreement circa 1988, MABAS has grown exponentially to its current composition of almost 1,200 Illinois Units and 2,200 total Units in Illinois and several nearby States with Units ranging from all-volunteer fire departments to major cities like Chicago, Milwaukee, and St. Louis; and

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves, with the State, with other States and their units of local government, and with the United States to obtain and share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or ordinance; and to further contract or otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and to further contract or otherwise associate with individuals, associations, and corporations in any manner not prohibited by law; and

WHEREAS, the Illinois "Intergovernmental Cooperation Act", 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised, or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government including units of local government from another state; and

WHEREAS, Section 5 of the Illinois "Intergovernmental Cooperation Act", 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and

WHEREAS, the Indiana Code at Section 36-1-7 (IC 36-1-7) authorizes an Indiana political subdivision to enter into a mutual aid agreement with political subdivisions of states other than Indiana, provided the agreement contains the necessary terms and conditions set out in IC 36-7-3, is approved by

the Indiana Attorney General as required under IC 36-1-7-4, is recorded with the county recorder and filed with the Indiana State Board of Accounts as required under IC 36-1-7-6; and

WHEREAS, for the purposes of Chapter 3 of Indiana Emergency Management and Disaster law, the term "political subdivision" means city, town, township, county, school corporation, library district, local housing authority, public transportation corporation, local building authority, local hospital or corporation, local airport authority or other separate local governmental entity that may sue and be sued. (See IC 10-14-3-6, IC 36-1-2-13, IC 36-1-2-10, IC 36-1-2-11, IC 36-1-2-18); and

WHEREAS, the Indiana Code at Section 10-14-6.5 (IC 10-14-6.5) authorizes the State of Indiana and local units of government to enter into agreements to provide interstate mutual aid for emergency responses that do not rise to the level requiring a state or local declaration of a state of emergency or disaster; and

WHEREAS, Chapter 28E of the State Code of Iowa provides that any powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment (See 28E.3); and

WHEREAS, the State Code of Iowa, in Chapter 28E, authorizes any one or more public agencies to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract (See 28E.12); and

WHEREAS, for the purposes of Chapter 28E of the State Code of Iowa, the term "public agency" means any political subdivision of the State of Iowa; any agency of Iowa's government or of the United States; and any political subdivision of another state (See 28E.2); and

WHEREAS, the Constitution of the State of Michigan, 1963, Article VII, Section 28, authorizes units of local government to contract as provided by law; and

WHEREAS, the Urban Cooperation Act of 1967, 1967 PA 7, MCL 124.501, *et seq.*, provides that any political subdivision of Michigan or of another state may enter into interlocal agreements for joint exercise of power, privilege, or authority that agencies share in common and might each exercise separately; and

WHEREAS, Minnesota Statute 471.59 authorizes two or more governmental units, by agreement entered into through action of their governing bodies, to jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised; and

WHEREAS, the term "governmental unit" in Minnesota Statute 471.59 includes every city, county, town, school district, and other political subdivision of this or another state; another state; the University of Minnesota; licensed nonprofit hospitals; and any agency of the state of Minnesota or the United States. The term also includes any instrumentality of a governmental unit if that unit has independent policy-making and appropriating authority; and

WHEREAS, Article VI, Section 16 of the Constitution of Missouri and Sections 70.210, 70.320, and 70.220.1, of the Revised Statutes of Missouri, provide that any municipality or political subdivision of the state of Missouri may contract and cooperate with other municipalities or political subdivisions thereof, or with other states or their municipalities or political subdivisions, or with the United States, to provide a common service as provided by law so long as the subject and purpose of such are within the scope of the powers of such municipality or political subdivision; and

WHEREAS, for the purposes of Sections 70.210, 70.320, and 70.220.1 of the Revised Statutes of Missouri, "municipality" means municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions; and "political subdivision" means counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, and any board of control of an art museum, and any other public subdivision or public corporation having the power to tax; and

WHEREAS, Title LV, Section 5502.291 of the Ohio Revised Code authorizes the governor to enter into mutual aid arrangements for reciprocal emergency management aid and assistance with other states and to coordinate mutual aid plans between political subdivision, between the State of Ohio and other states, or between the State of Ohio and the United States; and

WHEREAS, Sections 66.0301 and 66.0303, Wisconsin Statutes, authorize municipalities to contract with municipalities of another state for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by statute to the extent that laws of the other state or of the United States permit the joint exercise; and, jointly exercise powers delegated to them and, thereby, to make certain agreements concerning boundary lines between themselves; and

WHEREAS, for the purposes of Subchapter III of Chapter 66 of the Wisconsin Statutes, the term "municipality" includes political subdivisions, which refers to any city, village, town, or county in this state or any city, village, town, county, district, authority, agency, commission, or other similar governmental entity in another state; (See Wis. Stat. 66.0303(1), 66.0304(1)(f)); and

WHEREAS, similar provisions providing for intergovernmental cooperation exist in the other states in which any Party to this Agreement resides, and which provide legal authority for each respective Party to enter into the Agreement; and

WHEREAS, the Parties have determined that it is in their best interests to enter into this Agreement to secure to each the benefits of mutual aid in fire protection, suppression, provisions of rescue and emergency medical assistance, hazardous materials control, technical rescue, training and any other emergency support for the protection of life and property in the event of an Emergency, Disaster, or other Serious Threat to Public Health and Safety, and to engage in Training and other preparedness activities in furtherance of the foregoing mutual aid activities; and

NOW, THEREFORE, in consideration of the mutual covenants and understandings set forth in this Agreement, and pursuant to the authority bestowed upon the Parties set forth above, it is agreed by, among and between the Parties as follows:

SECTION ONE - PURPOSE

It is recognized and acknowledged that leveraging collective resources from other Units to provide effective, efficient response to Emergencies, Disasters, or Serious Threats to Public Safety is desired. Further, it is acknowledged that the closest available Unit(s) that can render aid may be outside of a requesting Unit's or Chapter's jurisdiction. Accordingly, it is the express intent of the Parties that this agreement be in a standardized form which can be adopted by Units in different States, notwithstanding this Agreement may not specifically cite the applicable current legal authority for a particular State and its member Units to join MABAS, the lack of such citation herein shall not be construed in any manner as an impediment to or prohibition of Units within other States from joining MABAS, it being the express intent of the Parties that each Unit desiring to join MABAS may become additional Parties hereto by adopting this Intergovernmental Agreement without modification. In this fashion by way of this Agreement, the Parties will have created a mutual aid agreement that incorporates emergency response disciplines from federal, state and local governmental units, as well as non-governmental organizations and corporations that provide emergency response functions and services that support the mission of MABAS and its member Units.

SECTION TWO – RULES OF CONSTRUCTION AND DEFINITIONS

The language in this Agreement shall be interpreted in accordance with the following rules of construction: (a) The word "may" is permissive and the word "shall" is mandatory; and (b) except where the context reveals the contrary: The singular includes the plural and the plural includes the singular, and the masculine gender includes the feminine and neuter.

When the following words in bold font with the first letter in the upper case are used in this Agreement, such words shall have the meanings ascribed to them in this Subsection:

- A. **"Agreement"** means this Master Mutual Aid Box Alarm System Agreement.
- B. **"Aiding Unit"** means any Unit furnishing equipment, Emergency Responders, or Emergency Services to a Requesting Unit under this Agreement.
- C. **"Automatic Mutual Aid" or "Auto-Aid"** means the provision of mutual aid through a prearranged plan between Units whereby assistance is provided at the time of dispatch without a specific request from an Incident Commander.
- D. **"Box Alarm"** means a prearranged plan for an Emergency or Disaster that uses a defined process for implementation, dispatch and response.
- E. **"Chapter"** means a group of Divisions, established on a state-by-state basis, and whose members may include Units from other States.
- F. **"Chapter Governing Board"** means the governing body of a Chapter which is composed of a representative of each member Division or Region within a Chapter as provided by the Chapter's Bylaws.
- G. **"Chapter President"** means a person elected as the President of each state Chapter.
- H. **"Chief Officer"** means the Fire Chief or agency head of a Unit, or a designee of the Unit's Fire Chief or agency head.
- I. **"Council of Chapter Presidents"** means the council or board whose members shall be the elected President of each State's Chapter, as set forth in this Agreement.
- J. **"Disaster"** means an occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause, including fire, severe weather event, environmental contamination, utility failure, radiological incident, structural collapse, explosion, transportation accident, hazardous materials incident, epidemic, pandemic, or similar calamity.
- K. **"Division"** means the geographically associated Units which have been grouped for operational efficiency and representation within a State and may include Units from adjoining States.
- L. **"Emergency"** means any occurrence or condition which results in a situation where assistance is requested to supplement local efforts and capabilities to save lives, protect property and protect the public health and safety, or to lessen or avert the threat of a catastrophe or Disaster or other Serious Threat to Public Health and Safety.
- M. **"Emergency Responder"** includes any person who is an employee or agent of a Unit. An Emergency Responder includes, without limitation, the following: firefighters (including full time, part time, volunteer, paid on-call, paid on premises, and contracted personnel, as well as hazardous materials, specialized rescue, extrication, water rescue, and other specialized personnel), emergency medical services personnel, support personnel and authorized members of non-governmental response Units.
- N. **"Emergency Services"** means provision of personnel and equipment for fire protection, suppression, provision of rescue and emergency medical services, hazardous materials response, technical rescue and recovery, and any other emergency support for the protection of life and property in the event of an Emergency, Disaster, or other Serious Threat to Public Health and Safety, and includes joint Training for the provision of any such services by the Units.
- O. **"Incident Commander"** is the individual responsible for all incident activities, including the development of strategies and tactics and the ordering and the release of resources in the provision of Emergency Services, has overall authority and responsibility for conducting incident operations, and is responsible for the on-scene management of all incident operations.
- P. **"Incident Command System"** means a standardized management system such as the National Incident Management System (NIMS), designed to enable effective and efficient incident management by integrating a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure.

Q. **"MABAS"** means the Mutual Aid Box Alarm System described in the Agreement, and is an intergovernmental agency formed pursuant to the authority of the Illinois Intergovernmental Cooperation Act and similar intergovernmental cooperation authority of other states in which Units reside.

R. **"Mutual Aid"** is assistance from an Aiding Unit to a Requesting Unit as the result of an Emergency or other event and may precede the request for a Box Alarm and includes Automatic Mutual Aid.

S. **"Requesting Unit"** means any Unit requesting assistance of another Unit under this Agreement.

T. **"Serious Threats to Public Health and Safety"** means threats, incidents or planned events of sufficient magnitude that the adequate public safety response requires mutual aid or other assistance.

U. **"Training"** means the instruction and/or assessment of Emergency Services during non-emergency drills and instruction whether in the field or classroom.

V. **"Unit" (also "Member Unit")** means components of federal, state or local government, or other non-governmental emergency response organizations who have become Parties to this Agreement.

SECTION THREE – AUTHORITY AND ACTION TO EFFECT MUTUAL AID

The Parties hereby authorize and direct their respective Chief Officer, or designee, to take reasonably necessary and proper action to render and request Mutual Aid to and from the other Parties to the Agreement, and to participate in Training activities, all in furtherance of effective and efficient provision of Mutual Aid pursuant to this Agreement.

In accordance with a Party's policies and within the authority provided to its Chief Officer, upon an Aiding Unit's receipt of a request from a Requesting Unit for Emergency Services, the Chief Officer, or the Chief Officer's designee such as the ranking officer on duty, may commit the requested Mutual Aid in the form of equipment, Emergency Responders, and Emergency Services to the assistance of the Requesting Unit. All aid rendered shall be to the extent of available personnel and equipment taking into consideration the resources required for adequate protection of the territorial limits of the Aiding Unit. The decision of the Chief Officer, or designee, of the Aiding Unit as to the personnel and equipment available to render aid, if any, shall be final.

SECTION FOUR - JURISDICTION OVER PERSONNEL AND EQUIPMENT

Emergency Responders dispatched to aid a Requesting Unit pursuant to this Agreement shall, at all times, remain employees or agents of the Aiding Unit, and are entitled to receive any benefits and compensation to which they may otherwise be entitled under the laws, regulations, or ordinances of the United States of America, their respective States, and their respective political subdivisions. This includes, but is not limited to, benefits for pension, relief, disability, death, and workers' compensation. If an Emergency Responder is injured or killed while rendering assistance under this Agreement, benefits shall be afforded in the same manner and on the same terms as if the injury or death were sustained while the Emergency Responder was rendering assistance for or within the Aiding Unit's own jurisdiction.

Emergency Responders of the Aiding Unit will come under the operational control of the Requesting Unit's Incident Commander, or other appropriate authority, until released. The Aiding Unit shall, at all times, have the right to withdraw any and all aid upon the order of its Chief Officer, or designee. The Aiding Unit shall notify the Incident Commander of the extent of any withdrawal and coordinate the withdrawal to minimize jeopardizing the safety of the operation or other Emergency Responders.

If for any reason an Aiding Unit determines that it cannot respond to a Requesting Unit, the Aiding Unit shall promptly notify the Requesting Unit of the Aiding Unit's inability to respond; however, failure to promptly notify the Requesting Party of such inability to respond shall not be deemed to be noncompliance with the terms of this Section and no liability may be assigned. No liability of any kind shall be attributed to or assumed by a Party, for failure or refusal to render aid, or for withdrawal of aid.

SECTION FIVE – COMPENSATION FOR AID

Nothing herein shall operate to bar any recovery of funds from any third party, state or federal agency under any existing statutes, or other authority. Each Aiding Unit is responsible for the compensation of its Emergency Responders providing Mutual Aid and for any additional costs incurred to ensure its jurisdiction has adequate resources during the rendering of Mutual Aid.

Day-to-day Mutual Aid should remain free of charge and the administrative requirements of reimbursement make it infeasible to charge for day-to-day Mutual Aid. However, the following exceptions may be applied:

1. Third Party Reimbursement. Expenses for Emergency Services recoverable from third parties shall be proportionally distributed to all participating Units by the Unit recovering such payment from a third party. The Unit responsible for seeking payment from a third party shall provide timely notice to Aiding Units of a date by which submission of a request for reimbursement must be received. Reimbursement shall be based on the accurate and timely submission of allowable costs and documentation attributable to the incident by each Aiding Unit. These costs include manpower, use of equipment and materials provided, and damage or loss of equipment. The Unit recovering payment from a third party shall notify Aiding Units that such payment has been made and will reimburse the other Units. If the third-party payment is less than the full amount of all Units' cost submittals, the funds shall be proportionally distributed based on each Unit's submitted costs compared to the total of all costs submitted. Intrastate Emergency Management Agency Tasking – Expenses recoverable related to a response to an emergency or disaster at the request of a state's emergency management agency or authority. Reimbursement shall be based on the accurate and timely submission of allowable costs and documentation attributable to the response by each Aiding Unit. These costs include manpower, use of equipment and materials provided, and damage or loss of equipment. The Unit recovering payment from a state shall notify Aiding Units that such payment has been made and will reimburse the other Units. If the payment is less than the full amount of all Units' cost submittals, the funds shall be proportionally distributed based on each Unit's submitted costs compared to the total of all costs submitted.

2. Interstate Emergency Management Assistance Compact ("EMAC") Response. Expenses recoverable to a response to an emergency or disaster at the request of a state's emergency management agency or authority to another state. Reimbursement shall be based on the accurate and timely submission of allowable costs and documentation attributable to the response by each Aiding Unit. These costs include manpower, use of equipment and materials provided, and damage or loss of equipment. If these payments are not made directly to the participating Units, the Unit recovering payment from a state shall notify Aiding Units that such payment has been made and will reimburse the other Units. If the payment is less than the full amount of all Units' cost submittals, the funds shall be proportionally distributed based on each Unit's submitted costs compared to the total of all costs submitted.

3. Emergency Medical Services Billing. Member Units providing Mutual Aid under this Agreement may bill patients for emergency medical services in accordance with applicable federal, state, and local ambulance billing regulations.

SECTION SIX - INSURANCE

Each Party shall procure and maintain, at its sole and exclusive expense, insurance coverage, including comprehensive liability, personal injury, property damage, worker's compensation, auto, and, if applicable, watercraft, aircraft, drones, or emergency medical service professional liability, with minimum policy limits of:

Auto liability	\$1,000,000 combined single limit
General liability	\$1,000,000 per occurrence
Emergency Medical Service	
Professional Liability	\$1,000,000 per occurrence
Workers' Compensation	Statutory Limits

The obligations of this Section may be satisfied by a Party's membership in a self-insurance pool, a self-insurance plan, or arrangement with an insurance provider approved by the state of jurisdiction. To the extent permitted by governing law of the state in which a Party resides, each Party agrees to waive subrogation rights it may acquire, and to require any insurer to waive subrogation rights they may require, by virtue of the payment of claims, suits, or other loss arising out of this Agreement, and shall, as to any insurer, obtain any endorsement necessary to effectuate such waiver of subrogation.

SECTION SEVEN – LIABILITY

Each Party will be solely responsible for the acts of its own governing body, officers, employees, agents, and subcontractors, expressly including, but not limited to, all of its Emergency Responders, the costs associated with those acts, and the defense of those acts. No Party shall be responsible to another Party for any liability or costs arising from the act of an employee or agent of another Party. Each Party hereto shall hold other Parties hereto harmless for any liability or costs arising from the act of an employee or agent of another Party. The Provisions of this Section shall survive the termination of this Agreement by any Party.

Any Party responding under this Agreement to another state shall be considered agents of the Requesting Unit in the other state for tort liability and immunity purposes related to third-party claims to the extent permissible under the laws of both states. Nothing in this Section shall be deemed a waiver by any Party of its right to dispute any claim or assert statutory and common law immunities as to third parties.

SECTION EIGHT – CHAPTERS

For operational efficiency and representation of Units and Divisions, Chapters are hereby created on a state-by-state basis. Chapters shall elect a President to the Council of Chapter Presidents. When a Division forms within a state that does not have a Chapter, that Division will be affiliated with another state Chapter. When three Divisions within a state become organized, a Chapter for that state shall automatically be created, and Divisions within that state shall be transitioned to the new Chapter, unless prohibited by state statute(s).

Chapters shall have their own governing Board selected by the Units, Divisions, or Regions, and shall determine the number and role of Chapter officers. Chapters shall develop bylaws that provide for their governance and operations within the framework of this Agreement and the direction of the Council of Chapter Presidents. Chapters shall maintain authority to establish Divisions or Regions, to the assignment of Units to Divisions or Regions, and to establish emergency response procedures, protocols, resources, and training requirements. Chapters and their Divisions may fix and assess dues, secure appropriate insurance, own and maintain facilities, vehicles, apparatus and equipment, employ and provide benefits for personnel, operate specialized response teams, participate in EMAC activities, enter into agreements with other governmental and non-governmental entities, and administer the affairs of their Chapter, to facilitate the purposes of MABAS.

SECTION NINE – COUNCIL OF CHAPTER PRESIDENTS

A Council of Chapter Presidents is hereby created that consists of the elected President of each state Chapter. The Council of Chapter Presidents shall facilitate coordination among state Chapters, adopt bylaws for the operation of the Council of Presidents, ensure compliance with this Agreement, recommend common operating procedures and practices, recommend changes to this Agreement, and promote unity to facilitate the purposes of MABAS. MABAS and the Council of Chapter Presidents shall be hosted by the founding Chapter of MABAS, Illinois, and shall be based therein. As the Council is hosted in Illinois, all issues and questions concerning the construction, validity, enforcement and interpretation of this Agreement shall be governed by, and construed in accordance with, the laws of the State of Illinois.

SECTION TEN – DIVISIONS

For operational efficiency and representation of Member Units, Divisions are hereby authorized on a Chapter-by-Chapter basis in accordance with procedures established by their Chapter. When a Division forms within a state that does not have a Chapter, that Division will be affiliated with another state Chapter in accordance with procedures established by that other state's Chapter.

Divisions shall have their own governing Board, shall determine the number and role of Division officers, and shall develop bylaws that govern their operations within the framework of this Agreement and direction of the Chapter and Council of Chapter Presidents. Divisions shall maintain authority to establish emergency response procedures, protocols, resources, and training requirements within the framework of this Agreement and the direction of the Chapter and Council of Chapter Presidents. Divisions may fix and assess dues, secure appropriate insurance, own and maintain facilities, vehicles, apparatus and equipment, employ and provide benefits for personnel, operate specialized response teams, enter into agreements with other governmental and non-governmental entities, and administer the affairs of their Division, to facilitate the purposes of MABAS.

SECTION ELEVEN - TERM

This Agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one-year terms unless terminated in accordance with this Section. Any party may terminate their participation within this Agreement, at any time, for any reason, or for no reason at all, upon **ninety (90) days** written notice to the applicable state Chapter. A Unit that terminates this Agreement must return any asset that is owned by, or provided from, a Chapter or its Divisions prior to the termination of the Agreement, unless agreed to otherwise in writing by the Chapter or Division. Costs associated with the recovery or replacement of said asset if it is not voluntarily returned after written notice has been given shall be borne by the departing Unit, including reasonable legal fees.

SECTION TWELVE – MISCELLANEOUS

- A. Entire Agreement. This Agreement sets forth the entire agreement between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not construed strictly for or against any Party. By signing this agreement, each of the Parties affirm that they have taken all actions and secured all local approvals necessary to authorize and sign this Agreement.
- B. Binding Effect. This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any Party hereto.
- C. Severability of Provisions. If a Court of competent jurisdiction finds any provision of this Agreement invalid or unenforceable, then that provision shall be deemed severed from this Agreement. The remainder of this Agreement shall remain in full force.
- D. Captions. The captions, headings, and titles in this Agreement are intended for the convenience of the reader and not intended to have any substantive meaning and are not to be interpreted as part of this Agreement.
- E. Terminology. All terms and words used in this Agreement, regardless of the numbers or gender in which they are used, are deemed to include any other number and any other gender as the context may require.
- F. Recitals. The Recitals shall be considered an integral part of this Agreement.
- G. No Third-Party Beneficiaries. Except as expressly provided herein, this Agreement does not create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right of indemnification (i.e., contractual, legal, equitable, or by implication), right of subrogation as to any Party's rights in this Agreement, or any other right of any kind in favor of any individual or legal entity.
- H. Counterpart Signatures. This Agreement may be signed in multiple counterparts. The counterparts taken together shall constitute one (1) agreement.

I. Permits and Licenses. Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform their obligations under this Agreement.

J. No Implied Waiver. Absent a written waiver, no fact, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

K. Notices. Notices given under this Agreement shall be in writing and shall be delivered by one or more of the following processes: personally delivered, sent by express delivery service, certified mail, or first-class U.S. mail postage prepaid to the head of the governing body of the participating agency.

SECTION THIRTEEN - AMENDMENT

An amendment may be proposed by any Party, Division or Chapter, and be presented to the Council of Chapter Presidents for review, comment, and modification. The Council of Chapter Presidents shall, after consideration, recommend final amendatory language to all Parties for adoption and execution. The Agreement may be amended only upon written agreement and approval of the governing bodies of two-thirds (2/3) of the Parties. All Amendments to this Agreement shall comply with the applicable laws of the respective states.

SECTION FOURTEEN – REVOCATION OF PRIOR AGREEMENTS

This Agreement shall replace all prior Mutual Aid Box Alarm System agreements effective at 12:01 a.m. Central Standard Time on January 1, 2024, and in accordance with the laws of their respective states. Any member Unit that has not become a Party to this Agreement by 12:01 a.m. Central Standard Time on January 1, 2024, shall no longer be affiliated with MABAS in any capacity, shall not continue to benefit from its prior association with MABAS, and shall not rely on the MABAS system for emergency responses, until subsequently rejoining MABAS by the adoption of an approving ordinance or resolution and entering into this Agreement, as may be amended from time to time. The effective date for any new Member Unit joining after January 1, 2024, shall be the date set forth next to the signature of that new Member Unit.

Any MABAS owned assets in the possession of a Unit that fails to execute this Agreement shall return said assets to MABAS no later than January 31, 2024. Costs associated with the recovery or replacement of said asset shall be borne by the Unit failing to execute this Agreement, including reasonable legal fees.

SECTION FIFTEEN - APPROVAL

This Agreement may be executed in multiple originals. The undersigned attests that they have the authority to execute this Agreement which has been approved by appropriate ordinance, resolution or authority and is hereby adopted by the Chester City Council, (Unit) this 21st day of November, 2022. A certified copy of approving ordinance, resolution or authority, along with the executed Agreement shall be forwarded to the applicable state Chapter, and a master list of Parties shall be kept by the Council of Chapter Presidents.

(Ord. No. 1780; 11-21-22)

APPENDIX "B"

**MUTUAL AID BOX ALARM SYSTEM
EXECUTIVE BOARD BY-LAWS**

- Article I Name: Mutual Aid Box Alarm System Executive Board
- Article II Purpose: The Executive Board is the guiding body of MABAS and is established to consider, adopt, and amend from time to time as needed, policies and procedures, by-laws and any other matters deemed necessary by the Member Units.
- Article III Membership: Each division shall be represented by one member who shall be designated by their respective Division.
- Article IV Officers and Elections: The MABAS Executive Board shall elect a President and Vice President who shall serve a two year term. Election shall be held at the first meeting of the year on even numbered years. Officers may serve consecutive terms. The President may appoint any committee necessary to conduct business for the Executive Board.
- Article V Duties of Officers:
- President: Schedule Meetings
 Make up Meeting Agenda
 Preside over Meetings
 Establish Committees
- Vice President: Handle Duties of President when he is absent.
- Article VI Executive Secretary: The President shall appoint an Executive Secretary who shall serve at the discretion of the Board. The Executive Secretary is not required to be a member of the Executive Board to be selected.
- Article VII Duties of the Executive Secretary:
- A. He shall be the Recording Secretary of the Board.
 B. Take minutes of all meetings.
 C. Keep a history of MABAS.
 D. Have physical custody of all MABAS minutes, contracts, and documents.
 E. Attend all MABAS Executive Board meetings.
 F. Send minutes of all meetings to all Executive Board members.
 G. Provide notification and agenda to Executive Board members for all scheduled meetings.
 H. Any other task agreed upon mutually with the Executive Board.
- Article VIII Meeting Schedule and Agenda: The Executive Board shall meet at such times and dates as established by the Executive Board. In no case shall the Executive Board meet less than quarterly.
- Quorum: More than 50% of all Divisions of MABAS shall be present at a meeting to constitute a quorum.

The agenda for Executive Board meetings are as follows:

1. Call to Order.
2. Approval of Minutes of Prior Meeting.
3. Communication and Correspondence.
4. Committee Reports.
5. Old Business.
6. New Business.
7. Division Reports.
8. Adjourn.

Article IX Board Action: Actions of the Executive Board require a majority vote of approval by the Divisions present at a meeting.

Article X Policies and Procedures: The Executive Board shall adopt policies and procedures that coordinate working relations between MABAS Divisions. These procedures shall include, but not limited to:

1. Communications
2. Box Cards
3. Incident Command System
4. Personnel Accountability

Article XI Special Assessments: Special assessments as needed are made by a vote of the members of the Executive Board.

Article XII Indemnification: The Executive Board has the power to indemnify itself through insurance or bonds as it deems necessary for the good of the organization.

Article XIII Eligibility: Eligibility for Division membership in MABAS shall be approved by the Executive Board.

Eligibility for Member Unit membership shall be approved by a Division.

Mediation: Mediation of disputes regarding MABAS policies and procedures may be requested from the Executive Board.

Step 1: MABAS Division attempts to resolve issues with the grieved fire agency.

Step 2: At impasse: Division petitions the Executive Board in writing, of issues of noncompliance involving the grieved agency.

Step 3: Within 60 days of notification, the Executive Board mediation panel will meet with the involved parties to discuss the issues.

Step 4: Within 60 days following mediation, the Executive Board shall give written notice to the involved parties, specifying the areas of noncompliance and the recommended resolutions for each area.

Step 5: The grieved fire agency will be given a reasonable period of time to implement the Board recommendations for each area of noncompliance. This time period shall generally be no more than 90 days. However, the Executive Board may agree to a longer period of time to implement the recommendations due to unusual circumstances.

Step 6: In the event of continued noncompliance by the grieved agency, a

Division may request that the Executive Board send its recommendations to the elected officials of the grieved fire agency for further action.

Step 7: Further noncompliance by the grieved agency will be referred back to the Division for final determination.

Article XV Amendments: A quorum of the Executive Board is necessary for any amendment of the by-laws. The by-laws of any section or provision thereof, may be amended, rescinded or expanded by approval of two-thirds (2/3) vote of the members of the Divisions of MABAS. Any change to the by-laws must be distributed to the Divisions 30 days prior to the vote. A written proxy constitutes being present at a meeting.

Article XVI Booklet: An information booklet shall be compiled by the Executive Board, containing all pertinent information needed in the operation of a MABAS Division. This booklet shall be updated by the Executive Board as often that is deemed necessary.

APPENDIX "C"

MEMBERSHIP APPLICATION

For Out-of-Town Firefighting Service and/or Non-Medical Emergency Services

**TO: Chester Fire Department
1330 Swanwick Street
Chester, IL 62233**

The undersigned, _____, referred to in this application as Customer, request(s) that the City of Chester Fire Department, referred to in this application as the City, furnish firefighting service and/or non-medical emergency service at the following premises:

Street Address: _____

City, State, Zip: _____

If you would like information concerning this application mailed to an address other than as listed above, please note:

Name: _____

Street Address: _____

City, State, Zip: _____

Check here if you own the property: _____

If you do not own the property, please provide the owner's name and address:

Name: _____

Street Address: _____

City, State, Zip: _____

In consideration of the mutual covenants and promises contained in this agreement, the parties agree as follows:

SECTION ONE – AGREEMENT TO SELL AND BUY

The City shall sell to Customer, and Customer shall purchase from the City, during the term of this agreement, a membership for firefighting service and/or non-medical emergency service.

SECTION TWO – RATES

Customer shall pay the City for the membership under this agreement the amount set forth in Paragraph B of Section 30-5-23 of the Revised Code of Ordinances of the City of Chester as amended – presently \$35.00 per year. In the event that the Customer fails to make the timely payment for this membership and agreement, the Customer will be subject to the rates in effect at the time of the call for service under Paragraph C of Section 30-5-23 of the Revised Code of Ordinances [which is presently \$1,000.00 for the first hour (minimum charge) and \$500.00 per hour for subsequent hours or portion of any subsequent hour, which may be increased or decreased by ordinance of the City Council]. The membership fee shall not be prorated. The Customer agrees that the annual fee for membership and this agreement may be increased or decreased for subsequent years by ordinance adopted by the City Council of the City of Chester and in such event the Customer agrees to pay the new annual membership fee upon notice from the City.

SECTION THREE – PAYMENT

The fee for this membership agreement for out-of-town firefighting service and/or non-medical emergency service supplied under this agreement shall be due and payable upon submission of this application. In future years, the membership agreement shall cease if the annual fee is not paid within thirty (30) days of date that the bill is mailed by the City.

SECTION FOUR – PLACE OF DELIVERY

Firefighting service and/or non-medical emergency service shall be delivered by City to Customer at the address is listed on Page 1 of this application, and shall be rendered to the Customer when needed anywhere within the area defined in Paragraph A of Section 30-5-23 of the Revised Code of Ordinances of the City of Chester.

SECTION FIVE – TYPE OF SERVICE

The service to be provided to the Customer shall be firefighting and non-medical emergency service of the type normally provided by the Chester Fire Department.

SECTION SIX – TERM

Services under this agreement shall begin on August 1 of the current year (or upon submission and approval of the application and payment if after August 1 of the current year). Service shall continue until July 31 of the following year or until terminated by either party to this agreement by giving the other thirty (30) days written notice of such termination. Upon termination, there is no refund of the annual fee. Membership and this agreement may be renewed annually by paying the appropriate fee to the City of Chester Fire Department by August 1 of each year.

SECTION SEVEN – GOVERNING LAW

This agreement shall be governed by, construed and enforced in accordance with Section 30-5-23 of the Revised Code of Ordinances of the City of Chester and any subsequent amendments thereto and the laws of the State of Illinois.

SECTION EIGHT – ENTIRE AGREEMENT

This agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding on either party except to the extent incorporated in this agreement.

SECTION NINE – NOTICES

Any notice provided for or concerning this agreement shall be in writing and shall be deemed sufficiently given when mailed to the respective address of each party as set forth on Page 1.

By signing below, I agree to the terms of this agreement.

DATE: _____

CUSTOMER: _____

DATE APPROVED: _____

FIRE CHIEF: _____

**NOTICE OF TERMINATION OF PRESENT MEMBERSHIP AGREEMENT
FOR OUT-OF-TOWN FIRE PROTECTION AND EMERGENCY SERVICE OUTSIDE THE
CORPORATE LIMITS OF THE CITY OF CHESTER, ILLINOIS**

TO:

The City Council of the City of Chester, Illinois, has determined it necessary to increase the annual membership fee for firefighting service and/or non-medical emergency membership contracts for landowners and/or persons in possession of real estate outside the City limits of the City of Chester, Illinois.

Accordingly, the present membership agreement FOR OUT-OF-TOWN FIRE PROTECTION AND EMERGENCY SERVICE signed by you shall terminate on July 31, 2004.

Enclosed is a new membership application and agreement which includes the new annual membership rate of \$35.00 per year. Upon your payment of the annual fee of \$35.00 and completion, signature and return of the Membership Application and agreement to the City Hall by August 1, 2004, the agreement will then be effective August 1, 2004.

CITY OF CHESTER
FIRE CHIEF

CHAPTER 32

SOLID WASTE

ARTICLE I - GARBAGE

DIVISION I - GENERAL REGULATIONS

32-1-1 **DEFINITIONS.** As used in this Chapter, the words “garbage”, “trash”, and “solid waste” have the following meanings:

“GARBAGE”: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

“TRASH”: Paper, cardboard, ashes, metalware, broken glass, crockery, stemware and all other nonputrescible wastes.

“SOLID WASTE”: Garbage, trash and other discarded solid materials, such as: furniture, appliances, dryers, washer, stoves, refrigerators, tables, chairs, beds and bedsprings or any other household items, except animal waste used as fertilizer. (**Ord. No. 1234; 03-04-02**)

32-1-2 **LICENSE.**

(A) No person shall engage in the business as a residential or commercial collector of garbage and trash unless having first made application and secured a license from the City; providing, however, that no license shall be required by any such person during any period of time that such a person is collecting garbage and trash within the City (e.g. Boy Scouts) and is not operating as a business whose purpose is to collect garbage and trash. A license application form is attached hereto as Addendum 1 and incorporated herein.

(B) No license shall be issued by the City to anyone if such a license would interfere with the contract rights that anyone may have with the City relative to the collection and disposal of garbage and trash.

(C) None of the provisions of this Chapter shall be construed or interpreted to prohibit the City from entering into contractual arrangements with anyone with regard to the collection of garbage and trash within the City.

(D) In the event there is a conflict between any of the provisions of this Chapter and with any contract entered into between the City and some person for the collection and disposal of garbage and trash, the provisions of any such contract shall govern.

(E) The fee for any license which may be issued pursuant to this Chapter shall be **One Hundred Dollars (\$100.00)** per the City’s fiscal year for a residential license, **One Hundred Twenty-Five Dollars (\$125.00)** per year for a commercial license and **One Hundred Fifty Dollars (\$150.00)** per year for a combined residential and commercial license. There shall be no pro rata reduction in such fee

in the event the license is issued within any fiscal year, nor shall there be any such pro rata refund of any such fee in the event such license should be surrendered, suspended, revoked or otherwise terminated prior to the expiration of its term. **(Ord. No. 1234; 03-04-02)**

32-1-3 CONTRACTS FOR RESIDENTIAL COLLECTION REQUIRED.

The City shall contract exclusively with one residential collector of garbage and trash. **(Ord. No. 1234; 03-04-02)**

32-1-4 RESIDENTIAL COLLECTION SERVICE MANDATORY. It is hereby found and determined that the periodic collection and disposal of garbage and trash from residential dwelling units in the City benefits those residential dwelling units and, therefore, the residential garbage and trash collection charges as contracted by the City shall be mandatory. Furthermore, such occupants, owners and users of any dwelling in or from which garbage or trash are created, accumulated or produced, are liable for and shall pay the service charge as billed by the City. **(Ord. No. 1234; 03-04-02)**

32-1-5 COLLECTION AND DISPOSAL.

(A) The City Council shall select and approve one independent contractor for the purposes of collecting residential garbage. The independent contractor shall be the sole collector of garbage and trash from residences within the City.

(B) The owner of any commercial or industrial property shall hire a licensed private collection firm for picking up garbage and rubbish at least once per week. Any commercial or industrial garbage collector's license application must be approved by the Mayor and City Clerk.

(C) Each active water customer shall be liable for garbage and trash collection charges for residential properties when billed by the City. In the case of rental property, the owner, occupant and user of premises receiving garbage and trash collection shall be jointly and severally liable and the provisions of **Sections 38-2-2** shall apply to garbage and trash collection services.

(D) Whenever there exists exceptional conditions of occupancy and use of certain properties the City Clerk in his/her discretion is hereby authorized to establish billing procedures for such properties.

(E) The City Clerk shall bill the garbage and trash collection charges as a separate item on the water bill for residential properties. The City Clerk shall also collect all garbage and trash collection charges. Such charges shall be assessed against the person in whose name the water meter is listed and where no water service is provided, against the owner or person collecting the rent.

(F) All charges for collection of garbage and trash shall be paid the month after service. A delinquent debt owed for any City utilities shall be cause for discontinuing all service from the City and the provisions of **Section 38-2-1(E), (F), (I) and (J)** shall apply to garbage and trash collection services.

(G) The amount of collection charges imposed is hereby declared to be a debt due to the City. All residents whose garbage and trash is removed and disposed of shall be liable to the City for the applicable collection charges due therefor, and such charges shall be recoverable in any court of competent jurisdiction.

(H) Effective **July 1, 2020**, the amount charged by the City each month for residential garbage and trash collection shall be the amount charged by the contractor collecting garbage and trash plus **Three Dollars (\$3.00)** for each residence receiving trash pickup. **One (1)** tote/trash receptacle per residence shall be provided, which shall remain the property of the trash collector. An additional tote/trash receptacle may be furnished to a residence by the trash collector upon request for an additional monthly charge of the amount charged by the trash collector for an additional tote/trash receptacle plus **One Dollar Twenty-Five Cents (\$1.25)**, and such additional tote/trash receptacle shall also remain the property of the trash collector. Each residence shall have a limit of **two (2)** totes/trash receptacles furnished by the trash collector. **(Ord. No. 1729; 05-04-20)**

32-1-6 APPLICATION FOR LICENSE. Upon application for a license, the person applying for same shall furnish the City Clerk along with the application, proof of insurance in the amounts required in **Section 32-1-15**, and at that time, the applicant shall file with the Clerk a rate schedule for services to be performed for a residential application. The rate schedule shall set forth the type of service to be offered and the price for same; including the size and number of cans per pickup for the charge, the charge for any extra cans, the charge for the bags, the size of the bags and the charge for bundles and the size of the bundles. Also, a rate schedule shall include an unlimited service charge. The schedule shall set forth whether the rate is for once-a-week pickup or twice-a-week pickup.

The licensee shall also disclose the location of the area on which his equipment will be located while not in use. The rate schedule shall also set forth the days or day of each week that the collector shall schedule his pickup with the City. The rate schedule as filed shall be valid for **one (1) year** and the licensee shall not be permitted to increase his price on the schedule for a period of **one (1) year** from the date of filing of the rate schedule. The rate schedule shall be effective upon approval by the City Council. Prior to and after the issuance of any such license, the City Council may also impose any additional terms or conditions which, in its sole discretion, shall deem necessary to satisfy and protect the public health needs and welfare of the City.

Any licensee shall have as additional equipment, a truck for the disposal of large or unusual items or rubbish which cannot be placed in the designated containers, and shall have available for such pickups such equipment on such day or days as may be prescribed by the City Council as a condition to the issuance of the permit. **(Ord. No. 1261; 12-02-02)**

32-1-7 TRUCK REQUIREMENTS; CLEANLINESS, ETC. The firm for the handling of collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which shall be so designed that garbage and rubbish that is collected will be covered at all times or placed in containers that will be covered at all times, except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the City. The trucks and all containers in which garbage is collected and transported shall be kept in a clean and sanitary condition. **(Ord. No. 717; 10-16-78, Sec. 16.04)**

32-1-8 TRUCK WASTEWATERS. A garbage truck or other related equipment shall not be washed or cleaned on either private or public property within the City where wastewaters would drain on adjoining private property, or create a nuisance, or cause a health hazard. **(Ord. No. 717; 10-16-78, Sec. 16.05)**

32-1-9 WINDBLOWN GARBAGE UNLAWFUL. It shall be unlawful to place garbage or rubbish in such a manner as to allow same to be blown by the wind onto the property of other residents. **(Ord. No. 717; 10-16-78, Sec. 16.06)**

32-1-10 MATERIALS FALLING OR LEAKING FROM TRUCK. It shall be unlawful to deposit or permit to fall from any vehicle, any fluids, or materials including garbage, refuse or ashes on any public street or alley in the City; provided that this Chapter shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Chapter preparatory to having such material collected and disposed of in the manner provided herein.

It shall be the responsibility of the licensee's truck driver to notify the City Hall or the Street Department if there is any dispensing of any materials or fluids from the garbage truck within the boundaries of the City, that the driver, operator, is unable to clean up.

The contracted firm shall be liable for any cleanup charges arising from the leaking or dispensing of any fluids or materials from its equipment onto residential property or onto any City alley or street. The cleanup charges shall be assessed on an individual basis by the City Street Department. After an appropriate cleanup has been completed by the Street Department, a bill for such cleanup will be prepared by the City Clerk and be forwarded to the licensee. **(Ord. No. 717; 10-16-78, Sec. 16.07)**

32-1-11 PARKING OF TRUCK LIMITED. No truck or other vehicle carrying garbage or refuse shall be parked or permitted to stand upon or along any streets, alleys, or other public areas within the City any longer than is necessary to pickup containers. **(Ord. No. 717; 10-16-78, Sec. 16.08)**

32-1-12 GARBAGE ON PREMISES UNLAWFUL. The fact that garbage or rubbish remains on an occupant's premises in the City in violation of this Chapter shall be prima facie evidence that the occupant of such premises is responsible for the violations of the Chapter occurring. **(See Chapter 25) (Ord. No. 717; 10-16-78, Sec. 16.09)**

32-1-13 INDUSTRY, CONSTRUCTION, ETC. Nothing in this Chapter shall be deemed to prevent or regulate the hauling of refuse from industrial processes, from

construction projects, or refuse generated from other activities not normally generated or collected on a regular schedule. Any such haulers of such refuse shall be excused from the requirements of obtaining a license as provided in this Chapter. **(Ord. No. 717; 10-16-78, Sec. 16.10)**

32-1-14 REVOCATION OF LICENSE. If the licensee fails to perform any services according to his application and rate schedule, and any additional terms and conditions that might be imposed by the City Council subsequent to the issuance of such license, then the City Council may, after receiving notice of any such failure to perform, and after having been afforded an opportunity to be heard on his behalf, may revoke and nullify such license. **(Ord. No. 717; 10-16-78, Sec. 16.11)**

32-1-15 INSURANCE. Any holder of a license, or any person under a contract with the City relative to the collection of garbage and trash within the City, shall furnish and file with the City Clerk a certificate of insurance indicating coverage for the following types of insurance in at least the limits specified below:

Workmen's Compensation	Statutory
General Liability:	
Bodily Injury	\$1,000,000 each occurrence \$3,000,000 aggregate
Property Damage	\$1,000,000 each occurrence \$3,000,000 aggregate
Automobile Liability:	
Bodily Injury	\$1,000,000 each person \$3,000,000 aggregate
Property Damage	\$1,000,000 each occurrence

All such insurance policies must be insured by an insurance company authorized to do business within the State of Illinois. **(Ord. No. 1454; 04-20-09)**

32-1-16 PARKED GARBAGE TRUCK. No truck carrying garbage or refuse, shall be parked or be permitted to stand anywhere upon the public streets, alleys or private property within the City, except as is necessary to pickup containers provided for the collection of garbage or refuse. **(Ord. No. 717; 10-16-78, Sec. 16.13)**

32-1-17 LOCATION OF CONTAINERS. Garbage cans, trash containers, and dumpsters shall be kept together within the property lines of the residence being served. Refuse and refuse containers shall be set at curbside only on the day prior to the scheduled pick-up day and the day of the scheduled pick-up but said containers shall be removed from the curbside and returned to an appropriate location as quickly as possible after pickup, but not later than eleven fifty-nine o'clock (11:59) P.M. the evening of the scheduled pick-up day. **(Ord. No. 1261; 12-02-02)**

**CITY OF CHESTER
RESIDENTIAL/COMMERCIAL GARBAGE AND TRASH
COLLECTION LICENSE APPLICATION**

Company Name _____ Date _____

Address _____

City, State, Zip _____

I am applying for a (Circle One): *Residential Commercial Combined Residential & Commercial* License.

List make, model, year, license number of trucks to be operated and location where equipment will be stored when not in use. (Attach copy of current IDOT inspection slip)

List your residential rate (if applicable) schedule including type of service to be offered, number of cans/pickup, extra charges, price for same and unlimited service charge. (See Section 16-1-3 of this Chapter)

Day(s) of Collection _____

Is certificate of insurance attached? _____

Is agreement with licensed landfill attached? _____

Print Name of Applicant

Signature of Applicant

Approval: _____

Date _____

Mayor

City Clerk

CHAPTER 34

STREET REGULATIONS

ARTICLE I - DEPARTMENT ESTABLISHED

34-1-1 **DEPARTMENT ESTABLISHED.** There is hereby established a Department of the municipal government which shall be known as the **Street Department**. The Street Department shall consist of the Streets and Alleys Committee, the Maintenance Superintendent and the employees. It shall be the duty of the Maintenance Superintendent to supervise all employees of the Street Department, and he/she shall have the duties and responsibilities set forth in **Section 1-2-136** of **Division XV** of **Article II** of **Chapter 1** of the Revised Code of Ordinances of the City of Chester, Illinois. (**Ord. No. 1699; 01-22-19**)

34-1-2 **COMMITTEE ON STREETS.** The City Council standing Committee on Streets shall exercise a general supervision over the affairs of the Street Department. It shall ascertain the needs and conditions thereof and shall, from time to time, report the same to the Mayor and City Council.

34-1-3 **REFERENCES.** When reference is made throughout this **Chapter 34** to "Superintendent", it shall mean the Maintenance Superintendent. (**Ord. No. 1460; 06-15-09**)

ARTICLE II - GENERAL REGULATIONS

34-2-1 **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.

34-2-2 **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.

34-2-3 **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 Superintendent to immediately report such fact to the Mayor or Streets and Alleys Committee, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

34-2-4 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.

34-2-5 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.

34-2-6 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. **(65 ILCS 5/11-80-17)**

34-2-7 VEHICLES ON SIDEWALKS. No person shall operate any bicycle, vehicle or skateboard over any sidewalk, except in crossing the same to go into a yard or parking lot.

34-2-8 DEPOSITS ON SIDEWALKS. It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **four (4) feet;** and provided that no such article shall remain on such walk for more than **thirty (30) minutes.**

34-2-9 OBSTRUCTING STREET.

(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, 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.

34-2-10 RAINWATER DRAINS. It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the City Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the 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.

34-2-11 BUILDING MATERIALS IN STREET. The 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.

34-2-12 MERCHANDISE ON PUBLIC STREET. It shall be unlawful for any person, firm or corporation to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the City Council.

34-2-13 ENCROACHMENTS. It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

34-2-14 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.

34-2-15 SIGNS ON POLES. No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign 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.

34-2-16 INJURY TO NEW PAVEMENTS. It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

34-2-17 BARBED-WIRE FENCES. It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere **within fifty (50) feet** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are **at least six (6) feet** above the level of such public place.

34-2-18 BURNING ON PUBLIC STREETS. It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the City.

34-2-19 GRASS MOWING. Property owners and/or their tenants shall be jointly and separately responsible for mowing the grass or weeds between the property lines and the adjoining street surfaces. The height of the grass or weeds shall not exceed **ten (10) inches.**

34-2-20 SIGNS ON PUBLIC PROPERTY. It shall be unlawful to place or erect signs of any type (real estate, yard sale, political, business, etc.) on any public property or right-of-way of any public street or alley, including the space on the right-of-way between the sidewalks and the adjacent street pavements. Further no sign shall be so located as to obstruct the visual clearance needed for safe vehicle and pedestrian traffic. **(Ord. No. 1525; 11-07-11)**

ARTICLE III - TREES AND SHRUBS

34-3-1 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 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.

34-3-2 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.

34-3-3 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 Superintendent and shall be referred by him to the City Council before permission shall be granted.

34-3-4 INJURY. It shall be unlawful to injure any tree or shrub planted in such public place.

34-3-5 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.

34-3-6 DANGEROUS TREES. Any tree or shrub which overhangs any sidewalk, street or other public place in the City 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 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.

34-3-7 **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 City 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 Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

34-3-8 **GAS PIPES.** Any person or company maintaining any gas pipe in the City shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

ARTICLE IV - EXCAVATIONS

34-4-1 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.

34-4-2 APPLICATIONS. Applications for such permits shall be made to the City 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. **(See Section 34-10-16(E) for JULIE regulations.)**

34-4-3 FEES. The fee for such permit(s) shall be as follows; however, the City Council may waive the fees in this Section:

- | | | |
|-----|---|---------------------|
| (A) | Excavation in asphalt or Portland pavement or surface | 25¢ per square foot |
| (B) | Excavation in brick pavement or surface | 25¢ per square foot |
| (C) | Excavation in oil treated street surface | 25¢ per square foot |
| (D) | Excavation in untreated or unimproved street or surface | 25¢ per square foot |

34-4-4 BOND. No such permit shall be issued unless and until the applicant therefor has filed with the City 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.

34-4-5 DEPOSIT. No such permit shall be issued unless and until the applicant therefor has deposited with the City 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 to 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.

34-4-6 **MANNER OF EXCAVATING.** It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels; and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the City department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree, shrub or the roots thereof.

34-4-7 **SIDEWALKS.** If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users. The temporary sidewalk is subject to inspection by the Superintendent and shall not be open for use until approved by him.

34-4-8 **RESTORING SURFACE.** Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the City shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant in compliance with the regulations of the City and under the supervision of the Superintendent.

34-4-9 **SUPERVISION.** The 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.

34-4-10 **TUNNELING.** It shall be unlawful to make any excavation in any portion of a street or sidewalk in the City which is paved with a concrete or asphalt paving. Where necessary, and where a proper permit has been secured, tunnels may be driven or excavated under any such pavement, provided that upon completion of the work involved, the tunnel shall be backfilled with compacted sand.

34-4-11 PROTECTIVE MEASURES AND ROUTING OF TRAFFIC. It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public.

(A) Barriers, warning signs, and lights shall conform to the requirements of all applicable provisions of this Code. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day.

(B) Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace light sources.

(C) The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. When traffic conditions permit, the 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 Superintendent.

34-4-12 CLEARANCE FOR VITAL STRUCTURES. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and all other vital equipment as designated by the Superintendent.

34-4-13 PROTECTION OF TRAFFIC. The permittee shall maintain safe crossings for **two (2) lanes** of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than **three (300) hundred feet**. If any excavation is made across any public street, alley or sidewalk adequate crossings 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 of the sidewalk width shall be maintained along such sidewalk line.

34-4-14 RELOCATION AND PROTECTION OF UTILITIES. The permittee shall not interfere with any existing facility without the written consent of the 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 any of 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.

34-4-15 ABANDONMENT OF SUBSTRUCTURES. Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to serve single properties, the person owning, using, controlling, or having an interest therein shall, within **thirty (30) days** after such abandonment, file with the 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.

34-4-16 PROTECTION OF ADJOINING PROPERTY. The permittee shall, at all times, and at his or its own expense, preserve and protect from injury, any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where, in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protecting measures, the permittee shall obtain consent from the owner of such private property for such purpose and if he cannot obtain such consent, the 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.

34-4-17 PLACEMENT OF EXCAVATED MATERIAL. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as to eliminate danger to those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the 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 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 Superintendent to prevent the spreading of dirt into traffic lanes.

34-4-18 CLEAN-UP. As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Superintendent. From time to time as may be ordered by the 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 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.

34-4-19 PROTECTION OF WATERCOURSES. The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least **one (1) foot** in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings, or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

34-4-20 BREAKING THROUGH PAVEMENT.

(A) Heavy duty pavement breakers may be prohibited by the 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 more than **one (1) inch** in depth; however, depths greater than **one (1) inch** may be required by the 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 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 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.

34-4-21 DEPTH OF STRUCTURES. No person shall, without written permission of the 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.

34-4-22 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 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.

34-4-23 TRENCHES IN PIPE LAYING. The maximum length of open trench permissible at any time shall be in accordance with existing codes and regulations.

34-4-24 PROMPT COMPLETION OF WORK. After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be so as not to obstruct the public place or travel thereon more than is reasonably necessary.

34-4-25 URGENT WORK. When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the 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.

34-4-26 EMERGENCY ACTION. Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the City Clerk for such a permit on the first working day after such work is commenced.

34-4-27 NOISE, DUST AND DEBRIS. Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of **10:00 P.M. and 7:00 A.M.**, shall not use except in case of emergency as otherwise provided herein, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

34-4-28 PRESERVATION OF MONUMENTS. Any monument set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the City shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the City Council to do so. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of the monument by the City.

34-4-29 INSPECTIONS. The 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.

34-4-30 LOCATION RECORDS. Every public utility, after the enactment of this Article, shall maintain records showing the location of all of its underground facilities except relatively minor facilities which connect a particular premise or building to a facility serving more than one premise or building and except oil or gas-gathering

or field lines. Every public utility shall maintain equipment which can locate such facilities in the field.

34-4-31 **LIABILITY OF PERSONS TO CITY FOR DAMAGE.** If any person violates any provision of this Code and any person or property in consequence thereof is injured or damaged, the person so guilty of such violation shall be liable to the City in relation thereto, and no prosecution or other proceeding by the City of such person for any penalty imposed for a violation shall constitute a bar to such action by the City for such damages.

ARTICLE V - STREET IMPROVEMENTS

34-5-1 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 Superintendent and the City Council.

(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 obtaining permission from the Superintendent to do so.

(C) **Cost to Owner.** If the funds are available and the City Council approves the request, the property owner shall pay the cost of the concrete and thereafter, the sidewalk shall be constructed by the City. The cost of construction shall not include any engineering fees; these shall be paid by the City.

(D) **Subdivisions.** This Section is not applicable to new subdivisions.
(Ill. Rev. Stat., Ch. 24; Sec. 11-80-13)

34-5-2 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 a request with the Superintendent, giving the location of the property and the length of the curbs and gutters requested.

(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 and thereafter, the curb and gutter will be constructed by the City. The cost of construction shall not include any engineering fees; these shall be paid 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.
(Ill. Rev. Stat., Ch. 24; Sec. 11-80-13)

34-5-3 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 shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.

(C) **Permits.** Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Superintendent or his designated representative.

(D) **Requirements; Use of Storm Water Sewers.** Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the City. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system.

ARTICLE VI - CULVERTS

34-6-1 **OBSTRUCTION OF DRAIN OR STORM SEWER.** It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

34-6-2 **PERMIT FOR CULVERT.** It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the City Clerk.

34-6-3 **APPLICATION FOR PERMIT.** Any person desiring a permit to install or replace any culvert shall file an application therefor with the City Clerk upon a form to be provided for that purpose. The application and the permit issued pursuant thereto shall be on the same form which shall be substantially as outlined in **Appendix 'A'** attached hereto.

34-6-4 **TERMINATION OF PERMIT.** All such permits shall terminate upon the expiration of **one (1) year following the date of issue.**

34-6-5 **TYPE OF CULVERT.** Culverts shall be installed where driveways or walkways cross open ditches. The material used for the construction of the culverts shall be reinforced concrete, corrugated steel culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, corrugated aluminum alloy culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, asbestos cement storm drain pipe (**Class IV**), or of such other material as determined by the Street Department, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the Superintendent. The person desiring the culvert shall purchase a culvert as provided herein and shall have it delivered on the site. The City shall install the culvert.

34-6-6 **COST OF INSTALLATION.** Any person installing or replacing a culvert shall, at his own expense, construct and install drainage inlet boxes in such form and manner as the Superintendent determines necessary depending on the conditions existing.

34-6-7 **BACKFILL COST.** Any person installing or replacing a culvert shall, at his own expense, provide and place such backfill material as the Superintendent determines necessary to complete the project.

34-6-8 **REPLACEMENT COST.** The expense of replacing any culvert shall be borne by the person making application for the permit to install the same.

ARTICLE VII - DRIVEWAYS

34-7-1 **PERMITS REQUIRED.** No person shall construct a driveway for vehicles across any sidewalk in the City without having first obtained a permit therefor.

Applications for such permits shall be made to the City Clerk and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served shall be issued except upon the order of the City Clerk.

34-7-2 **FEE.** The fee for all such construction shall be **One Dollar (\$1.00)**.

34-7-3 **GRADE SURFACE.** No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

34-7-4 **SPECIFICATIONS.** Driveways across sidewalks shall be constructed in compliance with the specifications required by the Superintendent.

34-7-5 **BREAKING CURB - BOND REQUIRED.** Before a permit can be issued to break a curb in the City for the installation of a driveway or any other purpose, a bond or cash in the amount of **One Hundred Dollars (\$100.00)** is required to be posted with the City Clerk.

34-7-6 **REPAIR.** It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings.

ARTICLE VIII - SNOW REMOVAL

34-8-1 **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.

34-8-2 **SNOW AND ICE TO BE REMOVED FROM SIDEWALKS BY PRIVATE PERSONS.**

(A) Every person in charge or control of any building or lot of land within the City fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path from so much of a sidewalk as is in front or abuts on said building or lot of land. Snow and ice shall be so removed from sidewalks in all business districts within the City **by twenty-four (24) hours** after cessation of any fall of snow, sleet or freezing rain. The path required to be cleared in the business district shall be **six (6) feet in width**, or the whole width of the sidewalk, whichever is smaller.

(B) However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (A) above, cause enough sand, cinders or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path on said sidewalk of at least **six (6) feet in width** to be thoroughly cleaned.

34-8-3 **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.

34-8-4 **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 - MOVING BUILDINGS

34-9-1 **PERMIT REQUIRED.** It shall be unlawful for any person to move or cause to be moved, any building in, into, through, or from the City without first obtaining a permit therefor from the City Clerk. Such permit shall be known as a "**House Moving Permit**".

34-9-2 **APPLICATION FOR PERMIT.** Any person desiring such a permit shall file with the City Clerk an application therefor in writing on a form to be furnished by the Superintendent for that purpose. Such application shall specify the following:

- (A) The character and size of the building to be moved;
- (B) The reason for such moving;
- (C) The use, purpose and occupancy for which said building or structure is to be used;
- (D) The location from which and to which said building is to be moved;
- (E) A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the City;
- (F) The streets on, over or through which it is desired to move said building;
- (G) Whether the building conforms to the Zoning Code or other applicable regulations in the location to which it is to be moved.

34-9-3 **INVESTIGATION.** Upon the filing of the application, the Superintendent shall cause the Zoning Administrator, or other authorized representative of the City, to investigate the building and report to him the results of such investigation, together with recommended action thereon.

34-9-4 **DENIAL OF PERMIT.** No permit shall be issued to move any building or structure which, in the opinion of the Superintendent:

- (A) Is so constructed or in such condition as to be dangerous;
- (B) Is infested with pests or unsanitary;
- (C) If it is a dwelling or habitation, is unfit for human habitation;
- (D) Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of **one thousand (1,000) feet** from the proposed site;
- (E) If the proposed use is prohibited by the Zoning Code;
- (F) If the structure is of a type prohibited at the proposed location by any ordinance of the City; or
- (G) If the moving of the building or structure causes unreasonable damage to the trees, plants and/or shrubs on and along the public streets.

Provided, however, that if the condition of the building or structure, in the judgment of the Superintendent, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

34-9-5 **TERMS AND CONDITIONS OF PERMIT.** When a house moving permit is granted, such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to the public streets or other public property in the City on, over, or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

34-9-6 **ESTIMATE OF COST AND DEPOSIT.** The applicant shall also deposit with the City Clerk a cash deposit sufficient to cover the cost to the City as estimated by the Superintendent of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing and displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the City or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the City.

34-9-7 **LIABILITY INSURANCE.** Every person moving a building in the City shall file with the City Clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do insurance business in the State, which policy shall conform in all respects to the requirements of this Section.

In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this Section has been issued, and shall set forth the expiration date of said policy.

The liability policy required under this Section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of any person, or damage to any property growing out of the moving of such building to the amount or limit of **Fifty Thousand Dollars (\$50,000.00)** exclusive of interest and costs, on account of injury to or death of any **one (1) person**, of **One Hundred Thousand Dollars (\$100,000.00)** exclusive of interest and costs, on account of moving any **one (1) building** resulting in injury to or death of more than **one (1) person**, and of **Twenty-Five Thousand Dollars (\$25,000.00)** for damage to property of others, resulting from moving any **one (1) building**.

34-9-8 OWNERS COMPLETION BOND OR SAVINGS AND LOAN CERTIFICATE AND SHARE. Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Zoning Administrator or other authorized representative of the City, a corporate surety bond, conditioned as follows:

That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time to be specified in the permit by the Zoning Administrator, or other authorized representative of the City. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done, plus **ten percent (10%)** thereof, and shall name the City as obligee, and shall be in a form approved by the City Attorney.

In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond.

An extension of time for the completion may be granted in writing by the Zoning Administrator or other authorized representative of the City when, in his discretion, circumstances shall so justify, but no such extension shall release any surety or other security.

34-9-9 CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the City Clerk a bond or other form of security in favor of the City, conditioned as follows:

(A) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipe lines that are to be disconnected from the building may be securely capped and sealed.

(B) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(C) Within **ten (10) days** after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

- (1) Securely close and seal any sanitary piping located on the property.
- (2) Fill with dirt or sand any septic tanks or cesspools located on the property.
- (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Superintendent.
- (4) Remove any buried underground tanks formerly used for storage of flammable liquids.
- (5) Remove all refuse, debris and waste materials from the property.

The bond required by this Section shall be an amount equal to the cost of the work proposed to be done, as estimated by the Superintendent.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this Section may be granted by the Superintendent when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this Section.

34-9-10 **INSPECTION FEE AND PERMIT FEE.** An inspection fee in the sum of **Fifteen Dollars (\$15.00)** shall be paid to the City Clerk upon filing of each application for a house moving permit.

A permit fee in the sum of **Ten Dollars (\$10.00)** shall be paid to the City Clerk upon the issuance of each house moving permit.

34-9-11 **ISSUANCE OF PERMIT.** The Superintendent shall approve the issuance of a house moving permit when all the necessary requirements and conditions of this Article have been complied with. It shall then be the duty of the City Clerk to issue the permit.

34-9-12 **SUSPENSION OR REVOCATION OF PERMIT.** The Superintendent, at any time, and for sufficient cause, may revoke or suspend any permit granted under this Article.

34-9-13 **CONTROL AND SUPERVISION.** Every building which is moved on, over, or through any public street, way or park in the City shall be under the control of the Superintendent and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of the Superintendent. This Section in no way relieves the person having charge of the moving of any building of his obligation to furnish proper supervision.

34-9-14 **NOTICE REQUIRED.** Notice must be given to both the Street Department and the Police Department of the City by the person or his representative to whom the permit is issued not less than **forty-eight (48) hours** nor more than **seventy-two (72) hours** before the actual work of moving a building or structure is to commence.

34-9-15 DEFAULT IN PERFORMANCE OF CONDITIONS. Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the Superintendent; said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done, or pay over to the City Clerk the estimated cost of doing the work, as set forth in the notice, plus **ten percent (10%)** of said estimated cost. Upon receipt of notice from the City Clerk that the permittee has deposited such money, the Superintendent shall cause the required work to be performed and completed.

If the permittee defaults, the City shall have the option in lieu of completing the work required to demolish the building or structure and to clear, clean and restore the site or sites.

34-9-16 APPROVAL OF ROUTE. The streets over which any building or structure is to be moved must be approved by the Superintendent and the Chief of Police.

34-9-17 OBSTRUCTING STREETS. No person owning or having charge of the moving of any building into, on, over, through, or from any public streets, ways or parks in the City shall permit said building to remain in any one location on any such street, way or park for a period longer than **twenty-four (24) hours**, except by written permission obtained from the Chief of Police, or to obstruct traffic on any railroad.

34-9-18 LIGHTS AND BARRICADES. The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness.

34-9-19 WIRES AND STRUCTURAL SUPPORTS. In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility or of the City, or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted, or his authorized representative, shall obtain permission in writing from the owner or owners of such pole, structure or wires, cables or other equipment thereon, and shall notify such owner or owners at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or City property; and such work shall be done only by the authorized workmen of the utility or

the City, whichever is the owner.

The person to whom the permit is granted shall pay to the public utility, or to the City, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

34-9-20 TREES, PLANTS AND SHRUBS. In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the City, the person to whom such permit has been granted or his authorized representative shall notify the Superintendent at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of the time of notice, or at any time, trim, move, remove, replant, or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the City unless otherwise approved and so ordered by the Superintendent.

The person to whom the permit is granted shall pay to the City, any and all costs or expenses for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

34-9-21 REPAIRS TO PUBLIC PROPERTY. In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the City may have, the Superintendent may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person to whom such a permit has been granted, or his authorized representative, upon written notification from the Superintendent to make all necessary repairs to such streets or property; provided, however, that should the person to whom the permit has been granted and to whom the notice has been given, or his authorized representative, fails to make the necessary repairs within the period of time designated in the written notice, the Superintendent may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

34-9-22 REFUNDING OF DEPOSITS. When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the Superintendent, and all costs of repairing damages or performing other work as provided herein have been paid and the deposit as required by **Section 34-9-6**, or such portion thereof then remaining unused under the provisions of this Article, shall be refunded upon surrender of the deposit receipt representing the money so deposited. However, should the cost of repairing damages and/or performing other work, as in this Article provided, exceed the total amount of money deposited, the person to whom the permit was granted shall

be held liable for the amount of damage and/or other costs which are in excess of the amount deposited. It shall be the duty of the City Clerk, upon receipt of the request from the Superintendent, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.

ARTICLE X - CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

34-10-1 PURPOSE AND SCOPE.

(A) **Purpose.** The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole.

(B) **Intent.** In enacting this Article, the City intends to exercise its authority over the rights-of-way in the City and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) prevent interference with the facilities and operations of the City's utilities and of other utilities lawfully located in rights-of-way or public property;
- (4) protect against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) preserve the character of the neighborhoods in which facilities are installed;
- (7) preserve open space, particularly the tree-lined parkways that characterize the City's residential neighborhoods;
- (8) prevent visual blight from the proliferation of facilities in the rights-of-way; and
- (9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) **Facilities Subject to this Article.** This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the City. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) **Franchises, Licenses, or Similar Agreements.** The City, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the City rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the City enter into such an

agreement. In such an agreement, the City may provide for terms and conditions inconsistent with this Article.

(E) **Effect of Franchises, Licenses, or Similar Agreements.**

(1) **Utilities Other Than Telecommunications Providers.**

In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the City, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(2) **Telecommunications Providers.**

In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the City and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Articles or Chapters.** This Article supersedes all Articles or Chapters or parts of Articles or Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The City shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the City so determines. Nothing herein shall be construed to limit the ability of the City to regulate its rights-of-way for the protection of the public health, safety and welfare.

34-10-2 DEFINITIONS. As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 520.30, unless the context clearly requires otherwise.

"AASHTO": American Association of State Highway and Transportation Officials.

"ANSI": American National Standards Institute.

"Applicant": A person applying for a permit under this Article.

"ASTM": American Society for Testing Materials.

"Backfill": The methods or materials for replacing excavated material in a trench or pit.

"Bore" or "Boring": To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable Operator": That term as defined in 47 U.S.C. 522(5).

"Cable Service": That term as defined in 47 U.S.C. 522(6).

"Cable System": That term as defined in 47 U.S.C. 522(7).

"Carrier Pipe": The pipe enclosing the liquid, gas or slurry to be transported.

"Casing": A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"City": The City of Chester.

"Clear Zone": The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

"Coating": Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Conductor": Wire carrying electric current.

"Conduit": A casing or encasement for wires or cables.

"Construction" or "Construct": The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover": The depth of earth or backfill over buried utility pipe or conductor.

"Crossing Facility": A facility that crosses one or more right-of-way lines of a right-of-way.

"Disrupt the Right-of-Way": For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse affect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency": Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

"Encasement": Provision of a protective casing.

"Engineer": The City Engineer or his or her designee.

"Equipment": Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation": The making of a hole or cavity by removing material, or laying bare by digging.

"Extra Heavy Pipe": Pipe meeting ASTM standards for this pipe designation.

"Facility": All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under,

across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the City.

"Freestanding Facility": A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage Road": Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Hazardous Materials": Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the City Engineer or Superintendent to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

"Highway Code": The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Highway": A specific type of right-of-way used for vehicular traffic including rural or urban roads, alleys or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder": A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"IDOT": Illinois Department of Transportation.

"ICC": Illinois Commerce Commission.

"Jacking": Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting": Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use": The use of pole lines, trenches or other facilities by two or more utilities.

"J.U.L.I.E.": The Joint Utility Locating Information for Excavators utility notification program.

"Major Intersection": The intersection of two or more major arterial highways.

"Occupancy": The presence of facilities on, over or under right-of-way.

"Parallel Facility": A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway": Any portion of the right-of-way not improved by street or sidewalk.

"Pavement Cut": The removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee": That entity to which a permit has been issued pursuant to Sections 34-10-4 and 34-10-5 of this Article.

"Practicable": That which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure": The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines": Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Prompt": That which is done within a period of time specified by the City. If no time period is specified, the period shall be **thirty (30) days**.

"Public Entity": A legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Restoration": The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-Way" or "Rights-of-Way": Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the City has the right and authority to authorize, regulate or permit the location of facilities other than those of the City. "Right-of-way" or "rights-of-way" shall not include any real or personal City property that is not specifically described in the previous two sentences and shall not include City buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

"Roadway": That part of the highway that includes the pavement and shoulders.

"Sale of Telecommunications at Retail": The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

"Security Fund": That amount of security required pursuant to **Section 34-10-10**.

"Shoulder": A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

"Sound Engineering Judgment": A decision(s) consistent with generally accepted engineering principles, practices and experience.

"Superintendent": The Superintendent or his or her designee.

"Telecommunications": This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or

information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the City through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

"Telecommunications Provider": Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer": Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

"Trench": A relatively narrow open excavation for the installation of an underground facility.

"Utility": The individual or entity owning or operating any facility as defined in this Article.

"Vent": A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video Service": That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Water Lines": Pipelines carrying raw or potable water.

"Wet Boring": Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

34-10-3 ANNUAL REGISTRATION REQUIRED. Every utility that occupies right-of-way within the City shall register on **January 1** of each year with the Superintendent, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 34-10-8** of this Article, in the form of a certificate of insurance.

34-10-4 PERMIT REQUIRED; APPLICATIONS AND FEES.

(A) **Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any City right-of-way which:

- (1) changes the location of the facility;
- (2) adds a new facility;
- (3) disrupts the right-of-way (as defined in this Article), or
- (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Superintendent and obtaining a permit from the City therefor, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(B) **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the City and shall be filed in such number of duplicate copies as the City may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) **Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the City:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and

- (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the City and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the City finds that additional information or assurances are needed;
- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- (7) Evidence of insurance as required in **Section 34-10-8** of this Article;
- (8) Evidence of posting of the security fund as required in **Section 34-10-10** of this Article;
- (9) Any request for a variance from one or more provisions of this Article (**See Section 34-10-21**); and
- (10) Such additional information as may be reasonably required by the City.

(D) **Supplemental Application Requirements for Specific Types of Utilities.** In addition to the requirements of paragraph (C) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

- (1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

- (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or
- (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(E) **Applicant's Duty to Update Information.** Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the City within **thirty (30) days** after the change necessitating the amendment.

(F) **Application Fees.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a base fee in the amount of \$100.00. Additional application review costs will vary with the complexity of the project and will be determined on a case by case basis and shall be paid prior to issuance of final permit. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

34-10-5 ACTION ON PERMIT APPLICATIONS.

(A) **City Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Superintendent within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall reject such application in writing, stating the reasons therefor. If the Superintendent is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Superintendent, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional City Review of Applications of Telecommunications Retailers.**

- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the City that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the City not less than **ten**

- (10) days prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Superintendent shall specify the portion of the right-of-way upon which the facility may be placed, used or constructed.
- (2) In the event that the Superintendent fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) days** after service of notice to the City by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **twenty-five (25) days** after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.
- (3) Upon the provision of such specification by the City, where a permit is required for work pursuant to **Section 34-10-4** of this Article the telecommunications retailer shall submit to the City an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) **Additional City Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted **forty-five (45) days** after submission to the City, unless otherwise acted upon by the City, provided the holder has complied with applicable City codes, ordinances, and regulations.

34-10-6 EFFECT OF PERMIT.

(A) **Authority Granted; No Property Right or Other Interest Created.** A permit from the City authorizes a permittee to undertake only certain activities in accordance with this Article on City rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

(B) **Duration.** No permit issued under this Article shall be valid for a period longer than **six (6) months** unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work

under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the City with such City representatives in attendance as the City deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(D) **Compliance With All Laws Required.** The issuance of a permit by the City does not excuse the permittee from complying with other requirements of the City and applicable statutes, laws, ordinances, rules, and regulations.

34-10-7 REVISED PERMIT DRAWINGS. In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the City within **ninety (90) days** after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with **Section 34-10-21** of this Article. If the City denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

34-10-8 INSURANCE.

(A) **Required Coverages and Limits.** Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the City, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

- (1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:
 - (a) **Five Million Dollars (\$5,000,000.00)** for bodily injury or death to each person;
 - (b) **Five Million Dollars (\$5,000,000.00)** for property damage resulting from any one accident; and
 - (c) **Five Million Dollars (\$5,000,000.00)** for all other types of liability;

- (2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of **One Million Dollars (\$1,000,000.00)** for personal injury and property damage for each accident;
- (3) Worker's compensation with statutory limits; and
- (4) Employer's liability insurance with limits of not less than **One Million Dollars (\$1,000,000.00)** per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

(B) **Excess or Umbrella Policies.** The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) **Copies Required.** The utility shall provide copies of any of the policies required by this Section to the City within **ten (10) days** following receipt of a written request therefor from the City.

(D) **Maintenance and Renewal of Required Coverages.** The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until **thirty (30) days** after receipt by the City, by registered mail or certified mail, return receipt requested, of a written notice addressed to the City Clerk of such intent to cancel or not to renew."

Within **ten (10) days** after receipt by the City of said notice, and in no event later than **ten (10) days** prior to said cancellation, the utility shall obtain and furnish to the City evidence of replacement insurance policies meeting the requirements of this Section.

(E) **Self-Insurance.** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by paragraph (A) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under paragraph (A), or the requirements of paragraphs (B), (C) and (D) of this Section. A utility that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under paragraph (A) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

(F) **Effect of Insurance and Self-Insurance on Utility's Liability.** The legal liability of the utility to the City and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall

not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) **Insurance Companies.** All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rates "A-" or better and of a class size "X" or higher by A.M. Best Company.

34-10-9 INDEMNIFICATION. By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the City and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the City, its officials, officers, employees, agents or representatives.

34-10-10 SECURITY.

(A) **Purpose.** The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve a security for:

- (1) The faithful performance by the permittee of all the requirements of this Article;
- (2) Any expenditure, damage, or loss incurred by the City occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the City issued pursuant to this Article; and
- (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the City may pay or incur by reason of any action or non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the City must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other

payments due the City from the permittee pursuant to this Article or any other applicable law.

(B) **Form.** The permittee shall provide the Security Fund to the City in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the City, or an unconditional letter of credit in a form acceptable to the City. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the City and the permittee;
- (2) Not require the consent of the permittee prior to the collection by the City of any amounts covered by it; and
- (3) Shall provide a location convenient to the City and within the State of Illinois at which it can be drawn.

(C) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Superintendent, and may also include reasonable, directly related costs that the City estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the City, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Superintendent may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Withdrawals.** The City, upon **fourteen (14) days'** advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this paragraph, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the City for such amount within the **fourteen (14) day** notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
- (2) Fails to pay any liens relating to the facilities that are due and unpaid;
- (3) Fails to reimburse the City for any damages, claims, costs or expenses which the City has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

(4) Fails to comply with any provision of this Article that the City determines can be remedied by an expenditure of an amount in the Security Fund.

(E) **Replenishment.** Within **fourteen (14) days** after receipt of written notice from the City that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in paragraph (C) of this Section.

(F) **Interest.** The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the City, upon written request for said withdrawal to the City, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in paragraph (C) of this Section.

(G) **Closing and Return of Security Fund.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the City for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the City to the extent necessary to cover any reasonable costs, loss or damage incurred by the City as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) **Rights Not Limited.** The rights reserved to the City with respect to the Security Fund are in addition to all other rights of the City, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the City may have. Notwithstanding the foregoing, the City shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

34-10-11 PERMIT SUSPENSION AND REVOCATION.

(A) **City Right to Revoke Permit.** The City may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- (2) Noncompliance with this Article;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The City shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article

stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this **Section 34-8-11**.

(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the City, the permittee shall have the following options:

- (1) Immediately provide the City with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the City, the deficiencies stated in the written notice, providing written proof of such correction to the City within **five (5) working days** after receipt of the written notice of revocation; or
- (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the City providing written proof of such removal to the City within **ten (10) days** after receipt of the written notice of revocation.

The City may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the City may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the City or its designee may, at the option of the City:

- (1) correct the deficiencies;
- (2) upon not less than **twenty (20) days** notice to the permittee, remove the subject facilities or equipment; or
- (3) after not less than **thirty (30) days** notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the City. The permittee shall be liable in all events to the City for all costs of removal.

34-10-12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) **Notification of Change.** A utility shall notify the City no less than **thirty (30) days** prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the City's right-of-way.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

34-10-13 GENERAL CONSTRUCTION STANDARDS.

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard Specifications for Traffic Control Items;
- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Superintendent shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Superintendent shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

34-10-14 TRAFFIC CONTROL.

(A) **Minimum Requirements.** The City's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

(C) **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to **Section 34-10-20** of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the City.

34-10-15 LOCATION OF FACILITIES.

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

- (1) **No Interference with City Facilities.** No utility facilities shall be placed in any location if the Superintendent determines that the proposed location will require the relocation or displacement of any of the City's utility facilities or will otherwise interfere with the operation or maintenance of any of the City's utility facilities.
- (2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
- (3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
- (4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
- (5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(B)

Parallel Facilities Located Within Highways.

- (1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
 - (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;
 - (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line of the roadway and are not within the clear zone;
 - (d) No pole is located in the ditch line of a highway; and
 - (e) Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.
- (2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;
 - (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.

(C)

Facilities Crossing Highways.

- (1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of City highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

- (2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- (3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.
- (4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:
 - (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
 - (b) Poles are located within **one (1) foot (0.3m)** of the right-of-way line of the highway and outside of the clear zone; and
 - (c) Overhead crossings at major intersections are avoided.
- (5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:
 - (a) The design materials and construction methods will provide maximum maintenance-free service life; and
 - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) **Markers.** The City may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(D) **Facilities to be Located Within Particular Rights-of-Way.**

The City may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E) **Freestanding Facilities.**

- (1) The City may restrict the location and size of any freestanding facility located within a right-of-way.
- (2) The City may require any freestanding facility located within a right-of-way to be screened from view.

(F) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:

- (1) No other existing facilities in the area are located underground;
- (2) New underground installation is not technically feasible; and
- (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G)

Facility Attachments to Bridges or Roadway Structures.

- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
- (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
 - (c) The alternative routings available to the utility and their comparative practicability;
 - (d) The proposed method of attachment;
 - (e) The ability of the structure to bear the increased load of the proposed facility;
 - (f) The degree of interference with bridge maintenance and painting;
 - (g) The effect on the visual quality of the structure; and

- (h) The public benefit expected from the utility service as compared to the risk involved.

(H)

Appearance Standards.

- (1) The City may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

34-10-16 CONSTRUCTION METHODS AND MATERIALS.

(A)

Standards and Requirements for Particular Types of

Construction Methods.

(1) **Boring or Jacking.**

- (a) **Pits and Shoring.** Boring and jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Superintendent from the edge of the pavement. Pits for boring or jacking shall be excavated no more than **forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- (b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.
- (c) **Borings With Diameters Greater than Six (6) Inches.** Borings over **six (6) inches (0.15m)** in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm)**.
- (d) **Borings with Diameters Six (6) Inches or Less.** Borings of **six (6) inches** or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
- (e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the City to be preserved shall be bored under or around the root system.

- (2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 IDOT's "Standard Specifications for Road and Bridge Construction".
- (a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Superintendent.
- (b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
- (c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the City to be preserved.
- (3) **Backfilling.**
- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
- (b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Superintendent, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Superintendent.

- (4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be discouraged but may be permitted only upon location specific approval by the Superintendent and only if that portion of the roadway is closed to traffic.
- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Superintendent.
 - (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the City.
 - (c) All saw cuts shall be full depth.
 - (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last **seven (7) years**, or resurfaced in the last **three (3) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.
- (5) **Encasement.**
- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the City.
 - (b) The venting, if any, of any encasement shall extend within **one (1) foot (0.3m)** of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
 - (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or City approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the City. Bell and spigot type pipe shall be encased regardless of installation method.
 - (d) In the case of gas pipelines of **60 psig** or less, encasement may be eliminated.

- (e) In the case of gas pipelines or petroleum products pipelines with installations of more than **60 psig**, encasement may be eliminated only if:
 - (i) extra heavy pipe is used that precludes future maintenance or repair and
 - (ii) cathodic protection of the pipe is provided;
 - (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- (6) **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches (0.8m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6m, as Determined by City)
Gas or Petroleum Products	30 inches (0.8m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, Or Drainage Line	Sufficient Cover to Provide Freeze Protection

(B)
Facilities.

Standards and Requirements for Particular Types of

- (1) **Electric Power or Communication Lines.**
 - (a) **Code Compliance.** Electric power or communications facilities within City rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines", and the National Electrical Safety Code.

- (b) **Overhead Facilities.** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
- (c) **Underground Facilities.**
 - (i) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
 - (ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:
 - a. the crossing is installed by the use of "moles", "whip augers", or other approved method which compress the earth to make the opening for cable installation or
 - b. the installation is by the open trench method which is only permitted prior to roadway construction.
 - (iii) Cable shall be grounded in accordance with the National Electrical Safety Code.
 - (iv) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 15** of the current year, also known as snowdrops, shall be buried by **May 31** of the current year, weather permitting, unless otherwise permitted by the City. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within **ten (10) business days** after placement.
- (2) **Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:
 - (a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;
 - (b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

- (c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - (d) tunneling with vented encasement, but only if installation is not possible by other means.
- (3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a City approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT’s “Standard Specifications for Road and Bridge Construction”, and all other applicable laws, rules, and regulations.
 - (4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
 - (5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current “Standard Specifications for Water and Sewer Main Construction in Illinois”.
 - (6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending **one (1) foot (305mm)** in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Superintendent, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C)

Materials.

- (1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT’s “Standard Specifications for Road and Bridge Construction”, the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- (2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval

of the Superintendent. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the City.

- (3) **Hazardous Materials.** The plans submitted by the utility to the City shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) **Operational Restrictions.**

- (1) Construction operations on rights-of-way may, at the discretion of the City, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
- (2) These restrictions may be waived by the Superintendent when emergency work is required to restore vital utility services.
- (3) Unless otherwise permitted by the City, the hours of construction are from **6:00 A.M. to 6:00 P.M.**

(E) **Location of Existing Facilities.** Any utility proposing to construct facilities in the City shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The City will make its permit record available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the City or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within **forty-eight (48) hours**, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

34-10-17 VEGETATION CONTROL.

(A) **Electric Utilities - Compliance with State Laws and Regulations.** An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations,

and additionally, with such local franchise or other agreement with the City as permitted by law.

(B) **Other Utilities - Tree Trimming Permit Required.** Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

(1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The City will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The City may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) **Specimen Trees or Trees of Special Significance.** The City may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(D) **Chemical Use.**

(1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the City for any purpose, including the control of growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Superintendent that such spraying is the only practicable method of vegetation control.

34-10-18 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.

(A) **Notice.** Within **ninety (90) days** following written notice from the City, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) days** following written notice from the City, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The City retains the right and privilege to cut or move any facilities located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the City, the utility shall notify the City within **ninety (90) days**. Following receipt of such notice the City may direct the utility to remove all or any portion of the facility if the Superintendent determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the City does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the City, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

34-10-19 CLEANUP AND RESTORATION. The utility shall remove all excess material and restore all turf and terrain and other property within **ten (10) days** after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the City. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall

be made using materials and methods approved by the Superintendent. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Superintendent for good cause shown.

34-10-20 MAINTENANCE AND EMERGENCY MAINTENANCE.

(A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the City and at the utility's expense.

(B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- (2) In an emergency, the utility shall, as soon as possible, notify the Superintendent or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the City police shall be notified immediately.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) **Emergency Repairs.** The utility must file in writing with the City a description of the repairs undertaken in the right-of-way within **forty-eight (48) hours** after an emergency repair.

34-10-21 VARIANCES.

(A) **Request for Variance.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Superintendent

as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority to Grant Variances.** The Superintendent shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(C) **Conditions for Granting of Variance.** The Superintendent may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Superintendent may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Superintendent under the provisions of this Article shall have the right to appeal to the City Council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the City Clerk within **thirty (30) days** after the date of such order, requirement, decision or determination. The City Council shall commence its consideration of the appeal at the Council's next regularly scheduled meeting occurring at least **seven (7) days** after the filing of the appeal. The City Council shall timely decide the appeal.

34-10-22 PENALTIES. Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the City will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the City's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No

other administrative agency or commission may review or overrule a permit related cost apportionment of the City. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

34-10-23 ENFORCEMENT. Nothing in this Article shall be construed as limiting any additional or further remedies that the City may have for enforcement of this Article.

34-10-24 SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**CITY OF CHESTER
1330 Swanwick St.
Chester, IL 62233**

EXCAVATION PERMIT

NAME _____

FIRM NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

LOCATION OF PROPOSED EXCAVATION _____

NATURE OF EXCAVATION _____

BONDING COMPANY:

NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

AMOUNT OF BOND \$ _____

PREVIOUS EXPERIENCE (LIST CITIES AND/OR VILLAGES)

	<u>CITY/VILLAGE</u>	<u>CITY/VILLAGE OFFICIAL</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

I have read the municipal law with regard to excavations and my firm or company intends to fully comply with the Street Regulations Code provisions.

(Applicant's Signature)

**CITY OF CHESTER
1330 Swanwick St.
Chester, IL 62233**

APPLICATION FOR CULVERT PERMIT

I, _____, do hereby request permission and authority to construct a culvert on the right-of-way of the City in accordance with the information provided on this application and the accompanying sketch. **(Applicant must prepare a sketch showing location, length and pertinent details.)**

ADDRESS: _____

Pipe material will be: _____

Wall thickness or gauge will be: _____

Type of joint will be: _____

DATED: _____, 20__ SIGNED: _____
(APPLICANT)

CULVERT PERMIT

APPLICATION

Approved ()

Disapproved ()

If disapproved, state reasons:

DATED: _____, 20__ SIGNED: _____
CITY OF CHESTER

CERTIFICATION

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is not) in accordance with the permit.

DATED: _____, 20__ SIGNED: _____
CITY OF CHESTER

CHAPTER 35

SUBDIVISION CODE

ARTICLE I - RULES AND DEFINITIONS

35-1-1 PURPOSE AND JURISDICTION. All subdivisions hereafter planned within the incorporated limits of the City shall, in all respects, be in full compliance with the regulations hereinafter contained in this Code.

35-1-2 RULES AND DEFINITIONS. The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

(A) Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.

(B) All measured distances are expressed in feet, tenths, and hundredths.

(C) See **Chapter 1** for other definitions.

35-1-3 DEFINITIONS. The following words and terms, wherever they occur in this Chapter, shall be construed as herein defined:

"ARTERIAL STREET" (thoroughfare, major street, highway) is a public right-of-way with the highest degree of traffic continuity and serving as a major traffic-way for fast or heavy traffic between the various districts of the City, as shown in the official plan.

"BUILDING SETBACK LINE" is a line within a lot or other parcel of land, so designated on the preliminary plan, between which line and the adjacent street, the erection of an enclosed structure is prohibited.

"CHECKLIST" is a list of all necessary data and information required to be shown on or submitted along with each preliminary plan, engineering plan, or final plat, as appropriate.

"COLLECTOR STREET" is a street of considerable continuity which carries traffic from minor streets to an arterial street, including the principal entrance streets of residential developments and the principal circulating streets within such a development.

"CUL-DE-SAC" is a minor street having one open end and being permanently terminated at the other by a vehicular turn-around.

"EASEMENT" is a grant by a property owner of the specific use of land by others.

"ENGINEERING PLAN" is a set of plans and specifications prepared by a registered Illinois land surveyor, showing in detail all data required in **Article V**.

"FINAL PLAT" is a surveyor's plat of a proposed subdivision as described in **Article VII**.

"LAND IMPROVEMENTS" are sewer and water systems, including all appurtenances thereto, curbs, paving, street lights, sidewalks, street signs, seeding, and tree plantings required under this Chapter.

"LOT" is a portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future of transfer of ownership or for building development.

"MARGINAL STREET" is a minor street which is parallel to and adjacent to, or in the immediate vicinity of an arterial street and which has, for its purposes, the relief of such thoroughfares from the local service of abutting properties.

"MINOR STREET" is a street of limited continuity used primarily for access to abutting properties and the local needs of the neighborhood.

"OFFICIAL PLAN" refers to the composite of the functional and geographic elements of the official plan or any segment thereof, in the form of plans, maps, charts, and textual material, as adopted by the City.

"OFFICIAL SURVEY MONUMENT". In the extreme corners of any subdivision, there shall be placed **4" x 4" x 24"** concrete monuments with a **one-half (1/2) inch** diameter iron rod cast in the center of same with the land surveyor's name and number stamped on the monument. In the lot corners of each lot there shall be placed an iron rod with a **one-half (1/2) inch** diameter and to be **thirty (30) inches** in length. The surveyor's name and number shall be on the cap.

"OWNER" is any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.

"PEDESTRIAN WAY" (CROSSWALK) is a right-of-way across a block or providing access within a block, to be used primarily by pedestrians.

"PERSON" is any individual, firm, association, partnership, corporation, trust, or any other legal entity.

"PRELIMINARY PLAN" is a tentative map or plan of a proposed subdivision, as described in **Article III**.

"PROTECTIVE COVENANTS" are contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability to values.

"STREET" (avenue, highway, road, boulevard, lane, court, drive, parkway, place, terrace) is a right-of-way which affords means of access by pedestrians and vehicles to abutting properties.

"STREET WIDTH" is the shortest distance between lines delineating the right-of-way of a street.

"SUBDIVIDER" is any person commencing proceedings under this Chapter for himself or for another.

"SUBDIVISION" shall mean any division of land by an owner whereby the owner would be required to have such land surveyed and a plat thereof made by a registered land surveyor pursuant to the provisions of **765 ILCS 205 et seq.**, which is an act in relation to plats.

ARTICLE II - PROCEDURE

35-2-1 **PROCEDURE.** In order to subdivide any tract of land, an owner or subdivider shall follow the procedure set forth in this Chapter.

35-2-2 **PRELIMINARY PLAN.**

(A) The subdivider shall file **eight (8) copies** of the preliminary plan with the City Council at the office of the City Clerk at least **ten (10) days** prior to the regularly scheduled Planning Commission meeting.

(B) The City Clerk shall immediately distribute **one (1) copy** to the Maintenance Superintendent; **one (1) copy** to the Water Distribution Superintendent; **one (1) copy** to the Gas Superintendent; and **four (4) copies** to the Planning Commission.

(C) The recommendation of the Planning Commission shall be due within **thirty (30) days** after receipt of the preliminary plan by the Planning Commission and the recommendation shall be returned to the City Clerk for referral to the City Council.

(D) In the event of the disapproval of any preliminary plan by the City Council, the same shall be immediately returned so marked to the City Clerk for return to the subdivider. The subdivider may then file a revised preliminary plan in accordance with paragraph (A) above without an additional filing fee.

(E) A preliminary plan for a specific area of land shall be held valid as applicable to this Code for a period of **three (3) years** after the date of approval by the City Council. The period of validity of such preliminary plan may be extended for periods of **one (1) year** only after request for such extension has been submitted to and approved by the City Council within the final **sixty (60) days** of any aforementioned period of validity.

35-2-3 **ENGINEERING PLANS.** Within **twelve (12) months** after receiving approval of the preliminary plan by the City Council, there shall be submitted to the City Clerk by the subdivider, **eight (8) copies** of the engineering plans and specifications.

The City Clerk shall immediately refer **one (1) copy** to the City Superintendent; **one (1) copy** to the Maintenance Superintendent; **one (1) copy** to the Water Distribution Superintendent; **one (1) copy** to the Gas Superintendent; and **four (4) copies** to the Planning Commission.

In the event of a special problem, the Planning Commission shall notify the owner or subdivider of the time and place at which he shall be afforded an opportunity of being heard. The Planning Commission shall make its recommendation to the City Council within **forty-five (45) days** after receipt of the engineering drawings and specifications. In the event of disapproval of the engineering plans and specifications by the Planning Commission, the same shall be immediately returned so marked to the City Clerk for return to the subdivider, and may be refiled with the City Clerk after necessary revisions are made.

35-2-4 **FINAL PLAT.**

(A) Within **six (6) months** after receiving approval of the engineering plans and specifications by the Planning Commission or a period of time beyond **six (6) months** that may be granted by the City Council, there shall be submitted to the City Clerk by the subdivider the **original drawing, one transparency print, and eight (8) copies of the final plat**, which shall also contain all required signed certifications other than signed certificates of approval by the Planning Commission, the City Council, and the Maintenance Superintendent. The final plat shall retain the overall characteristics of the preliminary plan and may include all or part of the area shown on the preliminary plan.

The City Clerk shall refer the **eight (8) copies** of the final plat as follows: **one (1) copy** to the Maintenance Superintendent and **seven (7) copies** to the Planning Commission. These copies shall be so referred at least **ten (10) days** prior to the next regularly scheduled meeting of the Planning Commission, for a recommendation as to final approval.

In the event of a special problem, the Planning Commission shall notify the owner or subdivider as to the time and place of the Planning Commission's meeting, at which time the owner will be afforded an opportunity of being heard. The Planning Commission shall make its recommendation within **thirty (30) days** after the receipt of the final plat at a meeting of the Planning Commission. A copy of the final plat and recommendations shall be referred to the City Clerk for referral to the City Council.

(B) After receiving the final report of the Planning Commission, the City Council shall approve or disapprove the final plat within **thirty (30) days**. In the event of disapproval of the final plat by the City Council, the same shall be immediately returned to the subdivider and may be refiled, as provided in paragraph (A) above, with the City Clerk after the necessary revisions have been made. No additional filing fee shall be required.

(C) Following the final approval of the final plat, in accordance with **Article VIII**, the City Clerk shall notify the owner or subdivider by letter. The City Clerk shall, within **ten (10) days** after the aforementioned final approval, record the final plat at the County Recorder's Office. At that time, the City Clerk shall obtain **four (4) copies** of the final plat bearing evidence of recording; **one (1) copy** going to the City Clerk's file; **one (1) copy** to the Planning Commission's file; and **two (2) copies** going to the Maintenance Superintendent. The costs of recording shall be paid to the County Recorder by the City. The subdivider shall reimburse the City for the costs of recording.

ARTICLE III - PRELIMINARY PLAN

35-3-1 IDENTIFICATION AND DESCRIPTION.

- (A) Proposed name of subdivision.
- (B) Location by section, town, and range, or by other legal description.
- (C) Names and addresses of owner(s) or subdivider(s) having control of the tract, name and seal of registered engineer or surveyor who prepared topographic survey, and designer of the plan.
- (D) Graphic (engineering) scale not smaller than **one (1) inch to one hundred (100) feet.**
- (E) North-point (designated as North arrow).
- (F) Date of preparation.
- (G) Drawn on **24" x 36"** sheets.

35-3-2 EXISTING CONDITIONS.

- (A) Boundary line of proposed subdivision clearly indicated.
- (B) Total approximate acreage therein.
- (C) Existing zoning district.
- (D) Location, widths, and names of all existing or previously platted streets or other rights-of-way, showing type of improvement, if any, railroad and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of **one hundred (100) feet** beyond the tract.
- (E) Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of **one hundred (100) feet** beyond the tract -- also, indicating such data as grades, invert elevations, and locations of catch basins, manholes and hydrants.
- (F) Location map, drawn at a scale of not less than **one (1) inch equals one thousand (1,000) feet** showing boundary lines of adjoining unsubdivided or subdivided land within an area bounded by nearest arterial streets or other natural boundaries – identifying type of use and ownership of surrounding land and showing alignments of existing streets.
- (G) Topographic data including existing and proposed contours at vertical intervals of not more than **two (2) feet.** Topographic data shall be indicated in feet above mean sea level. Watercourses, marshes, rock outcrops, other significant features, and soil boring data at locations at depths as may be required by the Planning Commission.
- (H) Locations of or reference to locations of existing monuments, bench marks and survey markers used in preparation of plans.

35-3-3 PROPOSED SUBDIVISION DESIGN FEATURES SHALL BE SHOWN **AS FOLLOWS:**

(A) **Street Plan.**

- (1) The arrangement, character, extent, width, grade and location of all streets shall conform to the official plan and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands, to topographical conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

- (2) Every street in any subdivision shall be dedicated as a public street and no private streets shall be approved, except by special action of the Planning Commission and the City Council.
- (3) The layout of streets shall show right-of-way widths and street names (not duplicating the name of any street heretofore used in the City or its environs, unless the street is an extension of an already named street, in which case, the name shall be used), and showing a proposed through street extended to the boundaries of the subdivision.

- (a) Right-of-way widths of major traffic ways, including freeways, parkways, major and secondary thoroughfares shall be in accordance with those designated on the official plan.
- (b) All right-of-way widths shall conform to the following minimum dimensions.

	<u>Minimum</u>	<u>Optimum</u>
Collector Streets	60'	80'
Minor Streets	50'	50'
Cul-de-Sac Streets	50'	60'
Marginal Access Streets	50'	50'

- (c) A cul-de-sac street shall not be more than **five hundred (500) feet** in length measured along its center line from the street of origin to the end of its right-of-way, unless there are more than **sixteen (16) lots** abutting the cul-de-sac street. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of **one hundred twenty (120) feet**.
- (d) Provisions shall be made for serving lots abutting arterial streets and highways by either the use of a marginal access street, or backing lots to the arterial street with a screen planting contained in a non-access reservation along the rear property line.
- (e) It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow. The intersection of more than **two (2) streets** shall be avoided, unless specific conditions of design indicate otherwise.
- (f) Minor streets shall be so aligned that their use by through traffic will be discouraged.
- (g) Where there is a deflection in the street alignment in excess of **twenty (20) degrees** a curve shall be inserted with a radius not less than:

Collector streets	300 feet
Minor streets	150 feet

(h) Tangents at least **fifty (50) feet** long shall be introduced between reverse curves on collector streets.

(4) The existing and proposed center-line profile and cross section of each street shall be shown, indicating also when a new subdivision abuts a previously dedicated street right-of-way that all required street improvements out to the center line of this existing street bounding the new subdivision shall be installed to meet and comply with the current standards of the City.

(a) Where there is a deflection in the horizontal center line within a given block at any one point in excess of **twenty (20) degrees**, a curve shall be inserted with a radius of not less than:

Collector streets	300 feet
Minor streets	150 feet

(b) Gradients of streets shall be at least **0.4%** and shall not exceed on:

Collector streets	15.0%
Minor streets	15.0%

(5) The preliminary plan shall show or a certificate shall be submitted to the effect that the subdivider will install all of the following items in accordance with the current standards and specifications as set forth in pertinent City codes or ordinances:

- (a) **Pavements: Eight (8) inches** crushed stone, plus A-3 surface.
- (b) **Curbs and gutters:** Minimum requirement of V-type gutter.
- (c) **Street lights:** As required.
- (d) **Sidewalks:** As required.
- (e) **Street signs:** As required.

(B) **Block Standards.**

- (1) Block numbers will be shown.
- (2) The maximum lengths of blocks shall be **one thousand two hundred (1,200) feet**. Blocks over **nine hundred (900) feet long** may require pedestrian ways at their approximate centers. The use of additional access ways to schools, parks or other destinations may be specified by the Planning Commission.
- (3) No specific rule concerning the shape of blocks is made, but blocks must fit readily into the overall plan of the subdivision and their design must evidence consideration of topographical conditions, lot planning, traffic flow, and public open space areas.

- (4) Blocks intended for commercial, industrial, and institutional use must be designated as such.
- (5) Where a subdivision borders on or contains a railroad right-of-way or limited access thoroughfare right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land as for:
 - (a) park purposes;
 - (b) deep residential lots backing to a railroad or arterial street with a planting screen in a no-access area at rear property lines of lots;
 - (c) motor vehicle parking, business or industry with due regard for the requirements of approach grades and future grade separations.

(C)

Lot Standards.

- (1) In general, lots should be as nearly rectangular in shape as practicable.
- (2) The minimum lot dimensions for residential development shall be **seventy-five (75) feet** wide at the established building line and not less than **one hundred (100) feet** in average depth, and each lot shall contain at a minimum, **ten thousand (10,000) square feet**. These minimum requirements shall not apply to land subdivided for non-residential development.
- (3) All lots shall have not less than the minimum width of the lot abutting on a publicly dedicated street.
- (4) Side lines of lots shall be at right angles or radial to the street line, or substantially so.
- (5) Corner lots shall be not less than **ninety (90) feet** in average width.
- (6) Double frontage lots are not permitted, except:
 - (a) where lots back upon an arterial street, and in such instances, vehicular and pedestrian access between lots and the arterial street is prohibited; and
 - (b) where topographic or other conditions render subdividing otherwise unreasonable, such double frontage lots shall have an additional depth of at least **twenty (20) feet** in order to allow for a protective screen planting on **one (1) frontage**.
- (7) Lots abutting upon a watercourse, drainage channel, or stream, shall be of an additional depth or width, as required, to provide an acceptable building site.
- (8) In the subdividing of any land within the City or within **one and one-half (1 ½) miles** of the corporate limits, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions.
- (9) The layout, numbers, areas, and dimensions of lots to the nearest foot, and the proposed land use for each lot, parcel or tract shall be indicated.

- (10) The minimum front and side street building setback lines shall be shown and dimensioned in accordance with the applicable **Zoning Code** requirements.
- (D) **Parks and Other Public Areas.**
- (1) Where any area is specifically designated on the general development plan of the City for a public park, playground, school or other public use, and is owned by the subdivider, such area shall be reserved for such use on all subdivision plans and plats; and the acquisition of such area may then be secured by the City Council or arrangements made for its acquisition within a period not to exceed **one (1) year** from the date of approval of the final plan. The value of such lands shall be established by **three (3) qualified appraisers; one (1)** of whom shall be appointed by the Planning Commission, **one (1)** by the subdivider and **one (1)** of whom shall be mutually agreed upon by the other two.
- (2) Should the City Council decide to take such premises, then and in that case, it shall make arrangements to pay the subdivider the appraised value therefor, as determined by the above described appraisers, or a sum that is mutually agreed upon. The City Council may accept any donation of land as above described should the subdivider desire to contribute the same to the City.
- (E) **Utilities.**
- (1) Source of domestic water supply and type of sewage disposal, location of sites for community domestic water plant and/or community sewage treatment plant.
- (2) Storm water drainage:
- (a) Complete storm sewer system, including pipe sizes, inlets and inverts.
- (b) A proposed surface water drainage pattern for each block and street.
- (3) All easements as required in **Section 35-5-1** shall be indicated.
- (4) Protective covenants.

An outline of all proposed protective covenants shall accompany the preliminary plan and shall include a protection against the obstruction of any surface water drainage easement.

ARTICLE IV

APPROVAL OF PRELIMINARY PLAN

35-4-1 **CHECKLIST COMPLETED.** In order to qualify for approval, the preliminary plan shall be accompanied by a properly executed checklist as shown in **Section 35-11-1, Appendix "A"**.

The Planning Commission may recommend or the City Council may require such changes or revisions as are deemed necessary in the interests and needs of the community.

35-4-2 **APPROVAL - TENTATIVE.** The approval of a preliminary plan by the Planning Commission and the City Council is tentative only, involving merely the general acceptability of the layout as submitted.

35-4-3 **CERTIFICATE.** Approval shall consist of a certificate to that effect on the preliminary plan signed by the Chairman of the Planning Commission and by the Mayor upon authorization by the City Council.

ARTICLE V - ENGINEERING PLAN

35-5-1 **EASEMENTS.**

(A) Easements shall be provided for all overhead or underground utility services or surface water drainage where necessary. They shall be **ten (10) feet wide** and shall be established at the rear of each lot and along such other lot lines as necessary to provide continuity of alignment from block to block. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole line anchors.

(B) In a subdivision containing **sixty (60) acres** or more, where lots are to be served by individual water supply and sewage disposal systems, and future resubdivisions may be contemplated upon the installation of public or community water and sanitary sewer facilities, easements of required width shall be shown for utility and street installation at locations necessary to serve lots in any future resubdivision.

(C) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the lines of such watercourse. It shall include an additional area at least **fifteen (15) feet** wide, adjoining both edges of the established area that has been affected by damaging flood waters, as certified by the subdivider, or his engineer.

(D) All existing drainage and underground utility installations which traverse property to be subdivided shall be protected by easements.

35-5-2 **PUBLIC UTILITIES.**

(A) **Line Placement.** All utility lines for telephone and electric service shall be placed in rear-line easements when carried on overhead poles.

(B) **Gas, Electric Power, Telephone and Television Service.** All subdivisions shall be connected with the gas, electric power, and telephone utilities supplying service to the City. In addition, the subdivisions may be connected with the local television service. In addition, after the effective date of this Code, all unsubdivided lands within the City, whether developed by subdivision, record of survey, or parcels described by metes and bounds, or otherwise, shall have the above referred to utilities and television service installed entirely underground. The following utility lines are excepted from this provision:

(1) Electric lines rated at **thirty-three thousand (33,000) volts or more.**

(2) Electric lines designed or built to carry **two thousand (2,000) kilovolt amperes or more.**

(C) **Underground Line Placement.** Where telephone, electric, and gas service lines are placed underground throughout a subdivision area, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Furthermore, all pad mounted transformers shall be located so as not to be unsightly or hazardous to the public.

35-5-3 SEWERS.

(A) All sewer plans and installations shall conform to the standards and specifications set forth in the latest edition of the "**Standard Specifications for Water and Sewer Main Construction in Illinois**", as established by the **Illinois Society of Professional Engineers**.

(B) Sanitary sewer lines shall be installed to serve all properties in the subdivision, except subdivisions where individual sewage disposal systems are permitted.

(C) Where sanitary sewer mains of larger capacity than necessary to serve the subdivision as delineated in the preliminary plan are required to serve the future growth in the vicinity of the subdivision, as determined by the City Council, the City shall then reimburse the subdivider for the difference in cost of the smaller size pipe and the larger size pipe; said larger size to be determined by the City Council.

(D) A storm sewer system shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins, and shall be connected to an adequate outfall. Such sewers shall provide for an extension to land lying with the upland drainage area, whether such land is within the subdivision or not. Storm sewers shall be designed by the rational method; and copies of the design computations shall be submitted with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than **three hundred fifty (350) feet** in the gutter. The storm water drainage system shall be separate and independent of the sanitary sewer system. Surface water drainage patterns shall be shown for each and every individual lot and block.

35-5-4 WATER SUPPLY.

(A) All water main plans and installations, including all appurtenances thereto shall conform to the edition of the "**Standard Specifications for Water and Sewer Main Construction in Illinois**", as established by the **Illinois Society of Professional Engineers**.

(B) Water distribution facilities, including all pipe, fittings, hydrants, valves, vaults, etc., shall be installed to serve all properties within the subdivision.

(C) Where water mains of larger capacity than necessary to serve the subdivision as delineated in the preliminary plan are required to serve the future growth in the vicinity of the subdivision, as determined by the City Council, the City shall then reimburse the subdivider for the difference in cost of the smaller size and the larger size pipe, said larger size to be determined by the City Council.

35-5-5 STREET IMPROVEMENTS.

(A) All street improvement plans, construction, installations, and plantings shall have a pavement consisting of **eight (8) inches** of compacted crushed stone with **A-3 surface treatment** and such improvements shall be constructed in accordance with the most recent "**Standard Specifications for Road and Bridge Construction of the State of Illinois**".

(B) The general street layout shall conform to that shown on the approved preliminary plan.

(C) All streets shall be completely improved to the full width of the right-of-way and shall include the below listed items:

- (1) Pavements shall be installed to an overall width in accordance with the following minimum dimensions:

<u>TYPE OF STREET</u>	<u>PAVEMENT WIDTH</u> <u>(back-to-back of curbs)</u>
Collector	38 feet
Minor	28 feet
Cul-de-sac	28 feet
Cul-de-sac turnaround	80 feet

- (2) Curbs and gutters and storm water inlets with all corner curbs having a radius of not less than **twenty (20) feet**. Plans shall indicate the direction of flow along all curbs.
- (3) Street lights, including all necessary poles, brackets, luminaries and lamps.
- (4) Concrete sidewalks along all property lines coincidental with street right-of-way lines, when required.

ARTICLE VI

APPROVAL OF ENGINEERING PLAN

35-6-1 **CHECKLIST.** In order to qualify for approval, the engineering plan shall be accompanied by a properly executed checklist as shown in **Section 35-11-2, Appendix "B"**.

35-6-2 **CHANGES OR REVISIONS.** The Planning Commission may recommend, or the City Council may require such changes or revisions as are deemed necessary in the interest and needs of the community.

35-6-3 **APPROVAL TENTATIVE.** The Planning Commission may grant partial approval of the total required engineering plans by approval of plans covering only a portion of the land improvements (e.g., sanitary sewer and water) so as to facilitate immediate installations. This partial approval shall consist of a certificate on the plans covering each of the required improvements signed by the Planning Commission.

35-6-4 **LETTER OF APPROVAL.** Final approval of the complete set of engineering plans shall consist of a letter of approval from the Planning Commission, listing therein:

- (A) Type of improvement(s) covered by the plan.
- (B) Name of designing engineer.
- (C) Date of preparation and revision, if any.

ARTICLE VII - FINAL PLAT

35-7-1 GENERAL.

- (A) Final Plats shall conform to all statutory provisions pertaining to plats.
- (B) The final plat shall be drawn on linen tracing cloth or other material of comparable durability, at a scale of not less than **one hundred feet to one inch (100' = 1")**, where practical, provided that the resulting drawing conforms to state statutes.
- (C) All dimensions shall be shown in feet and decimals of a foot; all angles shall be shown in degrees, minutes and seconds.
- (D) A digital media copy of the approved Final Plat shall be submitted in a format approved by the City Engineer and the County GIS Coordinator.

35-7-2 ADDITIONAL DELINEATION.

- (A) Accurate angular and lineal dimensions for all lines, angles, and curvatures with functions used to describe all boundaries including perimeter survey of tract, streets, easements, areas to be reserved for public use, and other important features. Error of closure of boundary line surveys shall not exceed **one (1) in ten thousand (10,000) [one (1) foot for each ten thousand (10,000) feet of perimeter survey]**. Lot lines to show dimensions in feet and hundredths and when an angle occurs in any lot line between lot corners, the measurement of the angle shall be shown.
- (B) An identification system for all lots and blocks.
- (C) True angles and distances to the nearest established street lines and official monuments (not less than **three (3)**), which shall be accurately described in the plat by location, size and elevation.
- (D) Municipal, township, county, or section lines and section corners accurately tied to lines of the subdivision by distances and angles.
- (E) In the extreme corners of any subdivision, there shall be placed **4" x 4" x 24"** concrete monuments with a **one-half (1/2) inch diameter** iron rod cast in the center of same with the land surveyor's name and number stamped on the monument. Permanent stone or concrete monuments shall be set at each corner or angle on the outside boundary. Pipes **three-fourths (3/4) inch diameter** or steel rods **one-half (1/2) inch diameter by eighteen (18) inch length**, placed at the corners of each lot and block, at angle points, and county, city or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
- (F) Accurate outlines and legal descriptions of any area to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision – with the purposes indicated thereon.
- (G) Protective covenants shall be lettered on the final plat, or appropriately referenced thereon.

35-7-3 APPROPRIATE CERTIFICATES.

(A) **Surveyor's Certificate.**

State of Illinois)
)
County of Randolph) ss

This is to certify that I, _____, a certified land surveyor, No. _____, have surveyed and subdivided the following described property:

Given under my hand and seal at _____, this _____ day of _____, 20__.

Surveyor

(B) **Owner's Certificate.**

State of Illinois)
)
County of Randolph) ss

This is to certify that the undersigned is the owner of the land described in the annexed plat, and that he has caused the same to be surveyed and subdivided as indicated thereon for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the style and title thereon indicated:

(Signature)

(Address)

Dated this _____ day of _____, 20__.

(C) **County Clerk's Certificate.**

State of Illinois)
)
County of Randolph) ss

I, _____, County Clerk of _____ County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid forfeited taxes and no redeemable tax sales against any of the land included in the annexed plat.

I further certify that I have received all statutory fees in connection with the annexed plat.

Given under my hand and seal at _____ this _____ day of _____, 20__.

County Clerk

(D) **Notary Certificate.**

State of Illinois)
) ss
County of Randolph)

I, _____, Notary Public, in and for said county in the state aforesaid, do hereby certify that _____, personally known by me to be the same person(s) whose names are subscribed to the foregoing instrument as such owner(s), appeared before me this day in person and acknowledged that they signed and delivered the annexed plat as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, 20__.

NOTARY PUBLIC

(E) **Certificate as to Special Assessments.**

State of Illinois)
) ss
County of Randolph)

I do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have not been apportioned against the tract of land included in the plan.

Collector of Special Assessments

Dated at _____ this _____ day of _____, 20__.

(F) **City Council Certificate.**

State of Illinois)
) ss
County of Randolph)

Approved and accepted this _____ day of _____, 20__.

CITY COUNCIL OF _____

BY: _____

MAYOR

ARTICLE VIII

APPROVAL OF FINAL PLAT

35-8-1 **REQUIREMENTS OF FINAL PLAT.** In order to qualify for approval, the final plat shall be accompanied by the following:

(A) A properly executed checklist as shown in **Section 35-11-3, Appendix "C"**.

(B) Detailed specifications for all required land improvements other than those specifications submitted and approved with the engineering plans.

(C) A copy of the Environmental Protection Agency permit for the sanitary sewer installations.

(D) A copy of the Environmental Protection Agency's approval for the water main installations.

(E) A certified estimate of cost of all required land improvements prepared by a registered engineer.

(F) A description of the bond or guarantee collateral intended to be submitted as required below.

(G) A copy of the General National Pollutant Discharge Elimination System (NPDES) Permit No. ILR10 with Construction Site Storm Water Pollution Prevention Plan.

35-8-2 **GUARANTEES TO CITY.** After the City Council has approved the final plat with respect to the above qualifications, the subdivider shall be so notified by the City Clerk. Final approval and signature by the Mayor shall be contingent upon the receipt by the City of a guarantee by the subdivider to the City for the completion of all land improvements yet remaining to be installed. The guarantee shall be in one of the following described forms:

(A) Deposit with the City a subdivider's bond in the amount of the estimated cost of the land improvements; said bond need never exceed **one and one-half (1 ½) times** the estimated cost of the improvements remaining to be completed.

(B) Deposit with the City cash in the amount of the estimated cost of the land improvements; said amount of cash need never exceed **one and one-half (1 ½) times** the estimated cost of the improvement remaining to be completed.

(C) Deposit with the City a lien to be recorded in the office of the County Recorder on all property being subdivided, with the provision that partial releases may be obtained when the loaning company executes with the City an agreement to withhold **one and one-half (1 ½) times** the estimated cost of the land improvements yet remaining to be installed in escrow until such time as all land improvements have been completed and accepted by the City. All expenses incurred in determining the amounts apportioned against said land and the cost of releasing each lot or tract shall be paid by the subdivider.

(D) Deposit with the City other collateral equivalent to **one and one-half (1 ½) times** the estimated cost of land improvements yet remaining to be installed, such collateral to be approved by the City Council.

ARTICLE IX

ENFORCEMENT AND RELEASE OF BOND

35-9-1 **CONSTRUCTION TIME CONSTRAINTS.** All required land improvements shall be installed and completed within a period of **two (2) years** after the recording of the final plat. Failure of the subdivider to complete all of the improvements within this **two (2) year** period shall result in forfeiture of the guarantee collateral unless an extension of time is requested by the subdivider and granted by the City Council. In the event of failure to complete the improvements in the required period, as stated above, the City Council may direct that no further building permits be issued for property in such subdivision pending satisfaction of the City Council in regard to the status of the required land improvements.

35-9-2 **INSPECTION.** All required land improvements to be installed under the provisions of this Chapter shall be checked during the course of construction by or at the direction of the City Council or its designee. The cost of any re-inspection of any required land improvement found to be faulty or not in accordance with the approved plans and specifications shall be paid by the subdivider to the City. The testing of any concrete, asphalt, soil, or other materials, and workmanship shall be done at the direction of the City, and at the expense of the subdivider.

35-9-3 **RELEASE OF BOND.** The subdivider's bond or guarantee collateral shall be released only upon fulfillment of the following conditions:

- (A) The completion of all required land improvements.
- (B) The submission of **four (4) copies** of acceptable "as built" drawings of all land improvements.
- (C) An affidavit to the effect that:
 - (1) All materials, labor, and other costs have been paid, or arrangements have been made for payment so as to hold the City free from any obligations for payment of any costs of the land improvements, and
 - (2) That the subdivider accepts responsibility for the maintenance and repair of all land improvements for **one (1) year** after the date of the acceptance resolution by the City Council.
- (D) Final acceptance by resolution, by the City Council of land improvements.

ARTICLE X - PENALTY

35-10-1 PENALTY. Any person, firm or corporation violating any of the provisions of this Chapter shall be fined not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE XI - APPENDIXES

35-11-1 APPENDIX "A" - CHECKLIST FOR PRELIMINARY PLAN.

_____ (Name of Subdivision)
_____ (Date of Submission)
_____ (Due date of recommendation [30] days)

(NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.")

- _____ 1. **Eight (8) copies** of preliminary plan submitted.
- _____ 2. Plans are on **24" x 36"** sheets.
- _____ 3. Plan scale is not less than **1" to 100'**.
- _____ 4. Minimum profile scale is **1" to 100' horizontal and 1" to 10'** vertical.
- _____ 5. A title sheet is included with each set of preliminary plans.
- _____ 6. Name of proposed subdivision shown.
- _____ 7. Location given by town, range, section, or other legal description.
- _____ 8. Name and address of owner, trust, corporation, or subdivider having control of project is shown.
- _____ 9. Name and seal of registered Illinois land surveyor who prepared topographic survey is shown.
- _____ 10. Name and address of the designer of the plan is shown.
- _____ 11. North direction is shown.
- _____ 12. Date of preparation and date of revision, if any, is shown.
- _____ 13. A location map is included indicating:
 - _____ a. A scale of not less than **1" to 1000'**.
 - _____ b. Boundary lines of adjoining land within an area bounded by the nearest arterial streets or other natural boundaries.
 - _____ c. Use of surrounding land.
 - _____ d. Alignment of existing streets.
 - _____ e. Section and corporate lines.
- _____ 14. Boundary line of proposed subdivision is clearly shown. Total approximate acreage is shown.
- _____ 15. Existing zoning classification is indicated.
- _____ 16. The following existing items, if within the boundaries of the subdivision, or located **one hundred (100) feet** or less outside the boundaries are shown:
 - _____ a. Previously platted streets and other rights-of-way, with improvements, if any, indicating:
 - _____ 1. location
 - _____ 2. widths
 - _____ 3. names

- _____ b. Railroad, rights-of-way, indicating:
 - _____ 1. location
 - _____ 2. dimensions
- _____ c. Utility rights-of-way, indicating:
 - _____ 1. location
 - _____ 2. widths
 - _____ 3. type
 - _____ a. sewer
 - _____ b. water
 - _____ c. electric
 - _____ d. other
- _____ d. Parks and other open spaces indicating:
 - _____ 1. location
 - _____ 2. area
- _____ e. Easements, indicating:
 - _____ 1. location
 - _____ 2. widths
 - _____ 3. purpose
- _____ f. Permanent buildings and structures, indicating:
 - _____ 1. location
 - _____ 2. setback lines
 - _____ 3. names of owners
- _____ g. Section and corporate lines.
- _____ h. Sanitary sewers, indicating:
 - _____ 1. location
 - _____ 2. size
 - _____ 3. manholes
 - _____ 4. invert elevations at manholes
- _____ i. Water mains, indicating:
 - _____ 1. location
 - _____ 2. size
 - _____ 3. valves, indicating:
 - _____ a. valve manhole, or
 - _____ b. valve box
- _____ j. Culverts, indicating:
 - _____ 1. type
 - _____ 2. location
 - _____ 3. size
 - _____ 4. invert elevations
- _____ k. Storm sewers, indicating:
 - _____ 1. location
 - _____ 2. size
 - _____ 3. catch basins
 - _____ 4. invert elevations
- _____ l. Watercourses, indicating:
 - _____ 1. type
 - _____ 2. high water width and elevation

- _____ 3. width of easement
- _____ 4. location of easement
- _____ m. Marshes, indicating:
 - _____ 1. location
 - _____ 2. dimensions
 - _____ 3. soil bearing capacity
- _____ n. Rock outcrops, indicating:
 - _____ 1. location
 - _____ 2. dimensions
- _____ o. Monuments and survey markers, indicating:
 - _____ 1. location
 - _____ 2. type
- _____ 17. Topographic data is given in feet above mean sea level within the tract and to a distance of **one hundred (100) feet** beyond, indicating:
 - _____ a. Existing contours at vertical intervals of not more than **two (2) feet**.
 - _____ b. Proposed contours at vertical intervals of not more than **two (2) feet**.
 - _____ c. Bench marks, indicating:
 - _____ 1. location
 - _____ 2. description
 - _____ 3. elevation
- _____ 18. The following proposed items, if within the boundaries of the subdivision or located **one hundred (100) feet** or less outside the boundaries are shown:
 - _____ a. Layout of streets, indicating:
 - _____ 1. Collector streets, indicating:
 - _____ a. 80 feet right-of-way width
 - _____ b. 38 feet roadway width, back-to-back of curbs
 - _____ 2. Minor streets, indicating:
 - _____ a. 60 feet right-of-way width
 - _____ b. 28 feet roadway width, back-to-back of curbs
 - _____ 3. Cul-de-sac streets, indicating:
 - _____ a. 50 feet right-of-way width
 - _____ b. 28 feet roadway width, back-to-back of curbs
 - _____ c. The length does not exceed 500 feet unless there are more than 16 lots abutting the cul-de-sac street.
 - _____ d. Terminus is circular or nearly so, and right-of-way is at least 120 feet in diameter.
 - _____ e. Terminus roadway width is 80 feet in diameter.
 - _____ 4. Marginal access street, indicating:
 - _____ a. 50 feet right-of-way width

- _____ 5. Through street shown extended to boundaries of subdivision.
- _____ 6. Storm water runoff pattern on paving.
- _____ b. Names of streets:
 - _____ 1. Not duplicating the name of any street heretofore used in the City or its environs, unless the street is an extension of an already existing street, in which case, the name shall be used.
 - _____ 2. Streets are on the west side of the river.
 - _____ 3. Avenues are on the east side of the river.
- _____ c. Street improvement plan showing location of all new street improvements, including those to the center line of previously dedicated rights-of-way abutting the subdivision, in accordance with present City standards.
- _____ d. Utility easements:
 - _____ 1. Located at the rear of each lot and other necessary locations.
 - _____ 2. Not less than 7 ½ feet in width on each lot.
 - _____ 3. Purpose is indicated.
 - _____ 4. Storm water runoff is indicated.
- _____ e. Centerline profiles of all streets showing gradients not less than 0.4% and not more than:
 - _____ 1. 15.0% on collector streets
 - _____ 2. 15.0% on minor streets
- _____ f. Pedestrian ways, when required, indicating:
 - _____ 1. Location at approximately the center of blocks in excess of 900 feet in length.
 - _____ 2. Width not less than 12 feet.
 - _____ 3. Shrub or tree hedge at side boundary lines.
- _____ g. Block layout, indicating:
 - _____ 1. Blocks do not exceed 1200 feet in length.
 - _____ 2. Additional access ways to parks, schools, etc., are shown in accordance with the Planning Commission's requirements.
 - _____ 3. Blocks fit readily into the overall plan of the subdivision, with due consideration given to:
 - _____ a. topographical conditions
 - _____ b. lot planning
 - _____ c. traffic flow pattern
 - _____ d. public open space areas.
 - _____ 4. Block numbers
 - _____ 5. Blocks intended for commercial, industrial, or institutional use are so designated.
- _____ h. Lot layout, indicating:
 - _____ 1. Lot dimensions

- _____ 2. Lot areas, not less than those stipulated in the appropriated district regulations of the Zoning Code. (Areas may be listed by schedule)
- _____ 3. Building setback lines shown and properly dimensioned.
- _____ 4. Proposed land use
- _____ 5. Lot numbers
- _____ 6. Corner lots are sufficiently larger than interior lots to allow maintenance of building setback lines on both street frontages and still allow a buildable width equal to that of the smallest interior lot in the block (minimum width 90 feet).
- _____ 7. All lots abut a publicly dedicated street for a distance of not less than the minimum width of the lot.
- _____ 8. Lots are as nearly rectangular in shape as is practicable.
- _____ 9. Lots are not less than 75 feet in depth and contain a minimum of 10,000 square feet.
- _____ 10. Lot lines are substantially at right angles to the street lines and radial to curved street lines.
- _____ 11. Double frontage lots only where:
 - _____ a. lots back upon an arterial street and front on an access street.
 - _____ b. topographic or other conditions make subdividing otherwise unreasonable.
 - _____ c. lots can be made an additional 20 feet deeper than average.
 - _____ d. a protective screen planting is indicated on one frontage.
- _____ 12. Lots abutting or traversed by a watercourse, drainage way, channel way, channel or stream, indicate:
 - _____ a. additional width and depth to provide an acceptable building site.
 - _____ b. width of easement is at least 15 feet wider on each side of water at high water level.
- _____ 13. Due regard for natural features, such as:
 - _____ a. trees
 - _____ b. watercourses
 - _____ c. historic items
 - _____ d. other similar conditions
- _____ i. Areas intended to be dedicated for public use, indicating:
 - _____ 1. Plan conforms to general development plan of the City.

- _____ 2. Purpose
- _____ 3. Acreage
- _____ j. Source of domestic water supply, indicating:
 - _____ 1. Connection to existing water mains
 - _____ 2. Location of site for community water plant.
- _____ k. Provision for sewage disposal, indicating:
 - _____ 1. Connection to existing sanitary sewer mains.
 - _____ 2. Location of site for community sewage disposal plant.
- _____ l. School sites, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Acreage
- _____ m. Topographic information, indicating:
 - _____ 1. Proposed changes in elevation of land show that any flooding would be relieved.
 - _____ 2. Adequate installation of storm sewers would remove the possibility of flooding.
- _____ n. Sanitary Sewer layout, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Invert elevations at manholes
 - _____ 4. Manhole locations
- _____ o. Water main layout, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Looped pattern where practicable
 - _____ 4. Fire hydrants spaced apart not more than 400 feet.
- _____ p. Storm sewer layout, indicating:
 - _____ 1. Location
 - _____ 2. Catch basins at not more than 600 foot intervals.
 - _____ 3. Storm water is not carried across or around any intersection.
 - _____ 4. Surface water drainage pattern for each individual lot and block
- _____ q. Street light layout, indicating: (Not Required)
 - _____ 1. Locations and typical street light detail
- _____ 19. An outline of proposed covenants accompanies the plans, indicating the intention of the subdivider to have the covenants recorded with the final plat.
 - _____ a. Protective against obstruction of drainage easements.
- _____ 20. Typical street cross section showing base construction, surfacing, concrete curb and sidewalk in accordance with the land improvements code.
- _____ 21. Indication that sidewalks will be installed along all lot lines coincidental with street rights-of-way, as required.
- _____ 22. Indication on drawing or by certificate that subdivider is aware of his responsibility for installation of street signs and for seeding and tree planting in all parkways, as required.

COMPLETED BY: _____ (NAME)
_____ (ADDRESS)
_____ (DATE)

REVIEWED BY: _____

(CITY SUPERINTENDENTS)
_____ (DATE)

CONSIDERED BY PLANNING COMMISSION ON _____ (DATE)
_____ (CHAIRMAN)

REVIEWED BY: _____
(CITY ENGINEER)

35-11-2 APPENDIX "B" - CHECKLIST FOR ENGINEER PLANS.

_____ (Name of Subdivision)
_____ (Date of Submission)
_____ (Due date of recommendation [30] days)

(NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable Codes and ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.")

- _____ 1. Plans have been submitted within **twelve (12) months** of the date of approval by the City Council of the preliminary plan.
- _____ 2. **Eight (8) copies** of the engineering plans have been submitted.
- _____ 3. Plans are on **24" x 36"** sheets.
- _____ 4. Title sheet is included with each set of plans and includes:
 - _____ a. Name of subdivision and unit number.
 - _____ b. Type of work covered.
 - _____ c. Location map showing relation of area to be improved to existing streets.
 - _____ d. An index of sheets.
 - _____ e. A summary of quantities.
 - _____ f. Name, address, and seal of registered engineer preparing the plans.
 - _____ g. Date of preparation and revisions, if any, is shown.
- _____ 5. Plan and profiles are to be as follows:
 - _____ a. Horizontal scale is not less than **1 inch to 50 feet.**
 - _____ b. Vertical scale is not less than **1 inch to 5 feet.**

- _____ 6. Cross sections are plotted as follows:
 - _____ a. Horizontal and vertical scales no less than **1 inch to 10 feet.**
- _____ 7. North direction is shown for each separate plan view.
- _____ 8. An adequate number of bench marks are shown with elevations referenced to mean sea level.
- _____ 9. Delineation is shown of all easements necessary to serve all lots with underground and overhead utilities, and to allow for perpetual maintenance of these facilities.
- _____ 10. An application for Environmental Protection Agency permit for the sanitary sewer extension accompanies the plans.
- _____ 11. Sanitary sewer plans and specifications are complete and conform to the standards and requirements of the Codes applicable thereto and denote all of the following:
 - _____ a. All properties in the subdivision are served and house service connections are provided.
 - _____ b. The minimum size main is **8-inch I.D.**
 - _____ c. The plan conforms to the overall City plan for any trunk sewers traversing the subdivision.
 - _____ d. The distance between manholes does not exceed 400 feet.
 - _____ e. The invert elevation of each manhole is shown.
 - _____ f. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
 - _____ g. Extra strength pipe and extra strength manhole wall construction is specified and shown on the plans and in the estimates of quantities where the depth of installation exceeds 12 feet.
 - _____ h. Profile of existing and proposed ground surfaces.
 - _____ i. Risers are shown for individual house service laterals where depths of main exceeds 12 feet.
 - _____ j. Pipe joints are of permitted type.
 - _____ k. Minimum manhole cover weights are correct.
 - _____ 1. 540 pounds in collector streets.
 - _____ l. Specifications include provisions for checking on infiltration or exfiltration.
 - _____ 1. Standard manhole
 - _____ 2. Drop manhole
 - _____ 3. Standard manhole cover
 - _____ 4. Standard riser
 - _____ 5. Standard service installation
 - _____ 6. Concrete cradle
- _____ 12. An application for State Department of Public Health approval of the water main installation accompanies the plans.
- _____ 13. Water distribution plans and specifications are complete and conform to the Codes applicable thereto and include all of the following:
 - _____ a. All properties in the subdivision are served and provisions are made for service connections within the property lines.
 - _____ b. The minimum size main is **6-inch I.D.**

- _____ c. The plan conforms to the City's overall plan for any trunk lines which might traverse the subdivision.
 - _____ d. Valve and hydrant spacing and location conform to the approved preliminary plan.
 - _____ e. Materials and joint specifications comply with the City's standards.
 - _____ f. Specifications include provisions for testing and sterilization of all new water distribution facilities.
 - _____ 1. Valve cover
 - _____ 2. Standard cover
 - _____ 3. Standard hydrant installation
- _____ 14. Street plans, including storm sewers, are complete and conform to the Codes applicable thereto and include all of the following:
- _____ a. The location of streets and width of pavements conform to those indicated on the approved preliminary plan.
 - _____ b. Plan shows curb, gutter and sidewalk locations, and includes the following information:
 - _____ 1. Corner curb radius is not less than 20 feet.
 - _____ 2. Curve data for all horizontal curves.
 - _____ 3. Direction of flow along all curbs.
 - _____ 4. No surface water is carried across or around any street intersection, nor for a distance greater than 350 feet.
 - _____ c. Cross sections are submitted as necessary to indicate feasibility of proposed street elevations in relation to adjacent lot elevations, and include sidewalk location.
 - _____ d. Profiles are submitted for all paving centerlines and storm sewers and indicate:
 - _____ 1. Catch basin invert elevations
 - _____ 2. Minimum pipe size is **12-inch I.D. except** that a lead for a single inlet may be **10-inch I.D.**
 - _____ 3. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
 - _____ 4. Storm sewer elevations do not conflict with any other underground utilities.
 - _____ 5. Storm sewer is connected with an adequate outfall.
 - _____ 6. Curve data is given for vertical road curves.
 - _____ e. The storm sewer system is designed to provide sufficient capacity for the draining of upland areas contributing to the storm water runoff on the street.
 - _____ 1. Storm sewer design computations are submitted with plans.
 - _____ f. A surface water drainage pattern is shown for each block.
 - _____ g. Material specifications comply with City standards and include:
 - _____ 1. Paving base materials
 - _____ 2. Paving surface materials
 - _____ 3. Concrete

- _____ 4. Pipe materials
- _____ h. Typical cross sections and details include the following:
 - _____ 1. Collector street
 - _____ 2. Minor or cul-de-sac street
 - _____ 3. Concrete curb and gutter
 - _____ 4. Concrete sidewalk
 - _____ 5. Standard manhole
 - _____ 6. Standard cover
 - _____ 7. Catch basin
- _____ 15. Street light plans are complete and include the following: (Not Required)
 - _____ a. Pole Locations
 - _____ b. Spacing
 - _____ c. Average maintained footcandle illumination (calculated).
 - _____ 1. type of base and pole
 - _____ 2. bracket or arm
 - _____ 3. luminaire, indicating type of lamp and wattage
 - _____ 4. mounting height
- _____ 16. Parkway improvement specifications are complete and include provisions for:
 - _____ a. Removal of stumps, trees that cannot be saved, boulders, and all other similar items.
 - _____ b. Grading, installation of topsoil, and seeding or sodding.
- _____ 17. Street signs are shown to be installed at all street intersections not previously marked.

COMPLETED BY: _____ (NAME)
 _____ (ADDRESS)
 _____ (DATE)

REVIEWED BY: _____

 _____ (CITY SUPERINTENDENTS)
 _____ (DATE)

CONSIDERED BY PLANNING COMMISSION ON _____ (DATE)
 _____ (CHAIRMAN)

REVIEWED BY: _____
 _____ (CITY ENGINEER)

35-11-3 APPENDIX "C" - CHECKLIST FOR FINAL PLAT.

_____ (Name of Subdivision)
_____ (Date of Submission)
_____ (Due date of recommendation [30] days)

(NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable Codes and ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.")

- _____ 1. Plat has been submitted within six months after the approval of the engineering plans.
- _____ 2. Plat has been submitted within **three years** after the approval of the preliminary plan (unless an extension of time has been requested of and granted by the City Council).
- _____ 3. **One original drawing** of the final plat has been submitted.
- _____ 4. **One transparency print** of the final plat has been submitted.
- _____ 5. **Four copies** of the final plat have been submitted.
- _____ 6. Plat is drawn with waterproof India ink on heavy linen tracing cloth or equal.
- _____ 7. North direction is shown.
- _____ 8. Scale is shown (minimum **1 inch equals 100 feet**).
- _____ 9. Section corners and section lines are accurately tied into subdivision by distances and angles.
- _____ 10. Official survey monuments are shown as required.
- _____ 11. All necessary easements are shown and dimensioned.
- _____ 12. Building setback lines are shown and dimensioned in accordance with the Zoning Code.
- _____ 13. Lot areas are in accordance with the applicable Zoning Regulations.
- _____ 14. Street names are shown.
- _____ 15. Areas to be dedicated or reserved for public use are shown and described, and the purpose is designated.
- _____ 16. Protective covenants are lettered on the plat or are appropriately referenced.
- _____ 17. Required certificates are shown and signed:
 - _____ a. Registered Illinois land surveyor (including legal description).
 - _____ b. Owner Certificate.
 - _____ c. Notary Public Certificate.
 - _____ d. County Clerk Certificate.
 - _____ e. Certificate as to Special Assessments.
- _____ 18. Other required certificates are shown.
 - _____ a. City Council Certificate.
- _____ 19. The following items have been submitted with the final plat:
 - _____ a. Detailed specifications for all required land improvements not previously submitted and approved with the engineering plans.

- _____ b. A copy of the State Sanitary Water Board permit for the sanitary sewer installation.
- _____ c. A copy of the Environmental Protection Agency approval of the water main installation.
- _____ d. A certified estimate of cost of all required land improvements prepared by a registered engineer.
- _____ e. A description of the bond or guarantee of collateral intended to be submitted after contingent approval is granted by the City Council.

COMPLETED BY: _____(NAME)
_____(ADDRESS)
_____(DATE)

REVIEWED BY: _____

(CITY SUPERINTENDENTS)
_____(DATE)

CONSIDERED BY PLANNING COMMISSION ON _____(DATE)
_____(CHAIRMAN)

REVIEWED BY: _____
(CITY ENGINEER)

ARTICLE XII - BOND

35-12-1 BOND FOR IMPROVEMENTS.

"KNOW ALL MEN BY THESE PRESENTS that we _____
_____ (name of individual, corporation, etc.) as principal, and the _____
_____ (name of bonding company), a
corporation, authorized to do business in the State of _____, as in the penal sum
of _____ Dollars, lawful money of the United States for the
payment of which we and each of us bind ourselves, our heirs, executors, administrators,
successors and assigns jointly, by these presents:

'The condition of this obligation is such that whereas, the said _____
_____, (name of individual, corporation or principal) has agreed to construct
and/or install at its expense the following improvements:

- Street base and paving.
- Concrete curb and gutters.
- Water mains, appurtenances and house services.
- Storm sewers, appurtenances and house services.
- Sanitary sewers, appurtenances and house services.
- Concrete sidewalks.
- Street lights.
- Site improvements.

'all in accordance with the specifications and codes of the City, and contained in plans
and specifications prepared by _____ (named engineer),
and approved by the City Council at the following location:

(DESCRIPTION OF PROPERTY)

'And has agreed to maintain such improvements constructed under this bond for a
period of one (1) year from the date of acceptance of the same by the City.

'Now, therefore, if the said principal shall well and truly perform in all respects in strict
accordance with the requirements, and shall save the City harmless from all loss, cost or
damage, by reason of their failure to complete said work, or maintain said improvements,
relating to the above described work, then this obligation to be void, otherwise, to remain in full
force and effect."

[Unless Otherwise Noted, This Chapter #692A; 10-03-77]

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 **.43750%**. (See **65 ILCS Sec. 5/8-3-1**)

36-1-2 **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**)

36-1-3 **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. 5/21-110 and 5/21-110.1**)

36-1-4 **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. (**745 ILCS 10/9-107**)

36-1-5 **LIBRARY TAX.** The maximum tax for Library purposes, be and the same is hereby established at a rate of **.60%**. (See **75 ILCS Sec. 5/3-1 and 5/3-4**)

36-1-6 **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**)

36-1-7 **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**)

36-1-8 **POLICE PENSION.** The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary for the Police Pension for the City. **(40 ILCS 5/3-125)**

36-1-9 **I.M.R.F.** The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary for I.M.R.F. for the City. **(40 ILCS 5/7-171)**

36-1-10 **UNEMPLOYMENT INSURANCE.** The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to purchase unemployment insurance for the City. **(745 ILCS 10/9-107)**

36-1-11 **MUNICIPAL BAND.** The maximum tax for Municipal Band purposes, be and the same is hereby established at a rate of **.04%**. **(65 ILCS 5/11-45-1)**

36-1-12 **FIRE PROTECTION TAX.** The maximum tax for Fire Protection purposes, be and the same is hereby established at a rate of **.60%**. **(65 ILCS 5/11-7-1 and 5/11-7-3)**

36-1-13 **E.S.D.A.** The maximum tax for E.S.D.A. purposes, be and the same is hereby established at a rate of **.05%**. **(65 ILCS 5/8-3-16)**

(Ord. No. 903; 11-04-85 generally)

ARTICLE II

SIMPLIFIED TELECOMMUNICATIONS TAX

36-2-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

(A) **"Amount Paid"** means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

(B) **"Department"** means the Illinois Department of Revenue.

(C) **"Gross Charge"** means the amount paid for the act or privilege of originating or receiving telecommunications in such a municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within a municipality that has imposed a tax under this Article and charges for the portion of the inter-office channels provided within that municipality. Charges for that portion of the inter-office channel connecting **two (2)** or more channel termination points, one or more of which is located within the jurisdictional boundary of such municipality, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the municipality and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, "gross charge" shall not include any of the following:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to:

(a) the tax imposed by this Section,

(b) the tax imposed by the Telecommunications Excise Tax Act,

(c) the tax imposed by Section 4251 of the Internal Revenue Code,

(d) 911 surcharges, or

(e) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.

- (2) charges for a sent collect telecommunication received outside 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 as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity.
- (6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.
- (7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).
- (8) charges paid by inserting coins in coin-operated telecommunications devices.
- (9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.
- (10) Charges for nontaxable services or telecommunications if:
 - (a) those charges are aggregated with other charges for telecommunications that are taxable,

- (b) those charges are not separately stated on the customer bill or invoice, and
- (c) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business.

If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(D) **"Interstate Telecommunications"** means all telecommunications that either originate or terminate outside this State.

(E) **"Intrastate Telecommunications"** means all telecommunications that originate and terminate within this State.

(F) **"Person"** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

(G) **"Purchase at Retail"** means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) **"Retailer"** means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(I) **"Retailer maintaining a place of business in this State"**, or any like term, means and includes any retailer having or maintaining within the State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(J) **"Sale at Retail"** means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and

its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(K) **"Service address"** means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) **"Taxpayer"** means a person who individually or through his or her agents, employees, or permittees, engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Article.

(M) **"Telecommunications"**, in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Article, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

36-2-2 SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX
IMPOSED. A tax is hereby imposed upon any and all of the following acts or privileges:

(A) The act or privilege of originating in the City or receiving in the City intrastate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of the tax properly due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.

(B) The act or privilege of originating in the City or receiving in the City interstate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-state or multi-municipal taxation of the act or privilege that is subject to taxation under this Section, any taxpayer, upon proof that the taxpayer has paid a tax in another state or municipality in this State on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state or such tax properly due and paid in a municipality in this State which was not previously allowed as a credit against any other state.

(C) The tax imposed by this Article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the City.

36-2-3 COLLECTION OF TAX BY RETAILERS.

(A) The tax authorized by this Article shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Article shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

(B) Whenever possible, the tax authorized by this Article shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

36-2-4 RETURNS TO DEPARTMENT. Commencing on **February 1, 2003**, the tax imposed under this Article on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (Public Act 92-526, Section 5-50) and any accompanying rules and regulations created by the Department to implement this Act.

36-2-5 RESELLERS.

(A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this Article on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunications tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

ARTICLE III

ELECTRIC UTILITY TAX

36-3-1 **TAX IMPOSED.** A tax is imposed on all persons engaged in the following occupations or privileges:

(A) 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	.61 cents per KWH
(2)	Next 48,000 KWH	.40 cents per KWH
(3)	Next 50,000 KWH	.36 cents per KWH
(4)	Next 400,000 KWH	.35 cents per KWH
(5)	Next 500,000 KWH	.34 cents per KWH
(6)	Next 2,000,000 KWH	.32 cents per KWH
(7)	Next 2,000,000 KWH	.315 cents per KWH
(8)	Next 5,000,000 KWH	.31 cents per KWH
(9)	Next 10,000,000 KWH	.305 cents per KWH
(10)	Over 20,000,000 KWH	.30 cents per KWH

(Ord. No. 1468; 07-20-09)

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 1997 using the rates enumerated in **65 ILCS Sec. 5/8-11-2** (as modified by Public Act 90-561).

36-3-2 **TYPE OF CUSTOMER -- RATE EFFECTIVE.** Pursuant to **65 ILCS Sec. 5/8-11-2**, the rates set forth in **Section 36-3-1** above shall be effective on **September 1, 2009**.

36-3-3 **EFFECTIVE DATE FOR ARTICLE.** The provisions of **Section 36-3-1** and the rates set forth therein shall not be effective until **September 1, 2009**, and until then the previous rates set forth in **Section 36-3-1** shall remain in effect.
(Ord. No. 1468; 07-20-09)

36-3-4 **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**" authorized by Section 8-11-1; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the City, whether privately or municipally owned or operated, or exercising the same privilege within the City. Furthermore, the City accounts for the purchase of electricity by the City shall not be subject to the municipal utility tax set forth in this Article. **(Ord. No. 1608; 08-04-15)**

36-3-5 **ADDITIONAL TAXES.** Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

36-3-6 **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. Persons delivering electricity who file returns pursuant to this Section shall, at the time of filing such return, pay the City the amount of the tax collected pursuant to this Article.

36-3-7 **REPORTS TO CITY.** On or before the last day of each month, each taxpayer shall make a return to the City 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.

36-3-8 **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.

36-3-9 **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 as provided in **Section 1-1-20** of this Code and in addition, shall be liable in a civil action for the amount of tax due.

(See 65 ILCS Sec. 5/8-11-2)
(Ord. No. 1158; 07-06-98)

ARTICLE IV

FOREIGN FIRE INSURANCE COMPANIES

36-4-1 **CONFORMANCE.** It shall be unlawful for any corporation or association, not incorporated under the laws of the State of Illinois to engage in the City in effecting fire insurance or to transact any business of fire insurance in this City, while in default by not fully complying with any of the requirements of this Section, and until such requirements shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be undertaken in violation of this Section.

36-4-2 **FEES.** Any such corporation, company or association not incorporated under the laws of the State of Illinois, which is engaged in the City in effecting fire insurance, shall pay the City Treasurer for the maintenance, use, and benefit of the Fire Department of the City, a sum of money equal in amount to **two percent (2%)** per annum of the gross receipts received as premiums upon fire insurance policies by any and all agents of such corporation, company, association during the year ending on the first day of July in each year, for any insurance effected or agreed to be effected on property located in the City by or with such corporation, company, or association during such year.

36-4-3 **REQUIRED REPORTS.** Every person acting in the City as agent for or on behalf of any such corporation, company, or association shall, on or before the **fifteenth (15th) day** of July of each and every year, render the City Clerk a full, true, and just account verified by oath of all premiums upon fire insurance policies which, during the year ending the first day of July preceding such report, shall have been received by him, or by some other person for him, in his behalf of any such corporation, company or association on property located in the City. Such agent shall also, at the time of rendering the aforesaid report, pay to the City Treasurer the sum of money for which company, corporation, or association represented by him is chargeable, by virtue of the provisions of this Section.

36-4-4 **RECOVERY OF MONIES.** The sum of money for which such company, corporation, or association is so chargeable may be recovered of it, or its agents or agent, by an action in the name of and for the use of the City as for money had and received. Nothing in this Section shall be held to exempt any person, corporation, company, association from indictment and conviction under the provisions

of an act entitled "An Act to enable cities, towns, and villages, organized under any general or special law, to levy and collect a tax or license fee from foreign insurance companies for the benefit of organized fire department," in force **July 1, 1895**.

36-4-5 **UNLAWFUL OPERATION.** No insurance agent in the City shall have any insurance business or dealings with any company, association, or corporation not incorporated under the laws of this state, which shall be in default for not reporting or making payments as hereinbefore provided, until it shall have complied with all the requirements of this Section.

36-4-6 **PENALTY.** Any person violating any of the provisions of this Section shall, upon conviction, be fined as provided in **Section 1-1-20** of the City Code.

(Ord. No. 10; 09-02-24)

(See 65 ILCS 5/11-10-1)

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 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 Clerk, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this 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 Chester, 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 **five percent (5%)** per annum, 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.

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.

(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 preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

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 **five percent (5%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed.

(B) **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of **five percent (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 from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **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. 1208; 12-18-00)

ARTICLE VI – MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

36-6-1 TAX IMPOSED; RATE.

(A) A tax is hereby imposed upon all parties engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the City at the rate of **three percent (3%)** of the gross receipts from these sales made in the course of that business.

(B) The imposition of this tax is in accordance with the provisions of Sections 8-11-23 of the Illinois Municipal Code (**65 ILCS 5/8-11-23**).

36-6-2 COLLECTION OF TAX BY RETAILERS.

(A) The tax imposed by this Article shall be remitted by such retailer to the Illinois Department of Revenue (Department). Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(B) The taxes are hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this Article.

36-6-3 SEVERABILITY. If any provision of this Article, or the application of any provision of this Article, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Article, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Article.

36-6-4 EFFECTIVE DATE. This Article shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all sales on or after the **first day of January, 2021**. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to **October 1, 2020**.

(Ord. No. 1738; 09-22-20)

CHAPTER 38

UTILITIES

ARTICLE I – WATER AND SEWER DEPARTMENT ESTABLISHED

38-1-1 **DEPARTMENT ESTABLISHED.** There shall be two executive departments of the City known as the **Water Department** and the **Sewer Department**.

(A) The Water Department shall consist of the Water Plant Superintendent, the employees of the Water Plant, the Water Distribution Superintendent, water distribution system employees (the employees of the Water Department not employed at the Water Plant), including the meter readers, and the Water and Sewer Committee members of which are appointed by the Mayor.

(B) The Sewer Department shall consist of the Sewer Superintendent, the employees of the Sewer Department and the Water and Sewer Committee members of which are appointed by the Mayor. **(Ord. No. 1460; 06-15-09)**

38-1-2 **COMMITTEE ON WATER AND SEWER.** The City Council Standing Committee on Water and Sewer shall exercise a general supervision over the Water Department and Sewer Department. It shall ascertain the condition and needs of each department from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Department. **(Ord. No. 1363; 05-01-06)**

38-1-3 **WATER PLANT SUPERINTENDENT.** The Water Plant Superintendent shall have the duties and responsibilities set forth in **Section 1-2-121** of **Division XII** of **Article II** of **Chapter 1** of the Revised Code of Ordinances. **(Ord. No. 1460; 06-15-09)**

38-1-4 **WATER DISTRIBUTION SUPERINTENDENT.** The Water Distribution Superintendent shall have the duties and responsibilities set forth in **Section 1-2-138** of **Division XV** of **Article II** of **Chapter 1** of the Revised Code of Ordinances. **(Ord. No. 1460; 06-15-09)**

38-1-5 **SEWER SUPERINTENDENT AND SEWER DISTRIBUTION SUPERINTENDENT.** The Sewer Superintendent shall have the duties and responsibilities set forth in **Section 1-2-121**, as amended, in **Chapter 1** of the Revised Code of Ordinances. The Sewer Distribution Superintendent shall have the duties and responsibilities as set forth in **Section 1-2-123** in **Chapter 1** of the Revised Code of Ordinances. **(Ord. No. 1813; 05-07-24)**

38-1-6 **REFERENCES.** When reference is made throughout this **Chapter 38** to Superintendent, if the reference relates to the Water Plant, it shall mean the Water Plant Superintendent; if the reference to Superintendent relates to the water distribution system or meter readers, it shall mean the Water Distribution Superintendent; if the reference to Superintendent relates to the Sewer Department, it shall mean the Sewer Superintendent. **(Ord. No. 1460; 06-15-09)**

ARTICLE II - RATES AND REGULATIONS

38-2-1 CONTRACT FOR WATER SERVICES - CUSTOMER ACCEPTANCE. The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water from the Water and Sewer Systems, and every person, company or corporation, hereinafter called a "**customer**" who accepts and uses water or gas shall be held to have consented to be bound thereby.

(A) **Not Liable for Interrupted Service.** The Utility will endeavor at all times to provide a regular and uninterrupted supply of service, but 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 Utility shall not be liable therefor.

(B) **Using Utilities Without Paying.** Any person using gas or water services from the City without paying therefor, or who shall be found guilty of breaking any gas or water meter, or appurtenances, or by-pass the meter, shall be guilty of a misdemeanor, and upon conviction, shall be fined a sum as is provided in **Section 1-1-20** of this Code.

(C) **Destroying or Obstructing Property.** A person found guilty of defacing, obstructing, tampering, injuring or destroying, or in any manner limiting the use or availability of any fixture, meter or any property of the utilities, or erecting signs on the property of the utilities without permission shall, upon conviction of such act, be fined as provided in **Section I-1-20** of this Code.

(D) **Service Obtained by Fraud.** All contracts for gas or water service must be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. All renters shall provide to the City a statement or other proof, signed by the owner, verifying that he/she is renting a residence at the location where the gas or water service is requested. The City may refuse to provide utility service to any person who is not included on a rental agreement. The City also reserves the right to request a copy of the utility customer's driver's license or other photo identification. Attempts to obtain service by the use of other names, different spellings, or by substituting other persons' or firms' names will be considered a subterfuge and service will be denied. If service has been discontinued because of non-payment of bills or any unpaid obligation and service again has been obtained through subterfuge, misrepresentation or fraud, that service will 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 proper account. **(Ord. No. 1255; 11-04-02)**

(E) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his or her obligation to pay within the time specified. Should the department be unable to bill a customer for services used during any month, the billing next made shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately **thirty (30) days.**

(F) **Discontinuing Utility Services.** Utility services shall be deemed to have been supplied to any property connected to the Utility Systems during any month, unless the consumer shall have given written notice to the City Clerk prior to the first of the new billing month. Upon the receipt of such notice, utility service shall be discontinued as provided in paragraph (G).

(G) **Method of Discontinuing Services.**

- (1) No municipal utility service shall be discontinued for non-payment of the utility bill unless prior to the discontinuation, a shut-off notice has been given to the customer.
- (2) If any consumer fails to pay his or her municipal utility bill, or submits a check which is returned for insufficient funds as payment, the City shall notify the consumer of such failure by first class mail in the form of a shut-off notice. If the customer is not an owner of the property, the owner shall also receive a copy of the shut-off notice. The shut-off notice shall be mailed after the expiration of one billing cycles and shall state:
 - (a) The name and address of the customer and the amount of the bill.
 - (b) That the customer's utility service will be disconnected **seven (7) days** after the notice has been mailed unless payment is made of the delinquent amount and penalty, or the customer submits a written request for a hearing to question, dispute, or protest the bill. If neither full payment nor a written request for a hearing is received, then service shall be discontinued after **9:00 A.M.** on the date set forth in the notice.

(Ord. No. 1808; 09-05-23)

- (3) If the City receives a check in payment of the shut-off notice, which is returned for insufficient funds, then the customer's utility service will be disconnected without further notice to the customer.
- (4) If the customer submits a written request for a hearing to question, dispute, or protest the bill, the time, date and location of the hearing shall be determined by the Mayor, City Clerk, or designee of the Mayor. The Mayor, City Clerk, or designee of the Mayor shall preside over the hearing. The Mayor, City Clerk, or designee of the Mayor shall make a final determination as to the rights of the customer and the City, based on the information received at the hearing.
- (5) The customer shall be notified within **five (5) City business days** of the decision rendered by the presiding hearing officer. If service is to be discontinued, a date and time will be set out in the notice to terminate the service or

services of the customer. Notice of the hearing officer's decision shall be made by first class mail.

- (6) If the hearing officer decides in favor of the City, the City shall have the right to discontinue the customer's municipal utility service which is in default. Should the customer fail to appear at the hearing without just cause, or should the notice be returned non-accepted, then the City shall also have the right to terminate the customer's municipality utility service, which is in default without further proceedings.
- (7) No arrangements or installment payment plan shall be made or entered into between the City and a customer for payment of a delinquent utility bill.
- (8) In accordance with **65 ILCS 5/11-117-12.1**, no gas furnished to residential users shall be terminated for nonpayment of bills on:
 - (a) any day when the National Weather Service forecast for the following **twenty-four (24) hours** covering the area in which the residence is located includes a forecast that the temperature will be **twenty (20) degrees Fahrenheit** or below; or
 - (b) any day preceding a holiday or a weekend when such a forecast indicates that the temperature will be **twenty (20) degrees Fahrenheit** or below during the holiday or weekend.

(Ord. No. 1255; 11-04-02)

(H) **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 or her agent, or employee herein prohibited, or upon failure to comply with any other rules and regulations of the Department, such service shall be disconnected.

(I) **Payment - Penalty.** All bills for utility services shall be due and payable upon presentation. If a bill is not paid within **fifteen (15) days** of the date the bill is presented, a penalty equal to **ten percent (10%)** of the amount due on the bill shall be added thereto. This penalty shall be in addition to the charge heretofore established for the utility services. However, notwithstanding the foregoing, the owner of the land or premises receiving utility services shall not be liable for the payment of any penalty by reason of the failure of any owner's tenant to timely pay for any utility services of the City. The City expressly reserves the right to collect any penalties assessed to any such tenant notwithstanding the fact that such penalties will not be assessed against the owner thereof. **(Ord. No. 902; 10-01-85) (See 38-2-2) (See 65 ILCS 5/11-117-12)**

(J) **Delinquent Notice - Final Notice.** If a utility bill is not paid within **thirty (30) days** after the date the bill has been presented, the customer and the owner of record shall be given a notice that the charges have become delinquent and that the unpaid charges may create a lien on the real estate and services may be terminated.

If the charges remain unpaid **five (5) days** after the notice referred to above then the unpaid charges shall create a lien on the real estate pursuant to **Section 38-2-1(K)** and services may be terminated after notice and hearing referred to in **Section 38-2-1(G)**.

(K) **Lien on Property.** In the event the charges are not paid after the notice sent pursuant to **Section 38-2-1(J)** then such charges and penalties shall constitute a lien upon the real estate for which such services are supplied, and the City Clerk is hereby authorized and directed to file sworn statements showing such delinquent charges in the office of the County Recorder of Deeds and the filing of such statements shall be deemed notice for the payment of such charges and penalties for such services and such lien may be precluded as in the foreclosure on the real estate.

(L) **Reconnect Charge.** If any customer's utility service is disconnected for non-payment of a bill, service shall not be reconnected for that customer unless all charges, penalties and a reconnect charge of **Fifty Dollars (\$50.00)** for each utility service are paid prior to **3:00 P.M.** in order to re-establish utility service on that same day. **(Ord. No. 1776; 06-06-22)**

(M) **Resale.** No water shall be resold or distributed by the customer 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.

(N) **Extensions of Mains.** Extensions of mains and service outside the City limits shall be subject to approval of the City Council and it shall be also subject to all of the rules and regulations and provisions as provided herein or as may be amended. **(#770; 08-18-80)**
(See Subdivision Code, Ch. 35)

(O) **Fee for Insufficient Fund Check or Debit.** There shall be a fee of **Twenty-Five Dollars (\$25.00)** assessed to a customer for any customer's check or debit account returned for insufficient funds. **(Ord. No. 1802; 07-18-23)**

38-2-2 **LIABILITY FOR CHARGES.** Charges for utility services shall be billed in the name of the user of the services/occupant of the premises; however, the owner of any lot, parcel of land or premises receiving utility services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the utility services to such lot, parcel of land or premises and all services rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefore to the City. If the consumer of water, sewer or natural gas whose bill is unpaid is not the owner of the premises receiving any such municipal utility service and the Clerk has notice of whom the owner of the premises is, then notice shall be mailed to the owner of the premises if his/her address has been furnished or is otherwise known to the City Clerk whenever such bills for such utility services remain unpaid or delinquent.

Failure of the consumer or owner to receive a delinquent notice shall not excuse the consumer or owner from his/her obligation to pay within the time specified. Failure of the Clerk to learn, ascertain or mail any such delinquent notice to the owner of the premises receiving the utility services shall not relieve the owner of his/her obligation nor in any way affect the right of the City to file a lien claim for unpaid utility services or to foreclose on any lien for any unpaid utility service charges on any such premises.

The City Clerk, upon application being made for any new or future utility services, shall ascertain from the applicant the identity and address of the owner of the premises in the event that the owner of the premises and the consumer are not the same person. **(Ord. No. 1586; 11-17-14)**

38-2-3 **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the water or gas passing through the same, the customer shall be charged at the rate shown for the corresponding time of the previous year. If no record of the previous year exists, then it shall be the duty of the Superintendent to estimate the amount of water or gas consumed during the time the meter fails to operate, and the consumer shall be charged with such estimated amount. **(Ord. No. 734; 06-18-79)**

38-2-4 **CONSUMER LISTS.** It is hereby made the Clerk's duty 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. **(Ord. No. 734; 06-18-79)**

38-2-5 **METERS TESTED BY REQUEST - DEPOSIT.** A customer may request a meter to be tested for accuracy, which test will be made by a Meter Shop in accordance with the standard regulations for meter testing as prescribed by the Illinois Commerce Commission. Each request for the testing of a meter for accuracy shall be accompanied by a deposit of **Three Dollars (\$3.00)**. If the meter so tested shall be found to be accurate within the limits prescribed by the Illinois Commerce Commission, the deposit shall be retained by the Water and Sewer Department as compensation for such test. If the error in registration is found to be more than that permitted by the Commission, then the cost of the test shall be borne by the Department, and the amount of the deposit shall be returned to the customer and the customer's bill shall be adjusted in accordance with the result of the tests, if error is established. **(Ord. No. 734; 06-18-79)**

38-2-6 **INACCURATE METER.** The quantity of water recorded by the meter shall be accepted as correct by both the customer and the Department, except when the meter has been found to be registering inaccurately or has ceased to register. In either case, the meter will be promptly repaired by the Department, and the quantity used will be determined by the registration of the meter in the same period for the preceding year. **(Ord. No. 734; 06-18-79)**

38-2-7 **UTILITY DEPOSITS.**
(A) **Residential and Commercial.** When any application is made for utility services in accordance with the provisions of this Chapter, if the applicant is not a record owner of the property for which service is requested, the applicant shall deposit the following sums for each utility service:

\$75.00	Water/Sewer
\$150.00	Gas
\$25.00	Garbage

An application for services provided under this Section shall be made on the following form and submitted by the applicant to City Hall. **(See Exhibit "A") (Ord. No. 1807; 09-05-23)**

(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 water used by the applicant upon the premises to which his or her application pertains, and may be so applied when any default is made in the payment of any utility bill in accordance with this Chapter. The deposit shall earn no interest. **(Ord. No. 1261; 12-02-02)**

38-2-8 BUILDING UNIT DEFINED. All persons or families residing in a building under **one (1) roof**, be it an apartment or homes converted into more than **one (1) dwelling place**, each family or individual resident residing therein shall be deemed an individual customer and such homes or apartments or dwellings shall be billed for at least **one (1) minimum water account**, according to the number of families or individual residents residing therein. **(Ord. No. 734; 06-18-79)**

ARTICLE III - WATER SYSTEM

DIVISION I - RATES

38-3-1 WATER RATES. The following monthly charges are hereby established for water consumption for customers within the City limits of Chester for water bills sent after **August 1, 2023**:

(A)

First	2,000 gallons at	\$24.00 per 1,000 gallons
From	2,000 - 22,000 gallons at	4.32 per 1,000 gallons
From	22,000 - 42,000 gallons at	3.79 per 1,000 gallons
Over	42,000 gallons at	2.92 per 1,000 gallons

(B) The water rates set forth above shall be automatically increased by **three percent (3%)** on **June 1, 2024**, and annually on June 1 of each year thereafter.

(C) However, effective **August 1, 2023**, there shall be a monthly minimum charge of **Twenty-Four Dollars (\$24.00)** for any water consumption of **two thousand (2,000) gallons** or less. This charge shall be automatically increased by **three percent (3%)** on **June 1, 2024** and annually on **June 1** of each year thereafter.

(D) In addition to the monthly charges set forth above, all water customers shall pay the additional monthly charge for water meters set forth in **Section 38-3-2** of the Revised Code of Ordinances of the City of Chester.

(E) The rates and charges provided in this Section shall not be applicable to any rates, charges or other provisions of any intergovernmental agreement which the City now has or may hereafter implement; nor shall these rates and charges be applicable to any other kind of agreement which the City now has or might in the future implement relative to water rates that the City has authority by the law to enter into.

(Ord. No. 1802; 07-17-23)

38-3-2 ADDITIONAL MONTHLY CHARGE FOR WATER METERS. There shall also be charged to all water customers the following additional monthly charge, based upon the meter size. The City reserves the right to determine meter size to any building or premises within the system. A 5/8 x 3/4 meter shall require a **three-fourths (3/4)** service line and all other meters shall be the same size as the service line from the water main to the water meter unless specific permission is obtained from the City. The additional monthly charge for each meter size shall be in the amount set forth below for all meter sizes larger than **three-fourths (3/4) inch**:

<u>Size of Meter</u>	<u>Water Service</u>
1"	11.00
1 1/2"	20.75
2"	33.50
3"	61.98
4"	108.46
6"	206.08

(Ord. No. 1355; 01-17-06)

38-3-3 **WATER RATES OUTSIDE THE CITY.**

(A) The following monthly charges shall be charged for water consumption for customers outside the City limits of Chester for water bills sent after **June 1, 2021**:

First 2,000 gallons (minimum charge)	\$41.00
Next 20,000 gallons	\$6.29 per 1,000 gallons
Over 22,000 gallons	\$5.73 per 1,000 gallons

(B) The water rates set forth above shall be automatically increased by **three percent (3%)** on **June 1, 2024** and annually on **June 1** of each year thereafter.

(C) In addition to the monthly charges set forth above, all water customers shall pay the additional monthly charge for water meters set forth in **Section 38-3-2** of the Revised Code of Ordinances of the City of Chester.

(D) The rates and charges provided in this Section shall not be applicable to any rates, charges or other provisions of any intergovernmental agreement which the City now has or may hereafter enter into; nor shall these rates and charges be applicable to any other kind of agreement for the purchase of water which the City now has or might in the future enter into.

(Ord. No. 1802; 07-17-23)

38-3-4 **SPECIAL RATES.** The City Council reserves the right to make special charges for water service supplied to properties not covered by the above rates, of which should be charged special rates in the judgment of the City Council. **(Ord. No. 734; 06-18-79)**

38-3-5 **ELLIS GROVE RATES.** The rates for water service to the Village of Ellis Grove pursuant to the "Intergovernmental Agreement" are hereby spelled out in the most recent Intergovernmental Agreement, and **Appendix "8"** is hereby amended to reflect the most recent Intergovernmental Agreement. **(Ord. No. 1795; 05-16-23)**

38-3-6 **RESERVED.**

DIVISION II - REGULATIONS

38-3-7 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection and meter and the security deposit hereinafter prescribed; that in the event such application is made by an agent for the owner, the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(Ord. No. 1270; 03-17-03)**

38-3-8 COST OF TAP AND SERVICE CONNECTIONS.

(A) **Water Tap-In Inside City Limits.** For all water taps and service connections inside the City limits, the applicant shall pay the sum of **Four Hundred Dollars (\$400.00).**

(B) **Water Tap-In Outside City Limits.** All water taps and service connections outside the City limits, the applicant shall pay the sum of **One Thousand Dollars (\$1,000.00).**

(C) **Sewer Tap-in Inside City Limits.** For all sewer taps and service connections inside the City limits, the applicant shall pay the sum of **Four Hundred Dollars (\$400.00).**

(D) **Sewer Tap-In Outside City Limits.** For all sewer taps and service connections outside the City limits, the applicant shall pay the sum of **Six Hundred Dollars (\$600.00).**

(D) **Conformity to Illinois Plumbing Code.** All water and sewer taps and service connections made to the mains of the Waterworks System and the Sewer System of the City shall conform to the regulations and standards of the Illinois Plumbing Code and all other applicable laws. All water taps to the mains of the Waterworks System of the City (except for water taps made by a contractor during construction of a water main for the City) up to and including **one (1) inch** in size shall be made by the City, and all water taps in excess of **one (1) inch** in size shall be made by a person contracted to do so by the City and the extra expense shall be paid for by the applicant. All digging and excavation to the water main to allow the tap to be made shall be the responsibility of the applicant. **(Ord. No. 1355; 01-17-06)**

38-3-9 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 City. Water will 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. **(Ord. No. 346; 10-21-48)**

38-3-10 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.

38-3-11 METER DAMAGED. Whenever a meter, meter cover and/or MIU on top of the meter cover is found to have been damaged by any means, or for any cause, within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repairing and replacing of the damaged meter, meter cover, and/or MIU on top of the 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. **(Ord. No. 1819; 06-17-24)**

38-3-12 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 other operating reason. In all cases, if possible, as reasonable 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 will 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 adjacent consumers 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. **(Ord. No. 657; 06-10-74)**

38-3-13 REQUEST FOR BILLING ADJUSTMENT. It is hereby the policy of the Mayor and City Council of the City that no request for adjustment in a water/sewer utility billing of the City shall be considered unless an increased usage in water was occasioned by faulty, deficient water mains or lines which are the responsibility of the City to install and/or maintain, or unless the increased usage, as a result of damage occasioned to the owner's/ customer's service line by act of God or other extraordinary circumstance(s) completely beyond the control of the owner/customer.

The Mayor and City Council hereby expressly reserve unto themselves the power to make determinations in the future as to whether or not a request for adjustment of a water bill is within the policy of the City declared herein. **(Ord. No. 873; 09-17-84)**

38-3-14 INSPECTION. 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 water 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. **(Ord. No. 657; 06-10-74)**

38-3-15 INSTALLATION. No owner or plumber shall be permitted to install water pipes into any two distinct premises or tenements unless separated and distinct stopcocks shall be placed on the outside of each such premises, nor shall any pipe be constructed to cross lots and/or buildings to adjoining premises. **(Ord. No. 657; 06-10-74)**

38-3-16 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 the 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 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.

38-3-18 **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 shut-off of water supply 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.

38-3-19 **NON-COMPLIANCE WITH RULES.** If any consumer fails to comply fully with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy same, as the rules provide, and within a reasonable time, the City shall have the right to discontinue service. Except in cases of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rules until **five (5) days** after notice has been given and violation has not been remedied.

38-3-20 **FIRE HYDRANTS.** All hydrants shall be owned, maintained and used only by the City. Use of water from fire hydrants by contractors and others shall be only upon permission by the City after approved application to the City.

The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside the City limits, or the pressure or amount of water obtainable therefrom, or any damages, either direct or resultant, because of the condition, pressure, or amount of water available at any fire hydrant.

All public fire hydrants outside the City limits owned by the City will be maintained in as good order as reasonably possible, but the City will not undertake or assume any responsibility or liability for their condition, use or abuse. Such public

fire hydrants shall be used only for the purpose of extinguishing fires, except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

38-3-21 **RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the Water Plant 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.

38-3-22 - 38-3-29 **RESERVED.**

DIVISION III - CROSS-CONNECTION CONTROL

38-3-30 REQUIREMENTS. 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 if, in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his or her own expense, install such an approved device at a location and in a manner in accordance with the **Illinois Plumbing Code, Illinois Environmental Protection Agency** and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the **Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations**.

38-3-31 PRIVATE CONNECTION UNLAWFUL. 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 of the City enters the supply or distribution system of the Municipality unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the **Illinois Environmental Protection Agency**.

38-3-32 INVESTIGATION 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 Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

38-3-33 CROSS-CONNECTION CONTROL INSPECTOR. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of verifying the presence or absence of cross-connections. The Superintendent or his or her designated authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee(s) or occupant(s) of any property so served shall furnish to the Superintendent any information which he may

request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Superintendent, be deemed evidence of the presence of improper connections as provided in this Code.

38-3-34 **DISCONTINUANCE OF SERVICE.** The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupants thereof, the water service to any property wherein any connection in violation of the provisions of this Code 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 Code and until a reconnection fee of **Twenty-Five Dollars (\$25.00)** is paid to the City. Immediate disconnection with verbal notice can be effected when the Superintendent is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent or the **Illinois Environmental Protection Agency**, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the public water supply, the Superintendent or agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Code, whether or not the termination was with or without notice. **(Ord. No. 1621; 03-07-16)**

38-3-35 **CONTAMINATION COSTS.** The consumer responsible for backsiphoned material or contamination through backflow must bear the cost of clean-up of the potable water supply system 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. **(Ord. No. 4089; 04-11-89)**

38-3-36 - 38-3-39 **RESERVED.**

DIVISION IV - CROSS-CONNECTION CONTROL CODE

38-3-40 **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.

38-3-41 **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-42 **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 customer's water service connection. If, in the judgment of the Superintendent or his or her 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 or her own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-4-37(D)** below for a period of at least **five (5) years**. The Superintendent 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.

38-3-43 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

"Fixed Proper Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

"Auxiliary Water System" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

"Backflow" means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

"Backflow Prevention Device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

"Consumer" or "Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

"Consumer's Water System" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

"Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

"Cross-Connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

“Direct Cross-Connection” means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

“Indirect Cross-Connection” means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

“Double Check Valve Assembly” means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

“Health Hazard” means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

“Inspection” means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

“Non-potable Water” means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

“Pollution” means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

“Potable Water” means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

“Potential Cross-Connection” means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

“Process fluid(s)” means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

“Public Water Supply” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

“Reduced Pressure Principle Backflow Prevention Device” means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

“Service Connection” means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

"System Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

"Used Water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water Purveyor" means the owner or official custodian of a public water system.

38-3-44 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 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.

38-3-45 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-46 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 or her authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent for the verification of information submitted by the consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his or her premises to determine whether there are actual or potential cross-connections to his or her water system through which contaminants or pollutants could backflow into his or her 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. service performed and date completed.

38-3-47 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent 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.
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

- (5) Premises having a repeated history of cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the 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 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.

38-3-48 **TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under **Section 38-3-47** 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 38-3-47** 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.

(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.

38-3-49 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.

38-3-50 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation

and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.

- (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.
- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

- (1) date of each test or visual inspection;
- (2) name and approval number of person performing the test or visual inspection;
- (3) test results;
- (4) repairs or servicing required;
- (5) repairs and date completed; and
- (6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-50(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-51 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.

38-3-52 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) 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.

(D) 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.

(E) 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.

(F) 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.

ARTICLE IV

SEWER CODE

DIVISION I – GENERAL PROVISIONS

38-4-1 **PURPOSE AND POLICY.** This Code sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Chester ("City") and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251, et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Code are:

(A) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(B) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(C) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(D) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(E) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

(F) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Code shall apply to all users of the Publicly Owned Treatment Works. The Code authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

38-4-2 **ADMINISTRATION.** Except as otherwise provided herein, the City shall administer, implement, and enforce the provisions of this Code. The City may delegate any powers granted to or duties imposed upon it to other City personnel.

38-4-3 **ABBREVIATIONS.** The following abbreviations, when used in this Code, shall have the designated meanings:

- (A) **BOD.** Biochemical Oxygen Demand.
- (B) **C.F.R.** Code of Federal Regulations.
- (C) **COD.** Chemical Oxygen Demand.
- (D) **EPA.** United States Environmental Protection Agency.
- (E) **gpd.** Gallons per day.
- (F) **MGD.** Million gallons per day.
- (G) **mg/L.** milligrams per liter.
- (H) **NPDES.** National Pollutant Discharge Elimination System.
- (I) **POTW.** Publicly Owned Treatment Works.
- (J) **RCRA.** Resource Conservation and Recovery Act.
- (K) **SIC.** Standard Industrial Classification.
- (L) **TSS.** Total Suspended Solids.
- (M) **U.S.C.** United States Code.

38-4-4 **DEFINITIONS.** Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Code, shall have the meanings hereinafter designated.

(A) **"Act" or "The Act".** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq.

(B) **"Approval Authority".** The Regional Administrator of EPA.

(C) **"Authorized Representative of the User".**

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than **two hundred fifty (250) persons** or having gross annual sales or expenditures exceeding **Twenty-Five Million Dollars (\$25,000,000.00)** (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

(D) **"Biochemical Oxygen Demand" or "BOD"**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for **five (5) days at 20 degrees centigrade (20°C)**, usually expressed as a concentration (e.g., mg/L).

(E) **"Building Drain"**. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning **five (5) feet (1.5 meters)** outside the inner face of the building wall.

(F) **"Building Sewer"**. The extension from the building drain to the public sewer or other place of disposal.

(G) **"Categorical Pretreatment Standard or Categorical Standard"**. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

(H) **"City"**. The City of Chester, Randolph County, Illinois, or the City Council of Chester. The City may delegate its authorities and/or duties under this Code to the POTW Committee or the City Sewer Superintendent or Water Superintendent, as it deems fit.

(I) **"COD"**. Chemical Oxygen Demand.

(J) **"Chlorine Requirement"**. The amount of chlorine in milligrams per liter, which must be added to sewage to produce a residual chlorine content, or to meet the requirements of some other objective, in accordance with the procedures set forth in "Standard Methods".

(K) **"Combined Sewer"**. A sewer receiving both surface runoff and sewage.

(L) **"Commercial User"**. Shall include transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household or industrial consumption and/or rendering services to others.

(M) **"Compatible Pollutant"**. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly-owned treatment works was designed to treat such pollutants, and in fact, does remove such pollutants to a substantial degree.

(N) **"Debt Service Charge"**. Cost per unit of sewage for debt retirement.

(O) **"Depreciation"**. The annual reduction in the fair market value of real estate during its useful life at a standard percentage per year.

(P) **"Domestic User"**. All dwelling units such as row houses, mobile homes, apartments, permanent multi-family dwellings and single-family dwellings. Transient lodging, considered commercial in nature, is not included in this definition.

(Q) **"Environmental Protection Agency or EPA"**. The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

(R) **"Existing Source"**. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

(S) **"Garbage"**. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food; and from the handling, storage and sale of produce.

(T) **"Governmental User"**. Shall include legislative, judicial, administrative and regulatory activities of Federal, State and local governments, such as courthouses, police and fire stations, city halls and similar governmental users.

(U) **"Grab Sample"**. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed **fifteen (15) minutes**.

(V) **"Hydrogen Ion Concentration"**. See "pH".

(W) **"Incompatible Pollutant"**. Any pollutant which is not a compatible pollutant as defined herein.

(X) **"Indirect Discharge" or "Discharge"**. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

(Y) **"Industrial Waste"**. The liquid or liquid conveyed waste from industrial manufacturing processes, trades or businesses, cooling water, discharges from industrial pre-treatment facilities and on a case-by-case basis, discharges from business establishments exceeding normal sanitary needs of employees.

(Z) **"Institutional User"**. Shall include social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

(AA) **"Instantaneous Maximum Allowable Discharge Limit"**. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(BB) **"Interference"**. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as

the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

(CC) **"Medical Waste"**. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(DD) **"Multi-Family Dwelling"**. A building designed and used as dwelling units for occupancy by **three (3)** or more families, independently of each other.

(EE) **"National Pollution Discharge Elimination System (NPDES) Permit"**. The National System of Issuance of Permits under Section 402 of Federal Water Pollution Act Amendments of 1972 (P.L. 92-500) and includes any state or interstate program that has been approved by the Administrator in whole or in part, pursuant to Section 402 of the above Act.

(FF) **"Natural Outlet"**. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(GG) **"New Source"**.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plan, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or protection equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program:
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(HH) **"Noncontact Cooling Water"**. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(II) **"Operation and Maintenance"**. All costs, direct or indirect, (other than Debt Service) necessary to insure the adequate wastewater treatment by the sewage treatment works on a continuing basis in a manner which conforms with all related Federal, State, and local requirements to assure optimal long-term facility management. The term "operation and maintenance" shall include depreciation and routine parts replacement.

(JJ) **"Pass Through"**. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

(KK) **"Person"**. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

(LL) **"pH"**. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(MM) **"Pollutant"**. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COPD, toxicity, or odor).

(NN) **"POTW Committee"**. A committee of **three (3) members**, consisting of the City's Sewer Superintendent and such other persons as may be appointed by the Mayor of the City. It is expressly provided that the Mayor may appoint himself to the POTW Committee.

(OO) **"Pretreatment"**. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

(PP) **"Pretreatment Requirements"**. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(QQ) **"Pretreatment Standards" or "Standards"**. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(RR) **"Prohibited Discharge Standards" or "Prohibited Discharges"**. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in **Section 38-4-26** of this Code.

(SS) **"Properly Shredded Garbage"**. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than **one-half (1/2) inch (1.27 centimeters)** in dimension.

(TT) **"Public Sewer"**. A sewer which is controlled by public authority.

(UU) **"Publicly Owned Treatment Works" or "POTW"**. A "treatment works", as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

(VV) **"Regulatory Agency"**. The Illinois Environmental Protection Agency and United States Federal Environmental Protection Agency.

(WW) **"Replacement"**. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(XX) **"Salvage Value"**. Land for treatment works, including land used as part of the treatment process or for ultimate disposal of residues, shall be assumed to have a salvage value at the end of the planning period equal to its prevailing market value at the time of the analysis. Right-of-way easements shall be considered to have a salvage value not greater than the prevailing market value at the time of analysis. Structures will be assumed to have a salvage value if there is a use for such structures at the end of the planning period. In this case, salvage value shall be estimated using straight-line depreciation during the service life of the treatment works. For phased additions of process equipment and auxiliary equipment, salvage value at the end of the planning period may be estimated under the same conditions and on the same basis as described above for structure.

(YY) **"Sanitary Facilities"**. Shall consist of all internal plumbing installed for the sole purpose of discharging water-carried wastes to a disposal source.

(ZZ) **"Sanitary Sewer"**. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

(AAA) **"Septic Tank Waste"**. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(BBB) **"Service Charge"**. The user charge as defined above, plus the Debt Service Charge as defined above. Also defined as the cost per unit of sewage made up of the user charge rate, plus the debt service rate.

(CCC) **"Sewage"**. Human excrement and gray water (household showers, dishwashing operations, etc.)

(DDD) **"Sewer"**. A pipe or conduit for carrying sewage.

(EEE) **"Sewage Treatment Plant"**. Any arrangement of devices and structures used for treating sewage.

(FFF) **"Sewage Works"**. All facilities for collecting, pumping, treating, and disposing of sewage.

(GGG) **"Significant Industrial User"**.

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of **twenty-five thousand (25,000) gpd** or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up **five percent (5%)** or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own

initiative or in response to a petition received from a user, and in accordance with procedures in 40 C.F.R. 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(HHH) **"Slug"**. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in **Section 38-4-26** of this Code.

(III) **"Standard Industrial Classification (SIC) Code"**. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(JJJ) **"Standard Methods"**. The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewerage, and Industrial Wastes, published jointly by the American Public Health Association; the American Waterworks Association and the Water Pollution Control Federation.

(KKK) **"Storm Drain" or "Storm Sewer"**. A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than polluted cooling water.

(LLL) **"Storm Water"**. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(MMM) **"Surcharge"**. The assessment in addition to the service or user charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

(NNN) **"Suspended Solids"**. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(OOO) **"Useful Life"**. The estimated period during which a treatment works will be operated.

(PPP) **"User" or "Industrial User"**. A source of indirect discharge.

(QQQ) **"User Charge"**. The charge levied on users of the sewage treatment works for the cost of operating and maintaining such works. This charge shall apply to all users whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

(RRR) **"Wastewater"**. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(SSS) **"Wastewater Treatment Plant" or "Treatment Plant"**. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(TTT) **"Watercourse"**. A channel in which a flow of water occurs, either continuously or intermittently.

38-4-5 RESERVED.

DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-4-6 **OBJECTIONABLE WASTES UNLAWFUL.** 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 jurisdiction of the City, any human or animal excrement, garbage or other objectionable wastes.

38-4-7 **SEPTIC TANK 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.

38-4-8 **CONNECTION TO SEWER SYSTEM MANDATORY.** 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, or right-of-way in which there is now located or may in the future be located a public sanitary (or combined) sewer of the City, is hereby required at his or her expense to connect all sanitary facilities therein, existing or new, directly within the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **two hundred (200) feet** of the property line or within **one thousand (1,000) feet** of the property line of any commercial or multi-family dwelling.

38-4-9 **PRIVATE SEWAGE DISPOSAL.** Where a public sanitary or combined sewer is not available under the provisions of **Section 38-4-8**, the sanitary facilities shall be connected to a private sewage disposal system complying with the regulations promulgated by the State of Illinois Environmental Protection Agency and any other unit of government or governmental agency regulating sewage disposal and construction of private sewage disposal systems within the limits of the City.

38-4-10 **RESERVED.**

DIVISION III - BUILDING SEWERS AND CONNECTIONS

38-4-11 PERMIT REQUIRED FOR SEWER CONNECTION. No person other than as directed by the City 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 City and upon payment of all fees and assessments.

38-4-12 INSTALLATION COSTS. All cost and expense incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

38-4-13 SEPARATE CONNECTION REQUIRED. A separate and independent building sewer shall be provided for every building; provided, however, that where one building stands at the rear of another on the same lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended through a manhole to be constructed between the buildings to the rear building and the whole considered as one building sewer.

38-4-14 EXISTING BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Code.

38-4-15 DESIGN AND SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City. All private service lines must be extended on minimum grade from property line to sewer main.

38-4-16 SEWER 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 an approved means and discharged to the building sewer.

38-4-17 ILLEGAL CONNECTIONS OF ROOF DRAINS. No person shall connect roof downspouts, interior or exterior foundation drains, area-away 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 a public sanitary sewer.

38-4-18 STORM WATER – NATURAL OUTLETS. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City, to a storm sewer or natural outlet.

38-4-19 CONTROL MANHOLE. 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 accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him so as to be safe and accessible at all times.

38-4-20 REQUIREMENTS FOR CONNECTION TO SEWER. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight. Any deviation from prescribed procedures and materials must be approved by the City before installation.

38-4-21 INSPECTION BY THE CITY. 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. The connection shall be made under the supervision of the City.

38-4-22 EXCAVATIONS BARRICADED. 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.

38-4-23 **CAPACITY DOWNSTREAM.** No new connections shall be made to the sewage system unless adequate capacity, as determined by the City, is available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for BOD and Suspended Solids.

38-4-24 - 38-4-25 **RESERVED.**

DIVISION IV – GENERAL SEWER USE REQUIREMENTS

38-4-26 PROHIBITED DISCHARGE STANDARDS.

(A) **General Prohibitions.** No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(B) **Specific Prohibitions.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than **140°F (60°C)** using the test methods specified in 40 C.F.R. 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than **two (2) inches** in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a low rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than **150°F (65°C)**, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed **104°F (40°C)**;
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with **Section 38-4-7** of this Code.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other

wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the City;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the City in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L, or any water or wastes containing substances which may solidify or become viscous at temperatures between **32° and 150°Fahrenheit (0° and 65° Celsius)**;
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than **five percent (5%)** or any single reading over **ten percent (10%)** of the Lower Explosive Limit of the meter;
- (19) Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas;
- (20) Any waters or wastes containing iron, chromium, copper, or any other metals to such degree that any such material received in the composite sewage as the POTW exceeds the limits established by the City for such materials;
- (21) Any waters or wastes containing any materials exerting an excessive chlorine requirement, to such degree that any

such material received in the composite sewage at the POTW exceeds the limits established by the City for such materials.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

38-4-27 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

The categorical pretreatment standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 C.F.R. 402.6(c).

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the City shall impose an alternate limit using the combined wastestream formula in 40 C.F.R. 403.6(e).

(C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15.

38-4-28 STATE PRETREATMENT STANDARDS. State pretreatment standards located at Title 35, Subtitle C, Chapter 1, Part 307 are hereby incorporated.

38-4-29 LOCAL LIMITS. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

0.25	mg/L arsenic
0.2	mg/L cadmium
0.1	mg/L trivalent chromium
0.3	mg/L hexavalent chromium
0.3	mg/L copper
0.005	mg/L cyanide
0.1	mg/L lead
0.0005	mg/L mercury

0.3	mg/L nickel
1.0	mg/L selenium
0.1	mg/L silver
0.5	mg/L total phenols
0.7	mg/L zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The City may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

38-4-30 CITY'S RIGHT OF REVISION AND SPECIAL AGREEMENTS.

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. The City reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 C.F.R. 403.13.

38-4-31 DILUTION. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard of requirement. The City may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

38-4-32 - 38-4-33 RESERVED.

DIVISION V – PRETREATMENT OF WASTEWATER

38-4-34 PRETREATMENT FACILITIES. Users shall provide wastewater treatment as necessary to comply with this Code and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in **Section 38-4-26** of this Code within the time limitations specified by EPA, the State, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user’s expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Code.

38-4-35 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user’s compliance with the requirements of this Code.

(B) The City may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(C) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(D) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

38-4-36 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS. The City may require any significant industrial user to develop, submit for approval, and implement an accidental discharge/slug control plan. At least once every **two (2) years**, the City shall evaluate whether each significant industrial user needs such a plan. Alternatively, the City may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (A) Description of discharge practices, including non-routine batch discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the City of any accidental or slug discharge, as required by **Section 38-4-63** of this Code; and
- (D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

38-4-37 HAULED WASTEWATER.

(A) Septic tank waste may be introduced into the POTW only at locations designated by the City, and at such times as are established by the City. Such waste shall not violate **Division IV** of this Code or any other requirements established by the City. The City may require septic tank waste haulers to obtain wastewater discharge permits.

(B) The City shall require haulers of industrial waste to obtain wastewater discharge permits. The City may require generators of hauled industrial waste to obtain wastewater discharge permits. The City also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Code

(C) Industrial waste haulers may discharge loads only at locations designated by the City. No load may be discharged without prior consent of the City. The City may collect samples of each hauled load to ensure compliance with applicable standards. The City may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

38-4-38 - 38-4-39 RESERVED.

DIVISION VI – WASTEWATER DISCHARGE PERMIT APPLICATION

38-4-40 **WASTEWATER ANALYSIS.** When requested by the City, a user must submit information on the nature and characteristics of its wastewater within **thirty (30) days** of the request. The City is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to submit this information shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Code.

38-4-41 **WASTEWATER DISCHARGE PERMIT REQUIREMENT.**

(A) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City, except that a significant industrial user that has filed a timely application pursuant to **Section 38-4-42** of this Code may continue to discharge for the time period specified therein.

(B) The City may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Code.

(C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Code and subjects the wastewater discharge permittee to the sanctions set out in **Divisions XII through XIV** of this Code. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

38-4-42 **WASTEWATER DISCHARGE PERMITTING; EXISTING CONNECTIONS.**

(A) Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Code and who wishes to continue such discharges in the future, shall, within **thirty (30) days** after said date, apply to the City for a wastewater discharge permit in accordance with **Section 38-4-45** of this Code, and shall not cause or allow discharges to the POTW to continue after **ninety (90) days** of the effective date of this Code except in accordance with a wastewater discharge permit issued by the City.

(B) Any Significant Industrial User operating on the effective date of this Code pursuant to a valid wastewater discharge permit issued by any state or federal authority, may continue to operate pursuant to a permit issued under this Code during the time specified in said permit for it to design and implement a program to achieve compliance with a permit issued under this Code.

(1) Within **sixty (60) days** from the issuance of the permit issued under this Code, a Significant Industrial User may notify the City that it intends to continue to operate as provided hereinabove.

- (2) Within **sixty (60) days** from the issuance of the permit under this Code, a Significant Industrial User operating under this subsection, shall submit to the City a proposed compliance plan prepared by a qualified industrial wastewater engineer, which when implemented will achieve compliance with the permit issued under this Code.
- (3) The City may review this compliance plan and provide any comments, suggestions, or requirements within **thirty (30) days** of receipt. The affected Significant Industrial User shall review the comments, suggestions or requirements of the City, if any, and shall implement those requirements of the City.
- (4) Failure of the City to provide comments or suggestions shall not preclude implementation of the compliance plan.
- (5) The City may, upon good cause shown, grant an extension of time to implement a program to achieve compliance with a permit issued under this subsection.

38-4-43 WASTEWATER DISCHARGE PERMITTING; NEW CONNECTIONS. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with **Section 38-4-45** of this Code, must be filed at least **ninety (90) days** prior to the date upon which any discharge will begin or recommence.

38-4-44 WASTEWATER DISCHARGE PERMITTING FOR EXTRAJURISDICTIONAL INDUSTRIAL USERS.

(A) Any existing significant industrial user located beyond City limits shall submit a wastewater discharge permit application, in accordance with **Section 38-4-45** below, within **thirty (30) days** of the effective date of this Code. New significant industrial users located beyond the City limits shall submit such applications to the City **ninety (90) days** prior to any proposed discharge into the POTW.

(B) Alternately, the City may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

38-4-45 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS.

All users required to obtain a wastewater discharge permit must submit a permit application. The City may require all users to submit, as part of an application, the following information:

- (A) All information required by **Section 38-4-58(B)** of this Code;
- (B) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (C) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (D) Each product produced by type, amount, process or processes, and rate of production;
- (E) Type and amount of raw materials processed (average and maximum per day);
- (F) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (G) Time and duration of discharges; and
- (H) Any other information as may be deemed necessary by the City to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

38-4-46 APPLICATION SIGNATORIES AND CERTIFICATION. All

wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

38-4-47 WASTEWATER DISCHARGE PERMIT DECISIONS. The City will evaluate the data furnished by the user and may require additional information. Within **sixty (60) days** of receipt of a complete wastewater discharge permit application, the City will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City may deny any application for a wastewater discharge permit.

38-4-48 RESERVED.

DIVISION VII – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

38-4-49 WASTEWATER DISCHARGE PERMIT DURATION. A wastewater discharge permit shall be issued for a specified time period, not to exceed **five (5) years** from the effective date of the permit. A wastewater discharge permit may be issued for a period less than **five (5) years**, at the discretion of the City. Each wastewater discharge permit will indicate a specific date upon which it will expire.

38-4-50 WASTEWATER DISCHARGE PERMIT CONTENTS. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(A) Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed **five (5) years**;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with **Section 38-4-53** of this Code, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(B) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

- (3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (4) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (9) Other conditions as deemed appropriate by the City to ensure compliance with this Code, and State and Federal laws, rules, and regulations.

38-4-51 WASTEWATER DISCHARGE PERMIT APPEALS. The City shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within **thirty-five (35) days** of notice of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(D) If the City fails to act within **ninety (90) days**, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(E) Aggrieved parties seeking administrative review of the wastewater discharge permit decision must do so by filing a request for review with the POTW Committee, within **thirty-five (35) days** of the wastewater discharge permit decision. If the POTW Committee fails to act on the request within **thirty (30) days** of filing the request, the request will be deemed to have been denied. Decisions of the POTW Committee not to review a wastewater discharge permit decision shall be considered a final administrative action for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court of the Twentieth Judicial Circuit, Randolph County, Illinois, within **thirty-five (35) days**.

38-4-52 WASTEWATER DISCHARGE PERMIT MODIFICATION. The City may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(A) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(E) Violation of any terms or conditions of the wastewater discharge permit;

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. 403.13;

(H) To correct typographical or other errors in the wastewater discharge permit; or

(I) To reflect a transfer of the facility ownership or operation to a new owner or operator.

38-4-53 WASTEWATER DISCHARGE PERMIT TRANSFER. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least **ninety (90) days** advance notice to the City and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

(A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(B) Identifies the specific date on which the transfer is to occur; and

(C) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

38-4-54 WASTEWATER DISCHARGE PERMIT REVOCATION. The City may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(A) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;

(B) Failure to provide prior notification to the City of changed conditions pursuant to **Section 38-4-62** of this Code;

(C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(D) Falsifying self-monitoring reports;

(E) Tampering with monitoring equipment;

(F) Refusing to allow the City timely access to the facility premises and records;

(G) Failure to meet effluent limitations;

(H) Failure to pay fines;

(I) Failure to pay sewer charges;

(J) Failure to meet compliance schedules;

(K) Failure to complete a wastewater survey or the wastewater discharge permit application;

(L) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(M) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Code.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

A decision of the City to revoke a wastewater discharge permit shall be considered a final administrative action for purposes of review. A party seeking review of the City's revocation of a wastewater discharge permit must do so by filing a request for review with the POTW Committee, within **thirty-five (35) days** of the permit revocation. If the POTW Committee fails to act on the request within **thirty (30) days** of filing the request, the request will be deemed to have been denied. Decisions of the POTW Committee not to review a wastewater discharge permit revocation shall be considered a final administrative action for purposes of judicial review. Aggrieved parties seeking judicial review of final administrative wastewater discharge permit revocation must do so by filing a complaint with the Circuit Court of the Twentieth Judicial Circuit, Randolph County, Illinois, within **thirty-five (35) days**.

38-4-55 **WASTEWATER DISCHARGE PERMIT REISSUANCE.** A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with **Section 38-4-45** of this Code, a minimum of **one hundred eighty (180) days** prior to the expiration of the user's existing wastewater discharge permit.

38-4-56 **INTERMUNICIPAL AGREEMENTS.**

(A) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by paragraph (A) above, the City shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the City may deem necessary.

(C) An intermunicipal agreement, as required by paragraph (A) above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Code and local limits which are at least as stringent as those set out in **Section 38-4-30** of this Code. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;
- (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;
- (4) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the City access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(D) Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in **Divisions XII – XIV.**

38-4-57 RESERVED.

DIVISION VIII – REPORTING REQUIREMENTS

38-4-58 BASELINE MONITORING REPORTS.

(A) Within either **one hundred eighty (180) days** after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed in paragraph (B) below. At least **ninety (90) days** prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the City a report which contains the information listed in paragraph (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below.

- (1) **Identifying Information.** The name and address of the facility, including the name of the operator and owner.
- (2) **Environmental Permits.** A list of any environmental control permits held by or for the facility.
- (3) **Description of Operations.** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 C.F.R. 403.6(e).
- (5) **Measurement of Pollutants.**
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be

representative of daily operations and shall be analyzed in accordance with procedures set out in **Section 38-4-67** of this Code.

- (c) Sampling must be performed in accordance with procedures set out in **Section 38-4-68** of this Code.
- (6) **Certification.** A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in **Section 38-4-59** of this Code.
- (8) **Signature and Certification.** All baseline monitoring reports must be signed and certified in accordance with **Section 38-4-46** of this Code.

38-4-59 COMPLIANCE SCHEDULE PROGRESS REPORTS. The following conditions shall apply to the compliance schedule required by **Section 38-4-58(B)(7)** of this Code:

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(B) No increment referred to above shall exceed **nine (9) months**;

(C) The user shall submit a progress report to the City no later than **fourteen (14) days** following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(D) In no event shall more than **nine (9) months** elapse between such progress reports to the City.

38-4-60 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE. Within **ninety (90) days** following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in **Section 38-4-58(B)(4)-(6)** of this Code. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with **Section 38-4-46** of this Code.

38-4-61 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall, in June and December, unless required more frequently in the pretreatment standard, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. The City may require a more detailed reporting of flows. At the City's discretion, and in consideration of such factors as local high or low flow rates, holidays and budget cycles, etc., the City may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with **Section 38-4-46** of this Code.

(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(C) If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the City, using the procedures prescribed in **Section 38-4-68** of this Code, the results of this monitoring shall be included in the report.

(D) Where the City has imposed mass limitations on industrial users as provided by 40 C.F.R. 403.6, paragraph (d), the report required by **Section 38-4-6**, paragraph (A) of this report and 40 C.F.R. 403.12, paragraph (e)(1), shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(E) For industrial users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in 40 C.F.R. 304.6, paragraph (C), the report required by **Section 38-4-61**, paragraph (A) of this report

and 40 C.F.R. 403.12, paragraph (e)(1), shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutants discharge per unit of production (or other measure of operation), the report required by **Section 38-4-61**, paragraph (A) of this report and 40 C.F.R. 403.12, paragraph (e)(1), shall include the user's actual average production rate for the reporting period.

38-4-62 **REPORTS OF CHANGED CONDITIONS.** Each user must notify the City of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least **ninety (90) days** before the change.

(A) The City may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under **Section 38-4-45** of this Code.

(B) The City may issue a wastewater discharge permit under **Section 38-4-47** of this Code or modify an existing wastewater discharge permit under **Section 38-4-52** of this Code in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow increases of **twenty percent (20%)** or greater, and the discharge of any previously unreported pollutants.

(D) No user shall implement the planned changed condition(s) until and unless the City has responded to the user's notice.

38-4-63 **REPORTS OF POTENTIAL PROBLEMS.**

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, including a violation of the prohibited discharge status in **Section 38-4-26**, the user shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within **five (5) days** following such discharge, the user shall, unless waived by the City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Code.

(C) Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Code.

(D) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

38-4-64 REPORTS FROM UNPERMITTED USERS. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City may require.

38-4-65 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING. If sampling performed by a user indicates a violation, the user must notify the City within **twenty-four (24) hours** of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within **thirty (30) days** after becoming aware of the violation. The user is not required to resample if the City monitors at the user's facility at least once a month, or if the City samples between the user's initial sampling and when the user receives the results of this sampling.

38-4-66 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 2651, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than **ten (10) kilograms** of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following **twelve (12) months**. All notifications must take place no later than **one hundred eighty (180) days** after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under **Section 38-4-62** of this Code. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of **Sections 38-4-59, 38-4-60, and 38-4-61** of this Code.

(B) Dischargers are exempt from the requirements of paragraph (A) above, during a calendar month in which they discharge no more than **fifteen (15) kilograms** of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than **fifteen (15) kilograms** of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261/33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the City, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within **ninety (90) days** of the effective date of such regulations.

(D) In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Code, a permit issued thereunder, or any applicable Federal or State law.

38-4-67 ANALYTICAL REQUIREMENTS. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

38-4-68 SAMPLE COLLECTION.

(A) Except as indicated in Section (B) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City may authorize the use of time proportional sampling or a minimum of **four (4)** grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

38-4-69 **DETERMINATION OF NONCOMPLIANCE.** The City may use a grab sample to determine noncompliance with pretreatment standards.

38-4-70 **TIMING.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

38-4-71 **RECORD KEEPING.** Users subject to the reporting requirements of this Code shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Code and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least **three (3) years**. This period shall be automatically extended for the duration of any litigation concerning the user of the City, or where the user has been specifically notified of a longer retention period by the City.

38-4-72 - 38-4-74 **RESERVED.**

DIVISION IX – COMPLIANCE MONITORING

38-4-75 RIGHT OF ENTRY: INSPECTION AND SAMPLING. The City shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Code and any wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(A) Where a user has security measures in force which require identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities.

(B) The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(C) The City may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(D) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the user.

(E) Unreasonable delays in allowing the City access to the user's premises shall be a violation of this Code.

38-4-76 ENTERING PREMISES. The Mayor 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 purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-4-77 SEARCH WARRANTS. If the City has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Code, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program

of the City designed to verify compliance with this Code or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a search warrant from the Circuit Court for the Twentieth Judicial Circuit, Randolph County, Illinois. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

38-4-78 RESERVED.

DIVISION X – CONFIDENTIAL INFORMATION

38-4-79 CONFIDENTIAL INFORMATION. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data", as defined by 40 C.F.R. 2.302, will not be recognized as confidential information and will be available to the public without restriction.

DIVISION XI – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

38-4-80 PUBLICATION. The City shall publish annually, in the largest daily newspaper published in the Municipality where the POTW is located, a list of the users which, during the previous **twelve (12) months**, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which **sixty-six percent (66%)** or more of wastewater measurements taken during a **six (6) month** period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(B) Technical Review Criteria (TRC) violations, defined here as those in which **thirty-three percent (33%)** or more of wastewater measurements taken for each pollutant parameter during a **six (6) month** period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within **ninety (90) days** of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within **thirty (30) days** after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

(H) Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

38-4-81 RESERVED.

DIVISION XII – ADMINISTRATIVE ENFORCEMENT REMEDIES

38-4-82 NOTIFICATION OF VIOLATION. When the City finds that a user has violated, or is violating, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may serve upon that user a written Notice of Violation. Within **thirty (30) days** of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

38-4-83 CONSENT ORDERS. The City may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to **Sections 38-4-85 and 38-4-86** and shall be judicially enforceable.

38-4-84 SHOW CAUSE HEARING. The City may order a user which has violated, or is violating, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user shall be served personally or by registered or certified mail (return receipt requested) at least **fourteen (14) days** prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

38-4-85 COMPLIANCE ORDERS. When the City finds that a user has violated, or continues to violate, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address

the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

38-4-86 **CEASE AND DESIST ORDERS.** When the City finds that a user has violated, or is violating, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (A) Immediately comply with all requirements; and
- (B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

38-4-87 **ADMINISTRATIVE FINES.**

(A) When the City finds that a user has violated, or is violating, any provision of this Code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such user in an amount not to exceed **One Thousand Dollars (\$1,000.00)**. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(B) Assessments may be added to the user's next scheduled sewer service charge and the City shall have such other collection remedies as may be available for other service charges and fees.

(C) Unpaid charges, fines, and penalties shall, after **thirty (30) calendar days**, be assessed an additional penalty of **ten percent (10%)** of the unpaid balance, and interest shall accrue thereafter at a rate of **ten percent (10%)** per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(D) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within **thirty (30) days** of being notified of the fine. Where a request has merit, the City may

convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(E) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

38-4-88 EMERGENCY SUSPENSIONS. The City may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in **Section 38-4-89** of this Code are initiated against the user.

(B) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing under **Sections 38-4-84 or 38-4-89** of this Code.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

38-4-89 TERMINATION OF DISCHARGE. In addition to the provisions of **Section 38-4-54** of this Code, any user who violates the following conditions is subject to discharge termination:

- (A) Violation of wastewater discharge permit conditions;
- (B) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (C) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, and sampling; or

(E) Violation of the pretreatment standards in **Division IV** of this Code.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under **Section 38-4-84** of this Code why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

A user may have review of the administrative enforcement remedies of the City under this Section, by filing a request for review with the POTW Committee, within **thirty-five (35) days** of the imposition of the remedy. If the POTW Committee fails to act on the request within the **thirty (30) days** of filing the request, the request will be deemed to have been denied. Decisions of the POTW Committee not to review an enforcement remedy shall be considered a final administrative action for purposes of judicial review. A user seeking review of the final administrative action must do so by filing an appeal with the Circuit Court of the Twentieth Judicial Court, Randolph County, Illinois, within **thirty-five (35) days** of the enforcement remedy. An appeal shall not delay the enforcement remedies.

38-4-90 RESERVED.

DIVISION XIII – JUDICIAL ENFORCEMENT REMEDIES

38-4-91 INJUNCTIVE RELIEF. When the City finds that a user has violated, or is violating, any provision of this Code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the Circuit Court of the Twentieth Judicial Court, Randolph County, Illinois, through the City's Attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Code on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

38-4-92 CIVIL PENALTIES.

(A) A user who has violated, or is violating, any provision of this Code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of **One Thousand Dollars (\$1,000.00)** per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(B) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

38-4-93 CRIMINAL PROSECUTION.

(A) A user who willfully or negligently violates any provision of this Code, a wastewater discharge permit, or order hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than **One Thousand Dollars (\$1,000.00)** per violation, per day, or imprisonment for not more than **one (1) year**, or both.

(B) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than **One Thousand**

Dollars (\$1,000.00), or be subject to imprisonment for not more than **one (1) year**, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(C) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Code, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code shall, upon conviction, be punished by a fine of not more than **One Thousand Dollars (\$1,000.00)** per violation, per day, or imprisonment for not more than **one (1) year**, or both.

(D) In the event of a second conviction, a user shall be punished by a fine of not more than **One Thousand Dollars (\$1,000.00)** per violation, per day, or imprisonment for not more than **one (1) year**, or both.

38-4-94 REMEDIES NONEXCLUSIVE. The remedies provided for in this Code are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may also be taken concurrently.

38-4-95 RESERVED.

DIVISION XIV – SUPPLEMENTAL ENFORCEMENT ACTION

38-4-96 **PERFORMANCE BONDS.** The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Code, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance.

38-4-97 **LIABILITY INSURANCE.** The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Code, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

38-4-98 **WATER SUPPLY SEVERANCE.** Whenever a user has violated or continues to violate any provision of this Code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

38-4-99 **PUBLIC NUISANCES.** A violation of any provision of this Code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

38-4-100 **RESERVED.**

DIVISION XV – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

38-4-101 UPSET.

(A) For the purposes of this Section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) below, are met.

(C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the City within **twenty-four (24) hours** of becoming aware of the upset (if this information is provided orally, a written submission must be provided within **five (5) days**);
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

38-4-102 PROHIBITED DISCHARGE STANDARDS. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in **Section 38-4-26(A)** of this Code or the specific prohibitions in **Section 38-4-26(B)** of this Code if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

38-4-103 BYPASS.

(A) For purposes of this Section,

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

(C) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the City, at least **ten (10) days** before the date of the bypass, if possible.

(2) A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards within **twenty-four (24) hours** from the time it becomes aware of the bypass. A written submission shall also be provided within **five (5) days** of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case

basis if the oral report has been received within **twenty-four (24) hours**.

- (D)
 - (1) Bypass is prohibited, and the City may take an enforcement action against a user for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph (C) of this Section.
 - (2) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

38-4-104 RESERVED.

DIVISION XVI – RATES AND RATE DISCHARGE

38-4-105 PRETREATMENT CHARGES AND FEES. The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- (A) Fees for wastewater discharge permit applications including the cost of processing such application;
- (B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (C) Fees for reviewing and responding to accidental discharge procedures and construction;
- (D) Fees for filing appeals; and
- (E) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Code and are separate from all other fees, fines, and penalties chargeable by the City.

38-4-106 RATE ADJUSTMENTS FOR VOLUME AND STRENGTH. In order that the rates and charges may be equitably adjusted to the service rendered, the City shall have the right to base its charges not only on volume, but also on the strength and character of the sewage and wastes which it is required to treat. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly and by such method(s) as it may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge.

38-4-107 DEFINITIONS. For the purpose of this Section and **Division XVII**, the following definitions shall apply:

"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 Celsius (20°C)**, expressed in milligrams per liter.

"COD" denotes Chemical Oxygen Demand.

"Industrial Cost Recovery" shall mean recovery by the City from all industrial users of the City's sewage treatment works of the amount of all federal grant monies expended on such sewage treatment works subsequent to **June, 1978**, allocable to the treatment of sewage wastes from such industrial users.

"Industrial Cost Recovery Period" shall mean that period during which the grant monies allocable to the treatment of wastes from industrial users is recovered from the industrial users of such sewage treatment works.

“Industrial User” shall mean any non-governmental user of publicly-owned treatment works identified in the following divisions of the SIC Code:

Agriculture, Forestry and Fishing; Mining; Manufacturing; Transportation, Communications, Electric, Gas and Sanitary Services;

A user in the divisions listed above may be excluded if it is determined by the City that such user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

“Industrial Waste” shall mean the liquid or liquid conveyed waste from industrial manufacturing processes, trades or businesses, cooling water, discharge from industrial pretreatment facilities, and on a case-by-case basis, discharges from business establishments exceeding normal sanitary needs of employees.

“Major Contributing Industry”. An industrial user of the publicly-owned treatment works that:

(A) Has a flow of **fifty thousand (50,000) gallons** or more per average work day;

(B) Has a flow greater than **five percent (5%)** of the flow carried by a municipal system receiving the waste;

(C) Has in its waste, a toxic pollutant in toxic amounts as defined under Section 307a of the Federal Water Pollution Act of 1972 (P.L. 92-50); or

(D) Is found by the permit issuance authority, in connection with the issuance of an 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 effluence from that treatment works.

“mg/L” denotes milligrams per liter.

“Non-Industrial User” shall mean all sewage users, except those defined as Industrial Users herein.

“Regional Administrator” shall mean the Regional Administrator of the United States Environmental Protection Agency, Chicago, Illinois.

“Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

“Suspended Solids (SS)” shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which is removable by laboratory filtering.

“Useful Life” shall mean the estimated period during which a treatment works will be operated.

38-4-108 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance, plus replacement; a debt service charge; and a surcharge, if applicable.

(A) **Debt Service Charge.** The Debt Service Charge shall be computed by dividing the annual debt services of all outstanding bonds by the number of users. Through further divisions, the monthly and quarterly debt service charges can be computed.

(B) **Basic User Charge.** The Basic User Charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

(1) A 5-day, 20 degree Celsius biochemical oxygen demand (BOD) of 205 mg/L.

(2) A Suspended Solids content of 250 mg/L.

The Basic User Charge shall consist of operation, maintenance, plus replacement costs and shall be computed as follows:

- (1) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- (2) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids, and BOD, if possible.
- (3) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (4) Proportion the estimated costs to non-industrial and industrial users by volume, SS, and BOD.
- (5) Compute costs per **one thousand (1,000) gallons** for normal sewage strength.
- (6) Compute surcharge costs per **one thousand (1,000) gallons** per mg/L in excess of normal sewage strength for BOD and SS.

(C) **Surcharge.** A Surcharge will be levied to all users whose waters exceed the normal concentration for BOD (205 mg/L) and SS (250 mg/L). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 205 mg/L and 250 mg/L concentrations for BOD and SS, respectively. The procedure to compute a surcharge is as follows:

These calculations are based on the principal that **twenty-five percent (25%)** of the cost of operating is attributable to the removal of BOD, and **fifty percent (50%)** to the removal of SS, and **twenty-five percent (25%)** to flow.

B_c = Surcharge on cost per pound of BOD in excess of 205 mg/L.

S_c = Surcharge on cost per pound of SS in excess of 250 mg/L.

O&M = Operational and maintenance cost of sewage treatment plant.

Design Average Daily Flow = 1,400,000 gal./day or 1.4 MGD.

$$B_c = \frac{(O\&M) 25\%}{BOD} \frac{(243,382.01) 25\%}{205 \frac{mg}{L} \times 8.34 \frac{lbs.}{10^6 \text{ gal.}} \times 1.4 \frac{MGD}{\text{day}} \times 365 \frac{\text{day}}{\text{year}}}$$

$$B_c = \frac{60,845.50}{873,656.70}$$

$$B_c = 0.0696/\text{lb.}$$

O&M = Cost of operation of plant + 1/2 Superintendent + depreciation + replacement cost + debt service = 243,382.01

BOD = 205 mg/L = normal domestic sewage

$$S_c = \frac{(O\&M) 50\%}{SS} = \frac{(\$243,382.01) 50\%}{250 \text{ mg/L}}$$

$$S_c = \frac{121,691.00}{250 \text{ mg/L} \times 8.34 \frac{lbs.}{10^6 \text{ gal.}} \times 1.4 \frac{MGD}{\text{day}} \times 365 \frac{\text{day}}{\text{year}}}$$

$$S_c = \frac{121,691.00}{1,065,435.00} = 0.1142/\text{lbs. SS}$$

Base rates will be considered on 50 mg/L increments as per **one thousand (1,000) gallons**. Therefore, the rate for BOD and SS surcharge will be:

$$50 \frac{mg}{L} \times 8.34 \frac{lbs.}{10^6 \text{ gal.}} \times .001 \text{ gal.} = .417 \text{ lbs.}$$

$$B_c = \$0.0696/\text{lb.} \times 0.417 \text{ lbs.} = 0.029$$

0.03

$$S_c = \$0.1142/\text{lb.} \times 0.417 \text{ lbs.} = 0.048$$

0.05

Therefore, the surcharge for BOD will be \$0.03 per 50 mg/L excess and **one thousand (1,000) gallon** usage, and SS will be \$0.05 per 50 mg/L excess and **one thousand (1,000) gallon** usage.

The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs.

38-4-109 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 or her water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewer, the person shall install and maintain, at his or her expense, water meters of a type approved by the City for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the City if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the City.

38-4-110 RESERVED.

38-4-111 SEWER RATES. There shall be and there is hereby established a charge for the use of and for sewer service supplied by the Wastewater Facilities of the City of Chester based on water consumption as follows:

(A) **Sewer Rates Inside City Limits.** Sewer charges for users inside the City Limits shall be based on water consumption per month and shall be as follows:
First 1,000 gallons of water consumed per month (minimum charge): \$20.00
Over 1,000 gallons: \$4.74 per 1,000 gallons and this charge shall be automatically increased by **three percent (3%)** effective **August 1, 2023** and annually on **June 1** of each year thereafter.

(B) **Sewer Rates Outside City Limits.** Sewer charges for users outside the City Limits shall be based on water consumption per month and shall be as follows:
First 1,000 gallons of water consumed per month (minimum charge): \$36.00
Over 1,000 gallons: \$5.28 per 1,000 gallons and this charge shall be automatically increased by **three percent (3%)** effective **August 1, 2023** and annually on **June 1** of each year thereafter.

(C) **Additional Monthly Charge for Sewer Service.** There shall also be charged to all sewer customers the following additional monthly charge for sewer service based on the size of the water meter. The additional monthly charge for sewer service shall be in the amount set forth below:

<u>Size of Water Meter</u>	<u>Sewer Service</u>
1"	\$6.98
1 1/2"	13.10
2"	21.23
3"	39.25
4"	68.70
6"	130.54

(D) All sewer rates provided in this Section shall become effective and begin with the sewer bills sent after **August 1, 2023**.

(E) The rates and charges provided in this Section shall not be applicable to any rates, charges or other provisions of any intergovernmental agreement which the City now has or may hereafter implement; nor shall these rates and charges be applicable to any other kind of agreement which the City now has or might in the future implement relative to water and/or sewer rates that the City has authority by law to enter into.

(Ord. No. 1801; 07-17-23)

38-4-112 NON-PAYMENT OF UTILITY BILLS. All non-payment of utility bills will be administered according to the provisions set forth in **Section 38-2-1(G)** of this Code.

38-4-113 COMPUTATION OF SURCHARGE. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the City and shall be binding as a basis for surcharges.

38-4-114 COMPUTATION OF WASTEWATER SERVICE CHARGE. The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM (Vu-X) + CS$$

Where	CW	=	Amount of wastewater service charge (\$) per bill period.
	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	=	Amount of Surcharges.

38-4-115 RESERVED.

38-4-116 DELINQUENT BILLS. If a utility bill is not paid within **thirty (30) days** after the bill has been presented, the customer and owner of record shall be given a notice that the charges have become delinquent and that the unpaid charges may create a lien on the real estate and services may be terminated.

If the charges remain unpaid **five (5) days** after the notice referred to above then the unpaid charges shall create a lien on the real estate pursuant to **Section 38-2-1(K)** and services may be terminated after notice and hearing referred to in **Section 38-2-1(G)**.

38-4-117 LIEN – NOTICE OF DELINQUENCY. Whenever a bill for monthly sewer service remains unpaid for **thirty (30) days** after it has been rendered, the City Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the City Clerk has notice of this, notice shall be mailed to the owner of the premises if his or her address is known to the Clerk, whenever such bill remains unpaid for the period of **forty-five (45) days** for a monthly bill after it has been rendered.

The failure of the City Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned herein.

38-4-118 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay for the charges, after deducting costs, as is the case in the foreclosure of statutory liens.

Such foreclosure shall be by bill-in-equity in the name of the City. The City Attorney is hereby authorized and directed to institute such proceedings in the name of the City in any Court having jurisdiction over such matters against any property for which the bill has remained unpaid **thirty (30) days** in the case of a monthly bill after it has been rendered.

38-4-119 REVENUES. All revenues and monies derived from the operation of the sewage system shall be deposited in the sewage account of the Sewage Fund. All such revenues and monies shall be held by the City Clerk separate and apart from his or her private funds and separate and apart from other funds of the City, and all of said sum, without any deductions whatsoever, shall be delivered to the City Clerk 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 Mayor and City Council.

The City Clerk shall receive all such revenues from the sewage system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewage Fund" of the City. The Clerk shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

38-4-120 ACCOUNTS. The City Clerk shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewage system, and at regular annual intervals, the Clerk shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewage 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.

38-4-121 NOTICE OF RATES. A copy of this Section, 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 sewage system of the City on their properties.

38-4-122 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-4-123 - 38-4-124 RESERVED.

DIVISION XVII – RECORDS AND EVALUATIONS

38-4-125 NEW SANITARY SEWAGE SYSTEM CONSTRUCTION. Any new sewer construction or sanitary sewage system construction tributary to and with final discharge into the sewage treatment plant shall be limited solely to sanitary sewers constructed under and approved by the terms and conditions of this Code.

38-4-126 USER CHARGE REVIEWED ANNUALLY. The user charges provided herein shall be reviewed annually and revised periodically to reflect actual treatment works operation and maintenance costs; and to assure that the user charge system will generate sufficient revenue to offset the costs of all treatment works operation and maintenance.

38-4-127 REJECTION OR REDUCTION OF INDUSTRIAL DISCHARGES. The City is hereby authorized to reject or reduce industrial discharges in emergencies in order to meet the requirements of the NPDES Permit and is further authorized to reject any new sewage service connections when the total capacity of the sewage system is exceeded and no longer capable of treatment of sewage which would be placed into the sewage treatment system as a result of said connections.

38-4-128 ANNUAL AUDIT OF COST ACCOUNTING SYSTEM. An audit of the sewage treatment works' cost accounting system shall be conducted on an annual basis by a qualified and licensed Certified Public Accountant.

38-4-129 MAINTENANCE OF RECORDS. The City shall establish a proper system of accounts and shall keep accurate and detailed books, records and accounts of the City in which complete and correct entries shall be made of the cost of operation, maintenance, depreciation and routine parts replacement relating to the sewage treatment works.

38-4-130 DEPRECIATION AND REPLACEMENT. The sewage treatment works will be depreciated upon a straight line basis with a useful life of **thirty (30) years** with a salvage value established under the definition contained herein.

All personal property shall be depreciated upon the basis of a useful life of **thirty (30) years**; and a replacement value at the end of said useful life of **one hundred percent (100%)** of its existing fair market value when purchased and installed as a part of the total sewage treatment works.

38-4-131 RESERVED.

DIVISION XVIII – EXTENSIONS

38-4-132 APPLICATION. Any person, firm or corporation within the service areas of the Water and Sewer Systems and desiring the extension of the mains to the premises shall make application therefor to the City Clerk, and in making the application, shall present to the City Clerk a plat showing the area to be served by the main extension. **(See Chapter 35, Subdivision for Water and Sewer Extensions)**

38-4-133 PLAT OF PROPOSED EXTENSION. The plat shall be submitted by the City Clerk to the City Engineer and the Water and Sewer Committee of the City Council for determination of the size and lengths of sewer and water main installations, location of fire hydrants, water service valves and other appurtenances to be installed based upon the following requirements:

(A) Mains shall be sized so that fire protection service may be rendered to all lots or premises to be served by the main and any possible extension thereof.

(B) Fire hydrants shall be so located so that no premise will be more than **four hundred (400) feet** from a fire hydrant.

(C) In determining the length of pipe lines to be installed to serve a main extension, the main shall be extended to fully cover the front of the property and if the last lot to be served is a corner lot or a lot immediately adjacent to a corner lot, the terminal point of the extension made hereunder shall be located so that the main laid hereunder ties with the existing main located in the intersecting street; and further provided that if there is no main located on the intersecting street, or no intersecting street, the terminal point of the extension made hereunder shall be located at the nearest street line of the intersecting street, or extend to the furthest end of the development.

(D) The City may require the proposed main to be connected to its distribution system at a point which, in its judgment, is necessary to adequately furnish water to premises to be served and nothing herein shall require the City to allow connection to the closest point of existing service, if such service is inadequate for the extension proposed. Main trunk lines may be installed by the City at no cost to the developer, however, lots or properties fronting directly thereon which may be served by a service connection to the main will be charged the average amount per connection as found in subdivisions currently being constructed.

(E) The City reserves the right to further extend its water mains from and beyond the terminus of each water main extension made under this Chapter. The applicant or the applicant's agent paying for the extension shall not be entitled to any refund for the attaching of customers to any further extension or branch mains so involved.

(F) Extensions made under this rule shall be and remain the property of the City.

(G) Before the City mains will be laid hereunder in any new subdivision, it is understood and agreed that the road surface will be brought to the extended subgrade and the applicant/developer of such new subdivision shall furnish the City with a right-of-way agreement in suitable form to the City, unless the streets of the new subdivision have been dedicated to public use.

(H) When a pipe line is to be installed in a paved or unpaved street, a service line of **three-fourths (3/4) inch** Type "K" Copper is to be provided to the center line of each lot for a one-family dwelling. The service line is to terminate at a point **three (3) feet to five (5) feet** inside the property line in a meter box.

When a business or an apartment house is to be serviced, the Water Department shall be contacted to obtain the proper size for the service.

38-4-134 ENGINEER TO PREPARE PLANS. After approval of design, plans and specifications shall be prepared in accordance with the foregoing, and with specifications for water main extensions from time to time adopted by the City Council. The plans and specifications shall be prepared by the City Engineer or a Civil Engineer acceptable to the City Council.

38-4-135 SEALED BIDS – LARGER PIPE REQUIRED. Sealed bids shall be received by the City Council after advertisement not less than **ten (10) days** prior to the date of the receiving of the bids and after receipt thereof, the applicant shall deposit with the City Clerk the entire cost, based upon the lowest responsible bid; the cost to include the entire cost of the proposed extension, including pipes, valves, fittings, fire hydrants, all other material and all costs of engineering and inspection. Excepting that if the City should require the installation of a size of pipe larger than is found by the City Engineering standard to be necessary for the subdivision, then the deposit shall be based upon the cost of installing the size determined to be necessary for the subdivision, with the City standing the additional cost for a larger line.

38-4-136 CONTRACT. Upon deposit of the monies by the applicant as hereinbefore required, a contract shall be entered into between the applicant and the City, as follows:

UTILITY EXTENSION CONTRACT

AGREEMENT made and entered into this ____ day of _____, by and between the Utility System of the City of Chester, Illinois, hereinafter called the Utility Department and _____, hereinafter called the Depositor.

FIRST: That the Utility Department contracts and agrees to have installed by contract, in accordance with its rules, utility mains as shown on the plat thereof, and the specifications are attached hereto and made a part hereof.

SECOND: Bids having been taken and the lowest responsible bid having been in the amount of _____ Dollars, the Depositor agrees to deposit and does deposit herewith the cost thereof.

- (A) The lowest responsible bid _____
- (B) Engineering and inspection charge _____
- (C) Total _____

THIRD: Final costs to be adjusted up or down according to completed job cost.

FOURTH: The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

FIFTH: This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Clerk of the City of Chester.

SIXTH: This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

EXECUTED in duplicate by the parties hereto on the date first above.

**UTILITY DEPARTMENT
CITY OF CHESTER, ILLINOIS**

By: _____
Mayor

ATTEST:

CITY CLERK

WITNESSES

(SEAL)

38-4-137 RESERVED.

DIVISION XIX – EFFECTIVE

38-4-138 COMPLIANCE DATE. Compliance with all of the terms and provisions of this Code, excepting those matters pertaining to wastewater discharge permits and additional pretreatment measures, shall commence on the effective date of this Code. Compliance with all of the terms and provisions of this Code pertaining to wastewater discharge permits shall be deemed to have occurred when a wastewater discharge permit has been issued, even though such permit shall require the user to whom said permit was issued to undertake certain additional pretreatment measures within a time certain as provided in said permit.

(Ord. No. 1160; 10-19-98)

EXHIBIT A

CITY OF CHESTER

APPLICATION FOR SERVICE

<input type="checkbox"/> Residential				<input type="checkbox"/> Commercial/Industrial		<input type="checkbox"/> Governmental		<input type="checkbox"/> Construction	
Occupant Name				Date of Application			Effective Date		
Service Address				Social Security Number					
Bill To				Phone Number					
Billing Address				City		State		Zip	
Remarks									
Application Fee									
\$25.00 <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit/Debit <input type="checkbox"/> Other _____									
An Application Fee is required for all new accounts in accordance with Section _____ of the City of Chester Revised Code of Ordinances.									
By signing this application, I do hereby agree to pay any and all charges for water, sewer, gas and garbage pickup service to the City of Chester from the effective date of service, until such service is terminated in writing, by the applicant. This application, when accepted by the City of Chester shall constitute a contract between the applicant(s) and the City of Chester.									
Signature _____					Date _____				
FOR UTILITY DEPARTMENT USE ONLY									
New Structure <input type="checkbox"/> Yes <input type="checkbox"/> No					Needs Meter Installed <input type="checkbox"/> Yes <input type="checkbox"/> No				
Date Service Order Entered _____					By _____				

Account Number _____

(Ord. No. 1807; 09-05-23)

APPENDIX #1

CITY OF CHESTER

APPLICATION FOR WATER SYSTEM SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for connection to the Water System of the City for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or enacted and passed from time to time providing for the regulation of service furnished by the City, it is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and water usage which shall become due as the result of the connecting of the water mains and the furnishing of water service to the above property, and that all such charges and fees for water service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the Water System.

CONNECTION MUST BE INSPECTED BEFORE BACKFILLING:

SIGNATURE: _____

(STREET NUMBER AND NAME OF STREET)

(CITY, STATE AND ZIP CODE)

(TELEPHONE NUMBER)

(DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(_____
(NAME)

(_____
(STREET NUMBER AND NAME OF STREET)

(_____
(CITY, STATE AND ZIP CODE)

APPENDIX #2

CITY OF CHESTER

UTILITY MAIN EXTENSION CONTRACT

AGREEMENT made and entered into this _____ day of _____, by and between the Utility System of the **City of Chester, Illinois**, hereinafter called the "Utility Department" and _____, hereinafter called the "Depositor".

FIRST: That the Utility Department contracts and agrees to have installed by contract in accordance with its rules, utility mains as shown on the plat thereof, and the specifications are attached hereto and made a part hereof.

SECOND: Bids having been taken and the lowest responsible bid having been in the amount of \$_____, the Depositor agrees to deposit and does deposit herewith the cost thereof.

- (A) The lowest responsible bid \$_____.
- (B) Engineering and Inspection Charge \$_____.
- (C) TOTAL: \$_____.

THIRD: Final costs to be adjusted up or down according to completed job cost.

FOURTH: The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

FIFTH: This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Clerk.

SIXTH: This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

EXECUTED in duplicate by the parties hereto on the date first above written.

**UTILITY DEPARTMENT
CITY OF CHESTER**

**BY: _____
SEWER SUPERINTENDENT**

ATTEST:

CITY CLERK

DEPOSITOR

WITNESSES:

APPENDIX #3

CITY OF CHESTER

PRIVATE WASTE DISPOSAL APPLICATION
(SEPTIC TANK ETC.)

The undersigned, being the _____ of the property
(owner, owner's agent)
located at _____ does hereby request a permit to install
(Number) (Street)
sanitary sewage disposal facilities to serve the _____ at the location.
(residence, commercial building, etc.)

1. The proposed facilities include: _____ to be constructed in complete accordance with the plans and specifications attached hereunto as **Exhibit "A"**.
2. The area of the property is [_____] square feet or [_____] square meters.
3. The name and address of the person or firm who will perform the work is _____
4. The maximum number of persons to be served by the proposed facilities is _____
5. The location and nature of all sources of private or public water supply within **one hundred (100) feet [30.5 meters]** of any boundary of said property are shown on the plat attached hereunto as **Exhibit "B"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the City.
2. To accept and abide by all provisions of the **Revised Code** and of all other pertinent codes or ordinances that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the City and at no expense to the City.
4. To notify the City **at least twenty-four (24) hours** to commencement of the work proposed, and again **at least twenty-four (24) hours** prior to the covering of any underground portions of the installation.

DATE: _____, 20____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

\$ _____ (Inspection Fee Paid) DATE: _____, 20____
\$ _____ (Connection Fee Paid) SIGNED: _____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20____ SIGNED: _____
(SEWER SUPERINTENDENT)

APPENDIX #4

CITY OF CHESTER

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to install and
(Number) (Street)
connect a building sewer to serve the _____ at said location.
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>NUMBER</u>	<u>FIXTURE</u>	<u>NUMBER</u>	<u>FIXTURE</u>
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bathtubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify Other Fixtures: _____

2. The maximum number of persons who will use the above fixtures is _____.
3. The name and address of the person or firm who will perform the proposed work is _____
4. Plans and specifications for the proposed building sewer are attached hereunto as **Exhibit "A"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

- To accept and abide by all provisions of the **Revised Code**, and of all other pertinent ordinances and codes that may be adopted in the future.
- To maintain the building sewer at no expense to the City.
- To notify the City when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: _____, 20____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

\$ _____ (Inspection Fee Paid) DATE: _____, 20____

\$ _____ (Connection Fee Paid) SIGNED: _____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20____ SIGNED: _____
(SEWER SUPERINTENDENT OR SUPERINTENDENT)

APPENDIX #4

CITY OF CHESTER

INDUSTRIAL SEWER CONNECTION APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to _____
(Number) (Street) (install, use)
an industrial sewer connection serving the _____. which company is engaged in
_____ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as **Exhibit "A"**.
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as **Exhibit "B"**.
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses is attached hereunto as **Exhibit "C"**.
4. The name and address of the person or firm who will perform the work covered by this permit is _____

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the City.
2. To accept and abide by all provisions of the **Revised Code**, and of all other pertinent ordinances or codes that may be adopted in the future.
3. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the City.
4. To cooperate at all times with the City and its representative(s) in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the City immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: _____, 20____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

\$ _____ (Inspection Fee Paid) DATE: _____, 20____

\$ _____ (Connection Fee Paid) SIGNED: _____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20____ SIGNED: _____
(SEWER SUPERINTENDENT OR SUPERINTENDENT)

APPENDIX #4

CITY OF CHESTER

APPLICATION FOR SANITARY SEWER SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for Sanitary Sewerage Service for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or ordinances enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the City. It is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewerage service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the sewerage outlets, pipes and mains.

(APPLICANT'S SIGNATURE)

(STREET NUMBER AND NAME OF STREET)

(OWNER'S SIGNATURE, IF NOT APPLICANT)

(CITY, STATE AND ZIP CODE)

(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(

(NAME)

(STREET NUMBER AND NAME OF STREET)
(

(CITY, STATE AND ZIP CODE)

APPENDIX #4
CITY OF CHESTER
R E C E I P T

Receipt is hereby acknowledged of the executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection to be made. Inspection and approval of the customer service line by an authorized representative of the City is required, and approval of such connection and issuance of a Certificate of Inspection and Approval and Permit is conditioned upon compliance with all the Ordinances, Codes, Rules and Regulations of the **City**.

NOTE:

1. In the event the location of the sewer service connection is unknown, the Superintendent is to be contacted.
2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.
3. If the sewer line is deep enough to drain your basement, if you have one, then the wastes from the basement as well as the other floor(s) of the property must go into the sanitary sewers. Downspout and surface drainage are prohibited inasmuch as this is not a storm sewer system.

WARNING! In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

NO. _____

**CITY OF CHESTER
COUNTY OF RANDOLPH**

DATE: _____

ADDRESS: _____

OWNER(S): _____

APPENDIX #5

CITY OF CHESTER

CERTIFICATE OF INSPECTION, APPROVAL AND PERMIT

IT IS HEREBY CERTIFIED THAT inspection has been made of the individually-owned sewer mains and sanitary service connection for the property described below, and said installation is hereby approved as in compliance with the Specifications, Rules and Regulations established by the Revised Code (Ch. 38) of this Municipality.

Permission is hereby granted to complete the construction of said individually-owned sewer main to the City Sanitary Sewerage System and to utilize the same for waste disposal in compliance at all times, with the Revised Code of this City.

NO. _____

ADDRESS: _____

TYPE OF CONNECTION:

- _____ Single-Family Residence
- _____ Multiple dwelling or trailer court
- _____ Commercial
- _____ Industrial
- _____ Institutional
- _____ Governmental

INSTALLATION BY: _____

THE SERVICE IS IN OPERATION AS OF THIS _____ DAY OF _____, 20____.

**CITY OF CHESTER
COUNTY OF RANDOLPH**

SIGNED: _____

APPENDIX #6

CITY OF CHESTER

UTILITY SHUTOFF HEARING NOTICE

This notice is being sent to you pursuant to the provisions of **CHAPTER 38 OF THE REVISED CODE OF ORDINANCES** as adopted by the corporate authorities.

CUSTOMER'S NAME: _____

ADDRESS: _____

TOTAL AMOUNT OF BILL: \$ _____ WATER

 \$ _____ SEWER

 \$ _____ 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 #7

CITY OF CHESTER

OBJECTIONABLE MATERIAL EFFLUENT LIMITS

<u>Waste or Chemical</u>	<u>Concentration mg/l</u>
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	0.005
Iron	15.0
Lead	0.1
Mercury or its compounds	0.005
Nickel	3.0
Oil & Grease, etc. (carbon tetrachloride extraction)	100.0
Temperature not over 150° F. (65° C.)	
Acid iron pickling waste or concentrated plating waste	Zero
Free acids and alkalis pH	Between 5.5 and 9.5
Zinc	2.0
Cadmium	2.0
Chlorine Demand	30.0
Phenols	0.5

APPENDIX #8

AGREEMENT TO AMEND INTERGOVERNMENTAL AGREEMENT (See Section 38-3-5)

This agreement is effective this 1st day of May, 2023, between the City of Chester, Illinois, hereinafter referred to as "Chester", and the Village of Ellis Grove, Illinois, hereinafter referred to as "Ellis Grove", and is an Intergovernmental Agreement entered into pursuant to **5 ILCS 220/1 et seq.**

WHEREAS, Chester and Ellis Grove did enter into an Intergovernmental Agreement effective September 5, 1989, a copy of which is attached hereto, wherein Chester agreed to sell and deliver water to Ellis Grove for the prices and upon the terms and conditions set forth therein; and

WHEREAS, said Intergovernmental Agreement was amended by Addendum dated September 3, 1996, a copy of which is attached hereto; and said agreement was further amended by Agreements dated February 7, 2005; April 17, 2006; June 4, 2007; May 5, 2008; November 3, 2014; June 5, 2017; and May 4, 2020, copies of which are attached hereto; and

WHEREAS the costs for treating and supplying water has increased; and

WHEREAS Chester has determined it necessary to increase the rates charged for water service to Ellis Grove, and Ellis Grove agrees to the increase in said rate for this next year and the increases for the next two years thereafter.

NOW THEREFORE the City of Chester, Illinois, and the Village of Ellis Grove, Illinois, agree as follows:

1. Pursuant to Section Four of the Intergovernmental Agreement between Chester and Ellis Grove dated September 5, 1989, and amended by Agreements dated September 3, 1996, and amended by Agreements dated February 7, 2005; April 17, 2006; June 4, 2007; May 5, 2008; November 3, 2014; June 5, 2017; and May 4, 2020, the Village of Ellis Grove will, beginning December 1, 2023, pay to the City of Chester for the water supplied by Chester to Ellis Grove after December 1, 2023, the sum of \$4.02 for each 1,000 gallons as measured by the water meter at the south boundary line of the Village of Ellis Grove. The Village of Ellis Grove will, beginning December 1, 2024, pay to the City of Chester for the water supplied by Chester to Ellis Grove after December 1, 2024, the sum of \$4.14 for the first 1,000 gallons as measured by the water meter at the south boundary line of the Village of Ellis Grove. The Village of Ellis Grove will, beginning December 1, 2025, pay to the City of Chester for the water supplied by Chester to Ellis Grove after December 1, 2025, the sum of \$4.26 for each 1,000 gallons as measured by the water meter at the south boundary line of the Village of Ellis Grove.

2. Section Two of the Intergovernmental Government between the City of Chester and the Village of Ellis Grove dated September 5, 1989, which was amended by Addendum dated September 3, 1996, and as amended by the Agreements dated February 7, 2005; April 17, 2006; June 4, 2007; May 8, 2008; November 3, 2014; June 5, 2017; and May 4, 2020, is hereby further amended to provide as follows:

EFFECTIVE DECEMBER 1, 2023, SECTION TWO SHALL PROVIDE:

SECTION TWO

Ellis Grove shall pay to Chester monthly for the water supplied by Chester to Ellis Grove the sum of \$4.02 for each 1,000 gallons per month as measured by the water meter at the south boundary line of the Village of Ellis Grove.

Payment for the water delivered by Chester to Ellis Grove shall be paid by Ellis Grove to Chester by the tenth (10th) day of the month following the month in which the water was delivered to Ellis Grove. In the event Ellis Grove fails to pay for said water, Chester may immediately terminate this Agreement and all water service to Ellis Grove.

EFFECTIVE DECEMBER 1, 2024, SECTION TWO SHALL PROVIDE:

SECTION TWO

Ellis Grove shall pay to Chester monthly for the water supplied by Chester to Ellis Grove the sum of \$4.14 for each 1,000 gallons per month as measured by the water meter at the south boundary line of the Village of Ellis Grove.

Payment for the water delivered by Chester to Ellis Grove shall be paid by Ellis Grove to Chester by the tenth (10th) day of the month following the month in which the water was delivered to Ellis Grove. In the event Ellis Grove fails to pay for said water, Chester may immediately terminate this Agreement and all water service to Ellis Grove.

EFFECTIVE DECEMBER 1, 2025, SECTION TWO SHALL PROVIDE:

SECTION TWO

Ellis Grove shall pay to Chester monthly for the water supplied by Chester to Ellis Grove the sum of \$4.26 for each 1,000 gallons per month as measured by the water meter at the south boundary line of the Village of Ellis Grove.

Payment for the water delivered by Chester to Ellis Grove shall be paid by Ellis Grove to Chester by the tenth (10th) day of the month following the month in which the water was delivered to Ellis Grove. In the event Ellis Grove fails to pay for said water, Chester may immediately terminate this Agreement and all water service to Ellis Grove.

3. All other terms of said Intergovernmental Agreement dated September 5, 1989, as amended and not inconsistent with this Agreement, shall remain in force and effect.

(Ord. No. 1795; 05-16-23)

CHAPTER 39

WARDS

ARTICLE I - ESTABLISHED

39-1-1 **ESTABLISHED.** The **City of Chester** is hereby redistricted into **four (4) wards**, to be known as **Ward No. 1, Ward No. 2, Ward No. 3, and Ward No. 4.** The territory of each ward will be as follows:

(A) **Ward No. 1.** All that part of the City lying within the following described boundaries, which constitute Ward Number One:

Beginning at the intersection of the Northeast High Bank of the Mississippi River with the West line of the Fractional Southwest Quarter of Section 24, Township 7 South, Range 7 West of the Third Principal Meridian, County of Randolph, State of Illinois; thence North along the West line of the last aforesaid Fractional Southwest Quarter of Section 24 to the Southwest corner of the Southwest Quarter of the Northwest Quarter of the last aforesaid Section 24; thence East along the South line of the Southwest Quarter of the Northwest Quarter of the last aforesaid Section 24 to the Southeast corner of the Southwest Quarter of the Northwest Quarter of the last aforesaid Section 24; thence North along the East line of the Southwest Quarter of the Northwest Quarter of the last aforesaid Section 24 to a point in the North right-of-way line of Young Avenue in the City of Chester; thence Northeasterly along the North right-of-way line of the last aforesaid Young Avenue to the point of intersection with the Northeast right-of-way line of that part of Young Avenue lying East of F.A. Route 71; thence Southeast along the Northeast right-of-way line of the last aforesaid Young Avenue lying East of F.A. Route 71 and along the Northeast right-of-way line of Market Street in the City of Chester to the Southeast corner of Lot 4 of Block 154 in Goodspeed's Addition to the said City of Chester; thence Northeast along the Southeast line of the last aforesaid Goodspeed's Addition to the Northwest corner of Outlot 131 in Meyer and Opdyke's Addition to the City of Chester; thence Southeast along the Northeast line of Outlot 131, Outlot 132 and Outlot 133 in the last aforesaid Meyer and Opdyke's Addition to the Northeast corner of the last aforesaid Outlot 133; thence Northeast along the Southeast line of Outlot 140, Outlot 147 and Outlot 153 in the last aforesaid Meyer and Opdyke's Addition to the Northeast corner of the last aforesaid Outlot 153; thence West along the North line of Outlot 153 and Outlot 146 in the last aforesaid Meyer and Opdyke's Addition to the Northwest corner of the last aforesaid Outlot 146, said Northwest corner being a point in the East right-of-way line of Menard Street in the City of Chester; thence Northwest along the East right-of-way line of the last aforesaid Menard Street to the Southeast right-of-way line of Cole Street in the City of Chester; thence Northeast along the Southeast right-of-way line of the last aforesaid Cole Street to a point in the Southwest right-of-way line of Opdyke Street in the City of

Chester; thence Northeast along a line to the Southwest corner of Lot 1 in Johnson's Subdivision being a subdivision of a part of the Southeast Quarter of the Northeast Quarter of Section 24, Township 7 South, Range 7 West and a part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 7 South, Range 6 West; thence Southeast along the Southwest line of Lot 1 in the last aforesaid Johnson's Subdivision to the Southwest corner of Lot 2 in the last aforesaid Johnson's Subdivision; thence Northeast along the Northwest line of Lot 1 in the last aforesaid Johnson's Subdivision to the North most corner of the last aforesaid Lot 2; thence Southeast along the Northeast line of Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8 and Lot 9 in the last aforesaid Johnson's Subdivision to the Northeast corner of the last aforesaid Lot 9; thence Southwest along Southeast line of Lot 9 in the last aforesaid Johnson's Subdivision to the South most corner of the last aforesaid Lot 9 being a point in the Northeast right-of-way line of S.B.I. Route 3; thence Southeasterly along the Northeast right-of-way line of S.B.I. Route 3 to the Northwest corner of Lot 1 in Block 2 of Forest Highlands Subdivision being a subdivision of a part of the Southwest Quarter of Section 19, Township 7 South, Range 6 West; thence Northeast along the Northwest line of Lot 1 in Block 2 of the last aforesaid Forest Highlands Subdivision to the North most corner of the last aforesaid Lot 1; thence Southeast along the Northeast line of Lot 1, Lot 2 and Lot 3 in Block 2 of the last aforesaid Forest Highlands Subdivision to the Northwest most corner of Lot 5 in Block 2 of the last aforesaid Forest Highlands Subdivision; thence Southeast along the Northeast line of Lot 5 in Block 2 of the last aforesaid Forest Highlands Subdivision to the Northeast corner of the last aforesaid Lot 5; thence Southwest along the Southeast line of Lot 5 in Block 2 of the last aforesaid Forest Highlands Subdivision to the Southeast corner of the last aforesaid Lot 5 being a point in the North right-of-way line of Cole Place in the City of Chester; thence Southeast along the North right-of-way line of Cole Place in the City of Chester to the Southwest corner of Lot 20 in Block 2 of the last aforesaid Forest Highlands Subdivision; thence Northeast along the West line of Lot 20 in Block 2 of the last aforesaid Forest Highlands Subdivision to the Northwest corner of the last aforesaid Lot 20; thence Southeast along the Northeast line of Lot 20, Lot 21, Lot 22 and Lot 23 in Block 2 of the last aforesaid Forest Highlands Subdivision to the Northeast corner of the West one-half of the last aforesaid Lot 23; thence Southwest along the East line of the West one-half of the Lot 23 in Block 2 of the last aforesaid Forest Highlands Subdivision to the Southeast corner thereof being a point in the North right-of-way line of Cole Place in the City of Chester; thence Southeast along the North right-of-way line of Cole Place in the City of Chester to the Southwest corner of the East one-half of Lot 25 in Block 2 of the last aforesaid Forest Highlands Subdivision; thence Northeast along the West line of the East one-half of Lot 25 in Block 2 in the last aforesaid Forest Highlands Subdivision to the Northwest corner of the last aforesaid East one-half of Lot 25; thence Southeast along the Northeast line of Lot 25, Lot 26 and Lot 27 in Block 2 of the last aforesaid Forest Highlands Subdivision to the Northeast corner of the West one-half of the last aforesaid Lot 27; thence Southwest along the East line of the West one-half of the Lot 27 in Block 2 of the last aforesaid Forest Highlands Subdivision to the Southeast corner

thereof being a point in the North right-of-way line of Cole Place in the City of Chester; thence Southeast along the North right-of-way line of Cole Place in the City of Chester to the point of intersection with the Southeast right-of-way line of Edgemont Drive in the City of Chester; thence Southwest along the Southeast right-of-way line of Edgemont Drive in the City of Chester to a point in the East right-of-way line of S.B.I. Route 3; thence Southeasterly along the Northeast right-of-way line of S.B.I. Route 3 to the point of intersection with the Northeast projection of the Southeast line of Lot 11 in Block 2 of River Forest Subdivision being a subdivision of a part of Section 30, Township 7 South, Range 6 West; thence Southwest along the Northeast projection of the Southeast line of the last aforesaid Lot 11 in Block 2 of River Forest Subdivision and along the said Southeast line thereof to the South most corner of the last aforesaid Lot 11; thence Northwesterly and Southerly along the East boundary line of Blocks 2 and 4 in the last aforesaid River Forest Subdivision to the Northeast corner of Lot 38 in River Forest Section 2 being a re-subdivision of Block 5 and Block 6 in the last aforesaid River Forest Subdivision; thence Southerly along the East boundary of River Forest Section 2 being a re-subdivision of Block 5 and Block 6 in the last aforesaid River Forest Subdivision to the Southeast most corner of Lot 24 in the last aforesaid River Forest Section 2; thence Southwesterly long the South boundary of the last aforesaid River Forest Section 2 to a point in the centerline of Lee Street in the City of Chester; thence Southwest along the centerline of Lee Street in the City of Chester to the point intersection with the Northeast High Bank of the Mississippi River; thence Northwest along the Northeast High Bank of the Mississippi River to the point of beginning for this description for Ward No. 1.

(B) **Ward No. 2.** All that part of the City lying within the following described boundaries, which constitute Ward Number Two:

Beginning at the point of intersection of the West line of the East one-half of the Northwest Quarter of Section 24, Township 7 South, Range 7 West with the North right-of-way line of Young Avenue in the City of Chester; thence Northeasterly along the North right-of-way line of the last aforesaid Young Avenue to the point of intersection with the Northeast right-of-way line of that part of Young Avenue lying East of F.A. Route 71; thence Southeast along the Northeast right-of-way line of the last aforesaid Young Avenue lying East of F.A. Route 71 and along the Northeast right-of-way line of Market Street in the City of Chester to the Southeast corner of Lot 4 of Block 154 in Goodspeed's Addition to the said City of Chester; thence Northeast along the Southeast line of the last aforesaid Goodspeed's Addition to the Northwest corner of Outlot 131 in Meyer and Opdyke's Addition to the City of Chester; thence Southeast along the Northeast line of Outlot 131, Outlot 132 and Outlot 133 in the last aforesaid Meyer and Opdyke's Addition to the Northeast corner of the last aforesaid Outlot 133; thence Northeast along the Southeast line of Outlot 140, Outlot 147 and Outlot 153 in the last aforesaid Meyer and Opdyke's Addition to the Northeast corner of the last aforesaid Outlot 153; thence West along the North line of Outlot 153 and Outlot 146 in

the last aforesaid Meyer and Opdyke's Addition to the Northwest corner of the last aforesaid Outlot 146, said Northwest corner being a point in the East right-of-way line of Menard Street in the City of Chester; thence Northwest along the East right-of-way line of the last aforesaid Menard Street to the Southeast right-of-way line of Cole Street in the City of Chester; thence Northeast along the Southeast right-of-way line of the last aforesaid Cole Street to the Southwest corner of Lot 23 in Johnson's Subdivision being a subdivision of part of the Southeast Quarter of the Northeast Quarter of Section 24, Township 7 South, Range 7 West and a part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 7 South, Range 6 West; thence Southeast along the Southwest line of Lot 23, Lot 24, Lot 25, Lot 26, Lot 27 and Lot 28 in the last aforesaid Johnson's Subdivision to the South most corner of the last aforesaid Lot 28; thence Northeast along the Southeast line of Lot 28 in the last aforesaid Johnson's Subdivision to the Northeast corner of the last aforesaid Lot 28; thence Northwest along the Northeast line of Lot 28, Lot 27 and Lot 26 in the last aforesaid Johnson's Subdivision to the North most corner of the last aforesaid Lot 26; thence Northeast along the Southwest projection of the Southeast line of Lot 47 in the last aforesaid Johnson's Subdivision and along the Southeast line of the last aforesaid Lot 47 to the Northeast corner of the last aforesaid Lot 47; thence Northwest along the Northeast line of Lot 47, Lot 46 and Lot 45 in the last aforesaid Johnson's Subdivision to the North most corner of the last aforesaid Lot 45 being a point in the Southeast line of Outlot 12 in Opdyke's Addition to the City of Chester; thence Northeast along the Southeast line of Outlot 12 in Opdyke's Addition to the City of Chester to the East most corner of the last aforesaid Outlot 12; thence West along the North line of Outlot 12 in Opdyke's Addition to the City of Chester to the West line of Section 19, Township 7 South, Range 6 West; thence North along the West line of Section 19, Township 7 South, Range 6 West to the point of intersection with the Southeast projection of the Northeast right-of-way line of Stacey Street in the City of Chester; thence Northwest along the Southeast projection of the Northeast right-of-way line of Stacey Street in the City of Chester to a point in the Southeast right-of-way line of Frederick Street in the City of Chester; thence Southwest along the Southeast right-of-way line of Frederick Street in the City of Chester to a point in the Southwest right-of-way line of Stacey Street in the City of Chester; thence Northwest along the Southwest right-of-way line of Stacey Street in the City of Chester to a point in the Southeast line of Outlot 37 in Swanwick's Addition to the City of Chester; thence Northeast along the Southeast line of Outlot 37 in Swanwick's Addition to the City of Chester to the Northeast corner of the last aforesaid Outlot 37; thence Northwest along the Northeast line of Outlot 37 in Swanwick's Addition to the City of Chester to the North most corner of the last aforesaid Outlot 37; thence Southwest along the Northwest line of Outlot 37, Outlot 36 and Outlot 35 in Swanwick's Addition to the City of Chester to a point in the East line of the East one-half of the Southwest Quarter of Section 13, Township 7 South, Range 7 West; thence South along the East line of the East one-half of the Southwest Quarter of Section 13, Township 7 South, Range 7 West to the Southeast corner of the East one-half of the Southwest Quarter of the last aforesaid Section 13; thence West along the South line of

the East one-half of the Southwest Quarter of Section 13, Township 7 South, Range 7 West to the Northwest corner of the East one-half of the Northwest Quarter of Section 24, Township 7 South, Range 7 West; thence South along the West line of the East one-half of the Northwest Quarter of Section 24, Township 7 South, Range 7 West to the point of beginning for this description for Ward No. 2.

(C) **Ward No. 3.** All that part of the City lying within the following described boundaries, which constitute Ward Number Three:

All territory within the limits of the corporate boundary of the City of Chester, Illinois, being bounded on the North, West and Southwest by said corporate boundary line and being bounded on the East and South by the following described lines:

The East boundary line beginning at the point of intersection of the Southeasterly projection of the centerline of Knapp Avenue in the City of Chester with the Southeast boundary of the last aforesaid corporate limits, said point of intersection being located approximately 350 feet Southeast of the intersection of the last aforesaid centerline of Knapp Avenue with the centerline of State Street in the said City of Chester; thence Northwesterly along the Southeasterly projection of the centerline of Knapp Avenue and along the centerline of Knapp Avenue in the last aforesaid City of Chester to the point of intersection with the centerline of High Street in the said City of Chester; thence North along the centerline of High Street in the last aforesaid City of Chester to a point in the centerline of Old Plank Road in the said City of Chester; thence Northeast along the centerline of Old Plank Road in the last aforesaid City of Chester to the point of intersection with the centerline of Dawnview Road in the said City of Chester; thence North along the centerline of Dawnview Road in the last aforesaid City of Chester to the point of intersection with the North corporate boundary line of said City of Chester being the point of terminus of the East boundary line of Ward No. 3 herein described.

The South boundary line beginning at the Southeast corner of the Northwest Quarter of the Northwest Quarter of Section 19, Township 7 South, Range 6 West; thence West along the South line of the Northwest Quarter of the Northwest Quarter of the last aforesaid Section 19 to the West line of the last aforesaid Section 19; thence North along the West line of Section 19, Township 7 South, Range 6 West to the point of intersection with the Southeast projection of the Northeast right-of-way line of Stacey Street in the City of Chester; thence Northwest along the Southeast projection of the Northeast right-of-way line of Stacey Street in the City of Chester to a point in the Southeast right-of-way line of Frederick Street in the City of Chester; thence Southwest along the Southeast right-of-way line of Frederick Street in the City of Chester to a point in the Southwest right-of-way line of Stacey Street in the City of Chester; thence Northwest along the Southwest right-of-way line of Stacey Street in the City of Chester to a point in the Southeast line of Outlot 37 in Swanwick's Addition to the City of Chester; thence Northeast along the Southeast line of Outlot 37 in Swanwick's Addition to the City of Chester to the Northeast corner of the last aforesaid Outlot 37; thence

Northwest along the Northeast line of Outlot 37 in Swanwick's Addition to the City of Chester to the North most corner of the last aforesaid Outlot 37; thence Southwest along the Northwest line of Outlot 37, Outlot 36 and Outlot 35 in Swanwick's Addition to the City of Chester to a point in the East line of the East one-half of the Southwest Quarter of Section 13, Township 7 South, Range 7 West; thence South along the East line of the East one-half of the Southwest Quarter of Section 13, Township 7 South, Range 7 West to the Southeast corner of the East one-half of the Southwest Quarter of the last aforesaid Section 13; thence West along the South line of the East one-half of the Southwest Quarter of Section 13, Township 7 South, Range 7 West to the Northwest corner of the East one-half of the Northwest Quarter of Section 24, Township 7 South, Range 7 West; thence South along the West line of the East one-half of the Northwest Quarter of Section 24, Township 7 South, Range 7 West to Southeast corner of the Southwest Quarter of the Northwest Quarter of the last aforesaid Section 24; thence West along the South line of the Southwest Quarter of the Northwest Quarter of the last aforesaid Section 24 to the Northwest corner of the Fractional Southwest Quarter of the last aforesaid Section 24; thence South along the West line of the last aforesaid Fractional Southwest Quarter of Section 24 to the point of intersection with the Northeast High Bank of the Mississippi River being the point of terminus of the South boundary line of Ward No. 3 herein described.

(D) **Ward No. 4.** All that part of the City lying within the following described boundaries, which constitute Ward Number Four.

All territory within the limits of the corporate boundary of the City of Chester, Illinois, being bounded on the North, East, and Southeast by said corporate boundary line and being bounded on the West by the following described line:

The West boundary line beginning at the point of intersection of the Southeasterly projection of the centerline of Knapp Avenue in the City of Chester with the Southeast boundary of the last aforesaid corporate limits, said point of intersection being located approximately 350 feet Southeast of the intersection of the last aforesaid centerline of Knapp Avenue with the centerline of State Street in the said City of Chester; thence Northwesterly along the Southeasterly projection of the centerline of Knapp Avenue and along the centerline of Knapp Avenue in the last aforesaid City of Chester to the point of intersection with the centerline of High Street in the said City of Chester; thence North along the centerline of High Street in the last aforesaid City of Chester to a point in the centerline of Old Plank Road in the said City of Chester; thence Northeast along the centerline of Old Plank Road in the last aforesaid City of Chester to the point of intersection with the centerline of Dawnview Road in the said City of Chester; thence North along the centerline of Dawnview Road in the last aforesaid City of Chester to the point of intersection with the North corporate boundary line of the said City of Chester being the point of terminus of the West boundary line of Ward No. 4 herein described.

[Unless Otherwise Noted, This Article, Ord. No. 1359; 03-20-06]

CHAPTER 40

ZONING CODE

ARTICLE I - GENERAL PROVISIONS

40-1-1 **PURPOSE.** In accordance with State Law, **Illinois Compiled Statutes, Chapter 65, Section 5/11-13-1, et seq.,** this Code regulates lots, structures, and land uses in order to preserve, protect, and promote the public health, safety, and welfare. More specifically, this Code is intended to assist in achieving the following objectives:

(A) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;

(B) to protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures;

(C) to conserve and increase the value of taxable property throughout the City;

(D) to ensure the provision of adequate light, air, and privacy for the occupants of all buildings;

(E) to provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways; and

(F) to provide for the efficient administrative and fair enforcement of all the substantive regulations set forth herein.

40-1-2 **JURISDICTION.** This Code shall be applicable within the Corporate Limits of the City and within all territory located in Illinois within **one (1) mile** of said limits, provided such territory is not located within the zoning jurisdiction of another municipality. **(65 ILCS 5/11-13-1)**

40-1-3 **INTERPRETATION; CONFLICT WITH OTHER CODES.** Every provision of this Zoning Code shall be construed liberally in favor of the City, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Chapter differ from the requirements of any other lawfully adopted and effective code, ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-4 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. **(See "Local Governmental and Governmental Employees Tort Immunity Act," Ill. Comp. Stats., Ch. 745; Sec. 10/1-101.)**

(B) Any suit brought against any official, board member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Chapter, shall be defended by the City Attorney until the final determination of the legal proceedings.

40-1-5 SEPARABILITY. If any provision of this Chapter is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Chapter.

ARTICLE II - DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Chapter, the following rules shall be observed:

(A) Words and phrases shall have the meaning respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in this Chapter shall have their standard English dictionary meanings.

(B) Words used in the present tense shall include the future tense.

(C) Words used in the singular number shall include the plural number, and the plural the singular.

(D) The term "shall" is mandatory; the term "may" is discretionary.

(E) All distances shall be measured to the nearest integral foot; **six (6) inches or more shall be deemed one (1) foot.**

(F) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(G) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

40-2-2 SELECTED DEFINITIONS.

"ABUTTING". As applied to lots, "abutting" means having a common lot line or district line, or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right-of-way.

"ACCESS WAY". A curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking or loading area.

"ACCESSORY USE". Any structure or use that is:

(A) subordinate in size or purpose to the principal structure or use which it serves;

(B) necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and

(C) located on the same lot as the principal structure or use served.

"ADMINISTRATOR". The official appointed by the Mayor with the advice and consent of the City Council to administer this Code, or his representative. **(Synonymous with "Zoning Administrator".)**

"AGRICULTURE". Any one or any combination of the following: The growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse and accessory uses and structures customarily incidental to agricultural activities.

"AISLE". A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

"ALLEY". A public right-of-way, which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

"ALTER". To change the size, shape, or use of a structure.

"AMENDMENT". A change in the provisions of this Code (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

"ATTACHED". As applied to buildings, "attached" means having a common wall and/or a common roof.

"BLOCK". An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless the exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

"BOARD OF APPEALS". The Zoning Board of Appeals of the City.

"BUILDING". Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

"BUILDING HEIGHT". The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and similar projections shall not be included in calculating building height.

"BUILDING LINE". The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

"CERTIFICATE OF ZONING COMPLIANCE (INITIAL)". A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Chapter and may, therefore, proceed.

"CERTIFICATE OF ZONING COMPLIANCE (FINAL)". A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code, and may, therefore, be occupied or used.

"CITY". The City of Chester, Illinois.

"CLINIC". An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

"CLUB/LODGE". A non-profit association of persons who are bonafide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

"COMMERCIAL USE/ESTABLISHMENT". Any use or establishment wherein goods are purchased or sold whether to the consuming public (retail) or to other businesses (wholesale).

"CONFORMING". In compliance with the applicable provisions of this Chapter.

"CONVENIENCE SHOP". A small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple-family complex, mobile home park, or similar development.

"CORRECTIVE ACTION ORDER". A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Chapter.

"DAY CARE CENTER". See "Nursery School".

"DETACHED". As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

"DEVELOP". To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

"DIMENSIONS". Refers to both lot depth and lot width.

"DISTRICT, ZONING". A portion of the territory subject to this Chapter wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this Code.

"DRIVEWAY". A minor way commonly providing vehicular access to a garage or off-street parking area.

"DWELLING". A building or portion thereof designed or used primarily as living quarters for **one (1)** or more families, but not including hotels, motels, or other accommodations for the transient public.

"DWELLING, MULTIPLE-FAMILY". A building or portion thereof containing **three (3)** or more dwelling units.

"DWELLING, SINGLE-FAMILY". A dwelling containing one dwelling unit and intended for the occupancy of **one (1) family**.

"DWELLING, TWO-FAMILY". A dwelling containing two dwelling units.

"DWELLING UNIT". **One (1)** or more rooms designed or used as living quarters by **one (1) family**. A "dwelling unit" always includes a bathroom and a kitchen.

"EASEMENT". A right to use another person's real property for certain limited purposes.

"ENCLOSED". As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

"ENLARGE". To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

"ERECT". To build, construct.

"ESTABLISHMENT". Either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of **one (1)** or more buildings; or

(B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

- (1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
- (2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

"EXISTING". Actually constructed or in operation on the effective date of this Chapter.

"FAMILY". **One (1) person**, or **two (2)** or more persons related by blood, marriage, or legal adoption, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

"FLOOR AREA, GROSS". The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. "Gross floor area" includes basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; and enclosed porches.

"FRONTAGE". The lineal extent of the front (street-side) of a lot.

"GREENHOUSE". See "Nursery".

"HEREAFTER". Any time after the effective date of this Chapter.

"HOME OCCUPATION". Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Chapter.

"HOSPITAL". An institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment, or care of members of the general public suffering from disease, injury, or other abnormal physical conditions. The term "**hospital**", as used in this Chapter, includes sanitariums, but excludes institutions operating solely for the treatment of insane persons, drug addicts, or alcoholics, and convalescent/ nursing homes.

"IMMOBILIZE". As applied to a mobile home, "**immobilize**" means to remove the wheels, tongue, and hitch and/or to place on a permanent foundation.

"INTERSECTION". The point at which **two (2)** or more public rights-of-way (generally streets) meet.

"JUNK YARD". A tract of land, including any accessory structures thereon that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags, and tires. A lot on which **three (3) or more inoperable vehicles** are stored shall be deemed a "**junk yard**".

"KENNEL". An establishment where animals are maintained for boarding, training or similar purposes for a fee or compensation; or an establishment which sells, offers to sell, exchange or offers for adoption with or without charge animals which the establishment has produced or raised. **(Ord. No. 974; 03-01-90)**

"LOADING SPACE". An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

"LOT". A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a **"lot of record"**.

"LOT, CORNER". A lot having at least **two (2) adjacent sides** that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

"LOT, THROUGH". A lot having a pair of approximately parallel lot lines that abut **two (2) streets** which are approximately parallel streets. Both such lot lines shall be deemed front lot lines.

"LOT AREA". The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

"LOT COVERAGE". The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

"LOT DEPTH". The average horizontal distance between the front lot line and the rear lot line of a lot.

"LOT LINE, FRONT". The lot boundary abutting the street.

"LOT LINE, REAR". An interior lot line which is most distant from and most nearly parallel to the front lot line.

"LOT LINE, SIDE". Any boundary of a lot which is not a front lot line or a rear lot line.

"LOT SIZE REQUIREMENTS" refers to the lot area, width, and depth requirements of the applicable district.

"LOT WIDTH". The mean horizontal width of a lot measured at right angles to the side lot lines.

"MAINTENANCE". The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

"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**; 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 would not be confused with a camping trailer or recreational vehicle. **(Ord. No. 974; 03-01-90)**

"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. **(Ord. No. 974; 03-01-90)**

"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. **(Ord. No. 974; 03-01-90)**

"MOBILE HOME PARK". A parcel in single ownership/control, developed with facilities for accommodating occupied mobile homes in compliance with all rules, regulations and statutes as set forth in current **Illinois Compiled Statutes. (Ord. No. 974; 03-01-90)**

"MOBILE HOME STAND". The part of a mobile home space beneath the mobile home which includes the concrete slab or runners on which the home is placed.

"NONCONFORMING". As applied to a lot, structure, or use, **"nonconforming"** means:

- (A) Lawfully existing on the effective date of this Chapter, but
- (B) Not in compliance with the applicable provisions thereof.

"NUISANCE". Any thing, condition, or conduct that endangers health or unreasonably offends the senses or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

"NURSERY". A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

"NURSERY SCHOOL". An establishment for the part-time care and/or instruction at any time of the day of **four (4) or more unrelated children** of pre-elementary school age.

"NURSING HOME". A building used as a medical care facility for persons who need long-term nursing care and medical services, but do not require intensive hospital care.

"OFFICE". Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

"PARKING AREA/LOT, OFF-STREET". Land that is improved in accordance with this Chapter and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An **"off-street parking area"**, depending on the circumstances of its use, may be either a principal use or an accessory use.

"PARKING SPACE, OFF-STREET". An area at least **twenty (20) feet long and ten (10) feet wide** within an off-street parking area or garage, used for the storage of **one (1) passenger motor vehicle**.

"PERMITTED USE". Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

"PERSON". Any individual, firm, association, organization, or corporate body.

"PLAN COMMISSION". The City Plan Commission.

"PLOT". A parcel of land consisting of **one (1) or more** lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

"PREMISES". A lot and all the structures and uses thereon.

"PRINCIPAL BUILDING/STRUCTURE/USE". The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

"PROPERTY LINE". See "Lot Line".

"RECONSTRUCT". As applied to nonconforming structures, "reconstruct" means to rebuild after partial or total destruction.

"RELOCATE". To move to another portion of a lot or to a different lot.

"REPAIR". To restore to sound condition, but not to reconstruct.

"RETAIL" refers to the sale of goods or services directly to the consumer rather than to another business.

"RIGHT-OF-WAY, PUBLIC". A strip of land which the owner/subdivider has dedicated to the City or to another unit of government for streets and alleys.

"SERVICE USE/ESTABLISHMENT". Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

"SETBACK". The distance between the front lot line and the building line; or between a side or rear lot line and that side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

"SKIRTING". The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

"SPECIAL USE". A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

"SPECIAL-USE PERMIT". A permit issued in accordance with the provisions of this Chapter to regulate the development/operation of a special use.

"STABLE". A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

"STOP ORDER". A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Chapter.

"STREET". A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, and similar designations, but excludes an alley or a way for pedestrian use only.

"STREET, PRIVATE". Any street providing access to abutting property that is not maintained by and dedicated to the City or other public entity.

"STRUCTURE". Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

"STRUCTURE, TEMPORARY". Any structure that is not attached to a permanent foundation.

"SUPPORTIVE LIVING FACILITY/ASSISTED LIVING FACILITY". A facility consisting of a building or buildings containing multiple dwelling units (the kitchen of such dwelling units may contain limited or full cooking facilities) and other rooms such as a cafeteria/dining room, meeting room, etc. and which provides supportive services to the people residing therein such as activities, medication set-up, cleaning services, laundry services, meals, assistance with medications and such other support services that will allow the people to remain independent. A Supportive Living Facility/Assisted Living Facility is not a nursing home. **(Ord. No. 1343; 12-05-05)**

"TEMPORARY USE PERMIT". A permit issued in accordance with the provisions of this Chapter and valid for not more than **one (1) year**, which allows the erection/occupation of a temporary structure or the operation of a temporary enterprise.

"TOPOGRAPHY". The relief features or surface configuration of an area.

"USE". The purpose or activity for which land or a structure thereon is designed, occupied, or used.

"USE VARIANCE". A type of amendment (not variance) that allows a use in a district where said use would not be allowed under existing provisions of this Chapter.

"UTILITY SUBSTATION". A secondary utility facility such as an electrical substation, gas regulatory station, telephone exchange facility, sewage treatment plant, etc.

"VARIANCE". A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

"WHOLESALE" refers to the sale of goods or services by one business to another business.

"YARD". Open space that is unobstructed except as specifically permitted in this Chapter and that is located on the same lot as the principal building.

"YARD, FRONT". A yard which is bounded by the side lot lines, front lot lines, and the building line.

"YARD, REAR". A yard which is bounded by side lot lines and the rear yard line.

"YARD, SIDE". A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

"YARD LINE". A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

"ZONING MAP". The map(s) and any amendments thereto designating zoning districts, and incorporated into this Chapter by reference.

ARTICLE III

GENERAL ZONING REGULATIONS

40-3-1 **ESTABLISHMENT OF DISTRICTS.** In order to implement the regulatory scheme of this Chapter so as to achieve the objective enumerated in **Section 40-1-1**, the City and surrounding territory is hereby divided into the following Zoning Districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM ZONE DISTRICT AREA</u>
Agricultural	A	3 acres
Single-Family Residential	R-1	1 acre
General Residential	R-2	1 acre
Mobile Home	R-3	1 acre
Commercial	C	1 acre
Industrial	I	1 acre

The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

40-3-2 **ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed Zoning Districts are hereby established as shown on the Official Zoning Map of the City. The map, including all notations and other information thereof, is hereby made a part of this Chapter by reference. The Official Zoning Map shall be kept on file in the Administrator's Office.

40-3-3 **ANNUAL PUBLICATION.** In accordance with State law, if any changes are made in the Zoning Districts or regulations during a calendar year, the Administrator shall publish the revised official map **not later than March 31st** of the following year.

40-3-4 **DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the Zoning Map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- | | | |
|-----|--|--|
| (1) | Center line of any street, alley,
or highway | such center line. |
| (2) | Lot line | such lot line. |
| (3) | Railroad tracks | right -of -way line
of such tracks. |
| (4) | Stream | center of such stream. |
| (5) | Section lines, fractional
lines, survey lines | such lines. |

(B) Whenever any street, alley, or other public way is legally vacated, the Zoning Districts adjoining each side of such vacated public way shall automatically extend to the new property line established by said vacation and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.
(Ord. #974; 03-19-90)

40-3-5 ANNEXED TERRITORY. Upon the effective date of this Chapter, whenever any territory is annexed to the City, the City Council shall determine its district classification at the time of annexation.

40-3-6 GENERAL PROHIBITION. Hereafter, within the zoning jurisdiction of the City, it shall be unlawful to:

- (A) Erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
- (B) to create any lot; or
- (C) to use, occupy, or develop any lot or part thereof except in conformity with the provisions of this Chapter.

40-3-7 UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as Permitted or Special within a particular Zoning District, such use shall be deemed prohibited in that district. However, if the Council, following consultation with the Administrator, finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this Chapter in accordance with **Section 40-9-4**. The Council's decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

40-3-8 TEMPORARY USES. Except as specifically provided otherwise in this Chapter, no temporary structure shall be used or occupied for any purpose and

no lane shall be used for any temporary enterprise unless a temporary use permit has been obtained. No temporary use permit shall be valid for more than **one (1) year** unless it is properly renewed. **(See Section 40-9-3)**

40-3-9 MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise elsewhere in this Chapter, every lot must meet the minimum area, minimum dimensions, and minimum setbacks requirements of the district in which it is located **independently** that is, without counting any portion of an abutting lot.

40-3-10 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public or a private street.

40-3-11 FRONT SETBACKS - CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-3-12 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise, in all residential Zoning Districts where lots having **fifty percent (50%)** or more of the frontage on **one (1) side** of a street between intersections (that is, in **one (1) block**) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setbacks on that block shall be the average of the existing front setbacks; provided, however, that in any built-up area; no front setback greater than **fifty (50) feet** shall be required.

40-3-13 INTRUSIONS INTO YARDS. To the extent indicated below, the following feature of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURE</u>	<u>MAXIMUM INTRUSION</u>
(A) Cornices, chimneys, planters, or similar architectural features:	2 feet
(B) Fire escapes	4 feet
(C) Patios	NO LIMIT
(D) Porches, if unenclosed and at ground level	6 feet

- | | | |
|-----|--------------------------|--------|
| (E) | Balconies | 4 feet |
| (F) | Canopies, roof overhangs | 4 feet |

40-3-14 EXCEPTIONS TO HEIGHT LIMITS.

(A) **Necessary Appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, and other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent City codes.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining those street lines at points **thirty (30) feet** from the point of intersection, no natural or man-made obstruction shall intrude into the air space that is between **two (2)** and **ten (10) feet** above the level of the adjacent street. **(See Figure 1.)**

40-3-15 SEWERS AND SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the City sewerage system is reasonably available (that is, whenever the distance from one or more property lines of the property in question to the nearest public sewer with available capacity does not exceed **two hundred (200) feet**), all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(B) Whenever the City sewerage system is not reasonably available, as defined in Paragraph (A) above, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, Illinois Compiled Statutes, Chapter 225, Sections 225/1 through 225/23, as amended from time to time; and
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time; and
- (3) pertinent, current regulations issued by the Illinois Environmental Protection Agency.

The Administrator shall not issue any initial Certificate of Zoning Compliance unless he is satisfied that these requirements will be met.

40-3-16 ACCESSORY USES. Any accessory use shall be deemed permitted in a particular Zoning District if such use:

- (A) meets the definition of "accessory use" found in **Section 40-2-2;**

(B) Is accessory to a principal structure or use that is allowed in a particular Zoning District as a permitted or special use; and

(C) Is in compliance with the restrictions set forth in **Section 40-3-17.**

If an accessory structure is attached to a principal structure, it shall be considered part of such structure.

40-3-17 **ACCESSORY USE RESTRICTIONS.**

(A) **Height.** No accessory use shall be higher than:

(1) **fifteen (15) feet** in any residential district; or

(2) **twenty-five (25) feet** in any other Zoning District except the Agricultural District where, due to the special needs of farmers, there shall be no height limit on accessory structures.

(B) **Setbacks.** No accessory use in any Zoning District shall be located in any part of any yard (front, side, or rear) that is required because of the setback regulations of such district; provided that in any residential district, an accessory use may be located as close as **five (5) feet** to any side or rear lot line.

(C) **Yard Coverage.** In any residential district, accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.

(D) **Use as Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of the City.

ARTICLE IV

REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I - "A" AGRICULTURAL DISTRICT

40-4-1 "A" - AGRICULTURAL DISTRICT. The "A" - Agricultural District encompasses areas that are presently undeveloped or sparsely developed and that for various reasons, should remain so for the foreseeable future. Some tracts of land in this district are fertile and relatively level, and best suited for agricultural pursuits. Other tracts in this district have such poor soils, steep slopes, inadequate natural drainage, and/or other problems or are simply so distant from existing developed areas -- that the provision of road, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.

40-4-2 AGRICULTURAL EXEMPTION. The provisions of this Chapter shall not be exercised so as to impose regulations with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or intended for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes shall be required to conform to building setback lines. In the event that the land ceases to be used solely for agricultural purposes, then and only then, shall the provisions of this Chapter apply.

40-4-3 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "A" District shall conform to the following requirements:

- | | | |
|-----|--|----------|
| (A) | <u>Minimum Lot Area.</u> | 3 acres |
| (B) | <u>Minimum Lot Width.</u>
(at the established building line) | 250 feet |
| (C) | <u>Minimum Lot Depth.</u> | 250 feet |
| (D) | <u>Minimum Setbacks.</u> | |
| | (1) From front lot line | 50 feet |
| | (2) <u>Side yards:</u>
Minimum total setback from
both side lot lines: | 25 feet |
| | Minimum setback from either side lot line: | 10 feet |
| | (3) From rear lot line: | 50 feet |

40-4-4 SPECIAL RESTRICTIONS.

One Dwelling Per Lot. In the "A" District, not more than **one (1) dwelling** shall be erected on any lot.

40-4-5 PERMITTED USES.

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-2** are met.

Cemeteries.

Government uses of the City.

Nurseries, greenhouses, temporary produce stands.

Parks, playgrounds.

Two-Family Dwellings.

Mobile Homes (immobilized).

Single-Family Dwellings.

Accessory uses in accordance with **Section 40-3-16.**

40-4-6 SPECIAL USES.

Agricultural implements sales.

Amusement facilities such as go-cart tracks, miniature golf courses, etc.

Animal hospitals.

Blacksmith and welding shops.

Churches and other places of formal worship.

Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Golf courses, regulation size.

Government uses other than those of the City.

Home occupations.

Hospitals, nursing homes, sanitariums.

Institutions such as convents, retreat houses, seminaries, etc.

Kennels, commercial.

Stables, commercial.

Utility substations.

40-4-7 RESERVED.

DIVISION II

"R-1" - SINGLE-FAMILY RESIDENTIAL DISTRICT

40-4-8 **PURPOSE.** The "R-1" Single-Family Residential District encompasses those areas which are primarily developed with or planned for conventionally-constructed single-family dwellings. Other types of residences -- mobile homes, duplexes, apartments, etc. -- are strictly prohibited in this district.

40-4-9 **SPECIAL RESTRICTIONS.**

(A) **One Principal Building Per Lot.** In the "R-1" District, only **one** (1) principal building shall be erected on any lot.

(B) **No Mobile Homes.**

(1) No mobile home shall be brought into or placed **anywhere** in the "R-1" District.

(2) Existing mobile homes in the "R-1" District shall be immobilized in accordance with **Section 40-4-25. (Ord. No. 974; 03-01-90)**

(C) It shall be lawful to replace or upgrade any existing mobile home located in the "R-1" District; however, current owners of immobilized mobile homes, double-wides or module homes within the "R-1" District shall be permitted to replace or upgrade same. **(Ord. No. 974; 03-01-90)**

40-4-10 **LOT AND BUILDING REQUIREMENTS.***

(A) **Minimum Lot Area.** 8,000 square feet

(B) **Minimum Lot Width.** (at established building line)80 feet

(C) **Minimum Lot Depth.** 100 feet

(D) **Minimum Setbacks.**

(1) From front lot line: 25 feet

(2) From either side lot line: 10 feet

(3) From rear lot line: 25 feet

(E) **Maximum Building Height.** 35 feet

* **Applies to principal building. (Ord. No. 974; 03-01-90)**

40-4-11 **PERMITTED USES.**

Government uses of the City.

Single-Family Dwellings.

Accessory uses in accordance with **Section 40-3-16.**

40-4-12 **SPECIAL USES.**

Churches and related religious facilities.

Government uses other than those of the City.

Home occupations, but only in conformity with the requirements of **Section 40-5-4.**

Schools.

Utility substations.

40-4-13 **RESERVED.**

DIVISION III

"R-2" - GENERAL RESIDENTIAL DISTRICT

40-4-14 **PURPOSE.** The "R-2" General Residential District is intended to accommodate a wide variety of housing types and related educational, religious, and recreational facilities.

40-4-15 **SPECIAL RESTRICTIONS.**

(A) **One Single or Two Family Dwelling Per Lot.** In the "R-2" District, not more than **one (1)** single-family dwelling or duplex may be erected on one lot.

(B) **No Mobile Homes.**

- (1) No mobile home shall be brought into or placed anywhere in the "R-2" District, but double-wides and module structures are permitted.
- (2) Existing mobile homes in the "R-2" District shall be immobilized in accordance with **Section 40-4-25.**
- (3) It shall be lawful to replace or upgrade any existing mobile home located in the "R-2" District. **(Ord. No. 974; 03-01-90)**

40-4-16 **LOT AND BUILDING REQUIREMENTS.***

- (A) **Minimum Lot Area.** 6,000 square feet or 2,500 square feet per unit, whichever is greater. That is, a one- or two-family unit must occupy at least a 6,000 square foot lot. A three-family unit must occupy at least a 7,500 square foot lot and so forth.
- (B) **Minimum Lot Width.** 50 feet
(at established building line)
- (C) **Minimum Lot Depth.** 100 feet
- (D) **Minimum Setbacks.**
- (1) From front lot line: 25 feet
 - (2) From either side lot line: 5 feet
 - (3) From rear lot line: 25 feet
- (E) **Maximum Building Height.** 35 feet

40-4-17 PERMITTED USES.

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-2** are met.

Churches and related religious facilities.

Government uses of the City.

Multiple-Family Dwellings.

Schools.

Single-Family Dwellings, any type.

Accessory uses in accordance with **Section 40-3-16.**

Bed and Breakfast Establishments.

(Ord. No. 974; 03-01-90)

* **Applies to principal building.**

40-4-18 SPECIAL USES.

Convenience shops.

Day Care Centers.

Government uses other than those of the City.

Home occupations, but only in accordance with **Section 40-5-4.**

Nursing homes.

Supportive Living Facility/Assisted Living Facility. **(Ord. No. 1343; 12-05-05)**

Utility substations.

40-4-19 - 40-4-20 RESERVED.

DIVISION IV

"R-3" - MOBILE HOME DISTRICT

40-4-21 **PURPOSE.** The "R-3" Mobile Home District is primarily intended to provide areas suitable for the placement of mobile homes on individual lots and for the establishment of mobile home parks. This district is also intended to preserve all other residential districts for conventionally constructed dwellings.

40-4-22 **LOT AND BUILDING REQUIREMENTS.** All principal buildings shall meet the following requirements: **(Exception: Mobile home park requirements are set forth in Section 40-4-26.)**

(A)	<u>Minimum Lot Area.</u>	5,000 square feet
(B)	<u>Minimum Lot Width.</u> (at established building line)	50 feet
(C)	<u>Minimum Lot Depth.</u>	100 feet
(D)	<u>Minimum Setbacks.</u>	
	(1) From front lot line:	25 feet
	(2) From either side lot line:	5 feet
	(3) From rear lot line:	20 feet
(E)	<u>Maximum Building Height.</u>	35 feet

40-4-23 **PERMITTED USES.**

Any use permitted in the "R-2" General Residential District. **(See Section 40-4-17)**
Mobile homes on individual lots, provided said mobile homes conform to all applicable requirements of this Division.

40-4-24 **SPECIAL USES.**

Any use that is a special use in the "R-2" General Residential District. **(See Section 40-4-18)**
Mobile home parks in conformity with all applicable requirements of this Division.

40-4-25 **MOBILE HOMES ON INDIVIDUAL LOTS.**

(A) **One Per Lot.** Not more than **one (1) mobile home** shall be placed on any individual lot, nor shall any mobile home be placed on any individual lot whereon another principal building exists.

(B) **Stand.** Every mobile home shall be placed on a stand to provide adequate support in accordance with existing State regulations. **(Ord. No. 974; 03-01-90)**

(C) **Anchors.** Anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of every mobile home stand, or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.

(D) **Skirting.** Every mobile home shall be skirted with fire-resistant material. The skirting shall be equipped with an inspection door at least **twenty-four (24) inches wide** to allow access to the underside of the home.

40-4-26 **MOBILE HOME PARKS.** Mobile home parks shall comply with all requirements of the State's "**Mobile Home Regulations**"; provided, that in case of conflict between any of said regulations and any provision of this Code, the provision of this Chapter shall prevail. **(Ord. No. 974; 03-01-90)**

40-4-27 **RESERVED.**

- (E) **Maximum Building Height.**
- (F) **Buffer Area.**

60 feet
On lots abutting an "R" District, there shall be provided a proper planting strip as determined by the Zoning Administrator, planted with trees and shrubs which will provide a dense screen at maturity. **(Ord. No. 974; 03-01-90)**

40-4-32 PERMITTED USES.

- Churches.
- Clubs and lodges.
- Commercial establishments, wholesale and retail.
- Government uses of the City and other units.
- Medical/dental clinics.
- Multiple-family dwellings.
- Offices.
- Service establishments.
- Single-family dwellings.
- Supportive Living Facility/Assisted Living Facility. **(Ord. No. 1343; 12-05-05)**
- Accessory uses in accordance with **Section 40-3-16.**

40-4-33 SPECIAL USES.

- Utility substations.
- Mobile homes (immobilized).

40-4-34 RESERVED.

(E)

Maximum Structure Height.

60 feet

40-4-39 PERMITTED USES. Provided all the use restrictions of this district (See Section 40-4-37) are observed, the following uses are permitted:

Assembly, manufacturing, or processing of any commodity from semi-finished materials, provided explosives, flammable gases or liquids or live animals are not involved.

Freight and bus terminals, and related transportation facilities.

Government uses of the City and other units.

Research and development facilities not involving explosives, or flammable gases or liquids.

Service stations.

Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals.

40-4-40 SPECIAL USES. Provided all the use restrictions of this District (See Section 40-4-37) are observed, the following uses may be allowed by special-use permit:

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases or liquids, or live animals.

Junk yards, but only in accordance with **Section 40-5-6.**

Research and development facilities involving explosives or flammable liquids or gases.

40-4-41 TEMPORARY USE.

Mobile homes.

ARTICLE V

SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

40-5-1 **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome structures and uses. These regulations apply in every Zoning District where the specific structure or use is permitted or allowed by special-use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-5-2 **AGRICULTURAL ACTIVITIES.**

(A) **Farm Animals.** No barn, stable, shed, or other structure intended to shelter farm animals (including, but not limited to, horses, cattle, hogs, and chickens) shall be erected closer than **three hundred (300) feet** to any existing dwelling located on an adjacent lot or closer than **two hundred (200) feet** to any lot line of another person's residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **three hundred (300) feet** to any existing dwelling located on an adjacent lot or closer than **two hundred (200) feet** to any lot line of another person's residential property, whichever distance is greater.

(B) **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **three hundred (300) feet** to any existing dwelling located on an adjacent lot or closer than **two hundred (200) feet** to any lot line of another person's residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **one hundred (100) feet** from any lot line of another person's residential property.

40-5-3 **FENCES - WALLS.**

(A) In connection with agricultural uses, barbed wire and electrically-charged fences are permitted.

(B) In connection with non-agricultural uses, barbed wire and electrically-charged fences may be allowed by special-use permit after a public hearing.

(1) No fence, wall, or other obstruction shall be erected within any public right-of-way, except by written permission of the proper authority.

- (2) No fence, wall, or other obstruction shall be erected in violation of the current Illinois Drainage Code. **(Ill. Comp. Stats., Ch. 70, Secs. 605/2-1 through 605/2-12)**
- (3) Every fence, wall, or other obstruction shall conform to the special height restrictions applicable in areas near intersections. **(See Sec. 40-3-14) (Ord. No. 974; 03-19-90)**

40-5-4 HOME OCCUPATIONS. A "home occupation" means any business, profession, or occupation conducted for gain or support entirely within any dwelling or on any residential premises. Within this Municipality, every home occupation shall be considered a special use. No home occupation shall be established or conducted except in conformity with the following regulations:

(A) **Unrelated Employees.** A home occupation shall employ no more than **one (1)** individual who is unrelated to the family residing on the premises.

(B) **Floor Space.** The total area used of a home occupation conducted in a dwelling shall not exceed **twenty-five percent (25%)** of the gross area of said dwelling, or **three hundred (300) square feet**, whichever is less.

(C) **Dwelling Alterations.** In any residential district, a dwelling shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.

(D) **Outdoor Storage.** Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.

(E) **Nuisances.** A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.

(F) **Parking.** See **Article VI.**

(G) **Signs.** A home occupation shall display only **one (1)** identification/ advertising sign. The area of said sign shall not exceed **six (6) square feet.**

40-5-5 HOSPITALS - NURSING HOMES.

(A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **five (5) acres.**

(B) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet** and a minimum area of **two (2) acres.**

(C) The principal building of any hospital, sanitarium, or nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

40-5-6 JUNK YARDS.

(A) No part of any junk yard -- which includes any lot on which **three (3)** or more inoperable vehicles are stored – shall be located closer than **five hundred (500) feet** to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property.

40-5-7 KENNELS.

(A) The lot on which any kennel is situated shall have a minimum area of **three (3) acres.**

(B) Every kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line.

40-5-8 PRIVATE SWIMMING POOLS. Private swimming pools should:

(A) be appurtenant to a dwelling.

(B) meet yard depth and width requirements for principal buildings in the district in which they are located.

(C) be adequately fenced or the property on which it is located should be adequately fenced to prevent access of children and pets.

(D) meet all applicable health and sanitary requirements. **(Ord. No. 974; 03-19-90)**

ARTICLE VI

OFF-STREET PARKING AND LOADING

40-6-1 **APPLICABILITY OF ARTICLE.** Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Chapter.

40-6-2 **EXISTING PARKING/LOADING FACILITIES.**

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced or if already less than, shall not be further reduced below the requirements and standards for similar new structures or use.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading facilities need not be provided.

(C) Whenever the use of any structure or premises is intensified through the addition of dwelling units, increased floor area, greater seating capacity, etc., additional parking and loading facilities commensurate with such increases in use-intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.

40-6-3 **PARKING LOT STANDARDS.** All off-street parking lots shall conform to the standards indicated in the subsections below:

40-6-3.1 **SPACES.** Each required off-street parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long, and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

40-6-3.2 **INTERIOR AISLES.** Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of the parking spaces.

Aisles designated for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designated for **sixty degrees (60°)** parking shall be at least **eighteen (18) feet** wide.

40-6-3.3 ACCESS-WAYS.

(A) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.

(B) No access-way to any parking lot shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic-control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.

(C) Parking area access-ways and public streets shall be aligned to form -- as closely as possible -- right angles.

(D) The access-way to every parking lot containing **sixteen (16)** or more parking spaces shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide, are provided. The access-way to any parking lot containing fewer than **sixteen (16) parking spaces** shall be at least **twelve (12) feet** wide.

40-6-3.4 SURFACING. Parking lots shall be graded and improved with a compacted stone base at least **four (4) inches** thick.

40-6-4 LOCATION OF OFF-STREET PARKING.

(A) **For Dwellings.** Parking spaces accessory to dwellings shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.

(B) **For Commercial/ Industrial Uses.** In the Commercial or Industrial Districts, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use. **(See Section 40-6-7)**

40-6-5 COMPUTATION OF REQUIRED PARKING SPACES. In computing the number of parking spaces required by this Chapter, the Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **"Employee parking" means "one parking space shall be required per one and one half (1.5) employees,"** unless otherwise stated.

(B) In computing parking space requirements on the basis of building floor area, the gross floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1) parking space**.

(D) If computation of the number of parking spaces required by this Chapter results in a fractional space, any fraction of **one-half (1/2)** or more shall be counted as **one (1) space**.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking spaces shall be counted as part of the off-street parking spaces required for another structure or use.

40-6-6 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. If provided, all off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size of Space.** Every off-street loading space shall be at least **twelve (12) feet** wide and sufficiently long to accommodate the type of vehicle expected to use the space. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access-Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access-way shall be at least **twelve (12) feet** wide.

(C) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick.

40-6-7 NUMBER OF PARKING SPACES REQUIRED. Off-street parking spaces shall be provided as indicated in the table below. For any use that is not listed in the table, the same number of parking spaces shall be provided as is required for the most similar listed use. The Administrator shall make the determination of similarity.

USE	PARKING SPACES REQUIRED
<u>DWELLINGS, LODGINGS:</u>	
Hotels, motels, boarding houses, lodges	1 space per lodging unit plus employee parking
Mobile Homes	2 spaces per mobile home
Multiple-family dwellings	
1 Bedroom or less	1.5 spaces per dwelling unit
2 or more Bedrooms	2 spaces per dwelling unit

USE	PARKING SPACES REQUIRED
<u>EDUCATIONAL, INSTITUTIONAL, RECREATIONAL:</u>	
Single-family and two-family dwellings	2 spaces per dwelling unit
Churches	1 space per 4 seats in the largest seating area
Hospitals	1 space per 2 beds, plus employee parking
Libraries, museums	1 space per 500 square feet of floor area
Nursing homes	1 space per 5 beds
Schools:	
Elementary and junior high	1 space for every 20 students that the building is designed to accommodate, plus employee parking
Senior High	1 space for every 4 students over 16 years old that the building is designed to accommodate, plus employee parking
Supportive Living Facility/Assisted Living Facility	1 space for every 2 dwelling units and employee parking of 1 space per every employee per shift. Additional parking spaces may be required by the Administrator upon review. (Ord. No. 1343; 12-05-05)
<u>COMMERCIAL, OFFICE, SERVICE:</u>	
NOTE: All commercial, service or office uses, unless Specifically indicated otherwise below:	1 space per 300 square feet of floor area.
Banks, savings and loans	
Walk-in	1 space per 300 square feet of floor area, plus employee parking
Drive-in	5 spaces per teller window

USE	PARKING SPACES REQUIRED
<u>COMMERCIAL, OFFICE, SERVICE: (CONTINUED)</u>	
Beauty and Barber shops	2 spaces per chair, plus employee parking
Furniture and appliance stores	1 space per 600 square foot of floor area
Home occupations	1 space per 150 square feet of floor area devoted to the home occupation in addition to the parking requirements for the dwelling
Offices, medical/dental	1 space per 200 square feet of floor area or 3 spaces per professional, whichever is greater
Mortuaries	1 space per 5 seats, plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room
Restaurants, refreshment stands:	
Sit-down	1 space per 4 seats or 1 space per 50 square feet of floor area, whichever is greater
Drive-in	1 space per 25 square feet of building floor area
Service Stations	2 spaces per service stall, plus employee parking
Taverns	1 space per 4 seats or 1 space per 50 square feet of floor area, whichever is greater

USE

PARKING SPACES
REQUIRED

COMMERCIAL, OFFICE, SERVICE: (CONTINUED)

Theatres:

Indoor

1 space per 4 seats in the largest seating area

Drive-in

On review by the Administrator

Vehicles sales (autos, boats, trailers, etc.)

1 space per 600 square feet of enclosed floor area, plus 1 space per 2,500 square feet of open lot area

ARTICLE VII - NONCONFORMITIES

40-7-1 **PURPOSE OF ARTICLE.** The requirements imposed by this Chapter are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations of this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

40-7-2 **NONCONFORMING LOTS.** Any vacant lot that does not conform to **one (1)** or more of the lot size (area, dimensions) requirements of the district in which it is located may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A) was recorded in the County Recorder of Deeds Office prior to the enactment of this Chapter (or pertinent amendment thereto); and
- (B) is at least **thirty (30) feet** wide.

40-7-3 **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Chapter, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed, except in compliance with this Chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Chapter.

40-7-4 **NONCONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Chapter, but which could not be erected under the terms of this Chapter because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions:

- (A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.
- (B) **Enlargement - Alterations.** A nonconforming structure may be enlarged and/or altered, provided that:

- (1) such enlargement and/or alteration is confined within the lot lines of the property in question as such lot lines existed on the effective date of this Chapter; and
- (2) such enlargement and/or alteration does not increase or worsen the nonconforming characteristics of the structure.

(C)

Reconstruction.

- (1) Any building or structure which is damaged by explosion, fire, flood, wind or other Act of God or man to the extent of **one hundred percent (100%)** or more of its fair market (sales) value immediately prior to damage shall not be repaired or reconstructed except in conformity with the provisions of this Code. In the event the Building Inspector's estimate of the extent of damage or fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Planning Commission.
- (2) Any building or structure which is damaged less than **one hundred percent (100%)** may be rebuilt, provided that reconstruction commences within **one (1) year** from the date of damage and is diligently pursued to completion and the structure, when reconstructed, will not be more non-conforming than it had been.
- (3) If reconstruction does not commence within **one (1) year** or is not diligently pursued to completion (as determined by the Zoning Administrator), the damaged structure shall be considered abandoned--in which case reconstruction shall be allowed only if the structure will be rebuilt in conformity with the provisions of this Code which are applicable to new structures. **(Ord. No. 974; 03-01-90)**

(D)

Relocation. A nonconforming structure shall not be moved to another lot unless, after relocation, it will conform to all the regulations of the district where it will be situated.

40-7-5 NONCONFORMING USES. Any otherwise lawful use existing on the effective date of this Chapter that would not be permitted under the terms of this Chapter may lawfully continue, subject to the following provisions:

(A) **Expansion/Intensification.** A nonconforming use which does not occupy a structure (such as a nursery) may be expanded/intensified, but only within the confines of the lot lines as such lines existed on the effective date of this Chapter. A nonconforming use which occupies a structure may be expanded or intensified, but only within that structure and/or within any conforming addition to said structure. **(See Section 40-7-4(B) for rules concerning expansion of nonconforming structures.)**

(B)

Reestablishment.

- (1) Any building or structure containing a nonconforming use and which is damaged by explosion, fire, flood, wind, or other Act of God or man to the extent of **one hundred percent (100%)** or more of its fair market (sales) value immediately prior to damage shall not be repaired or reconstructed except in conformity with the provisions of this Code. In the event the Building Inspector's estimate of the extent of damage or fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Planning Commission.
- (2) In the event damage is less than **one hundred percent (100%)**, then the use may be reestablished. However, if no significant steps have been taken to reestablish the use within **one (1) year** from the date the damage occurred, then the use shall be considered abandoned and subject to the provisions of Paragraph (E) of this Section.

(C) **Relocation.** A nonconforming use shall not be moved, in whole or in part, unless, upon relocation, it will conform to all pertinent regulations of the district in which it will be located.

(D) **Change of Use.** A nonconforming use may continue but shall not be changed except to a use that is permitted under the applicable district regulations.

(E) **Discontinuance.** When a nonconforming use is discontinued for a period of **twelve (12) consecutive months**, it shall not thereafter be resumed, and any subsequent use of the premise shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-7-6 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this Chapter or any pertinent amendment thereto provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

40-8-1 **ZONING ADMINISTRATOR'S DUTIES.** The Office of Zoning Administrator is hereby established. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Chapter. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To review and pass upon applications for Initial and Final Certificates of Zoning Compliance;

(B) to periodically inspect land, structures, and uses as required in **Sections 40-8-2 through 40-8-11** to determine compliance with this Chapter, and where there are violations, to initiate appropriate corrective action;

(C) to review and forward to the Zoning Board of Appeals all applications for special-use permits, amendments, variances, and appeals;

(D) to maintain up-to-date records of this Chapter including, but not limited to, district maps, certificates of zoning compliance, special-use permits, temporary-use permits, variances, interpretative decisions of the Board of Appeals, amendments, and all applications related to any of these matters;

(E) to periodically review the provisions of this Chapter to determine whether revisions are needed, and to make recommendations on these matters to the Planning Commission at least once each year;

(F) publish copies of this Chapter, including the District Map, in accordance with **Section 40-3-3**;

(G) to provide information to the general public on matters related to this Chapter; and

(H) to perform such other duties as the City Council may prescribe from time to time.

40-8-2 **INITIAL CERTIFICATES OF ZONING COMPLIANCE.** Upon the effective date of this Chapter, no lot shall be created, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an initial Certificate of Zoning Compliance has been issued. The Administrator shall not issue an initial Certificate of Zoning Compliance unless, following consultation with technically qualified persons as necessary and inspection of the premises, he determines that the proposed work conforms to the applicable provisions of this Chapter.

40-8-3 **APPLICATION.** Every applicant for an initial Certificate of Zoning Compliance shall submit to the Administrator in graphic and/or narrative form, all the

items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. **(NOTE: Filing fee required.)**

Items of Information:

- (A) Name and address of the applicant;
- (B) name and address of the owner or operator of the proposed structure or use, if different from paragraph (A);
- (C) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) area and dimensions of the site for the proposed structure or use;
- (F) existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) height and setbacks of the proposed structure;
- (H) number and size of proposed dwelling units, if any;
- (I) location and number of proposed parking/loading spaces and access-ways;
- (J) identification and location of all existing or proposed utilities, whether public or private; and/or
- (K) any other pertinent information that the Administrator may require.

40-8-4 DURATION OF CERTIFICATE. Initial Certificates of Zoning Compliance shall be valid for **one (1) year** or until revoked for failure to abide by a corrective action order. The Administrator may renew initial Certificates of Zoning Compliance for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

40-8-5 FINAL CERTIFICATES OF ZONING COMPLIANCE. No lot or part thereof recorded or developed after the effective date of this Chapter, and no structure or use or part thereof that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Chapter shall be used, occupied, or put into operation until a final Certificate of Zoning Compliance has been issued. The Administrator shall not issue a final Certificate of Zoning Compliance until he has determined by inspections while the work was in progress and when he was notified that it was finished, that the work authorized by the initial Certificate of Zoning Compliance has been completed in accordance with approved plans. Failure to obtain a final Certificate of Zoning Compliance shall constitute a separate violation of this Chapter.

40-8-6 **CORRECTIVE ACTION ORDERS.** Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Chapter, he shall so notify the responsible party, and shall order appropriate corrective action.

40-8-7 **CONTENTS OF ORDER.** The order to take corrective action shall be in writing and shall include:

- (A) a description of the premises sufficient for identification;
- (B) a statement indicating the nature of the violation;
- (C) a statement of the remedial action necessary to effect compliance;
- (D) the date by which the violation must be corrected;
- (E) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (F) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
- (G) a statement that failure to obey a corrective action order shall result in revocation of the Certificate of Zoning Compliance and may result in the imposition of fines.

40-8-8 **SERVICE OF ORDER.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (A) served upon him personally;
- (B) sent by registered mail to his last known address; or
- (C) posted in a conspicuous place on or about the affected premises.

40-8-9 **STOP ORDERS.** Whenever any work is being done in violation of an initial Certificate of Zoning Compliance, the Administrator's corrective action order may state that the violation must cease immediately. In such case, the corrective action order is equivalent to a stop order. **[See Section 40-8-7(D)]**

40-8-10 **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Chapter, whenever the Administrator determines by inspection or otherwise that any violation of this Chapter poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

40-8-11 **COMPLAINTS.** Whenever any violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-8-12 **FILING FEES.** By resolution, the City Council shall establish (and may amend from time to time) a schedule of filing fees for the various permits and procedures listed in this Chapter. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue raising device. All such fees shall be paid by the applicant to the City Clerk.

40-8-13 **PENALTIES.**

(A) Any person who is convicted of a violation of this Chapter shall be fined not less than **Twenty-Five Dollars (\$25.00)**, nor more than **Five Hundred Dollars (\$500.00)**, plus costs. Each day that a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Chapter.

ARTICLE IX

SPECIAL PROCEDURES AND PERMITS

40-9-1 **BOARD OF APPEALS ESTABLISHED.** The Zoning Board of Appeals of the City is hereby established in accordance with Illinois law. **(65 ILCS 5/11-13-3)**

40-9-1.1 **MEMBERSHIP - APPOINTMENT - COMPENSATION.** The Board of Appeals shall consist of **seven (7) members** who shall reside within the City limits of the City of Chester. Each board member shall be appointed by the Mayor with the advice and consent of the City Council. The Mayor shall appoint the Chairman with the advice and consent of the Council. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. Each board member shall receive for his/her services such compensation, if any, as is determined from time to time by the City Council. **(Ord. No. 1344; 12-05-05)**

40-9-1.2 **TERM OF OFFICE - VACANCIES.** Each board member shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified; provided, however, that the initial appointees to the Board shall serve respectively 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**.

With the advice and consent of the Council, the Mayor may remove any member of the Board of Appeals for cause, after a public hearing. Vacancies on the Board shall be filled for the unexpired terms of the member whose place has become vacant in the same manner as provided for the appointment of new members.

40-9-1.3 **MEETINGS - QUORUM.** All meetings of the Board of Appeals shall be held at the call of the chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this Chapter and the applicable Illinois Statutes. The Board may select such officers as they deem necessary. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of **at least four (4) members** shall be necessary to authorize any Board action.

40-9-1A RECORDS. The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote of abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the board shall be filed with the City Clerk and shall be a public record.

40-9-2 SPECIAL-USE PERMITS. This Chapter divides the City and surrounding territory into various districts and permits in each district, as a matter of right, only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the City Council.

40-9-2.1 APPLICATION. Every applicant for a special-use permit shall submit to the Administrator, in narrative and/or graphic form, the items of information enumerated below. The Administrator shall prepare an advisory report on every request for a special-use permit. He shall promptly transmit the completed application and his advisory report to the Board of Appeals.

(NOTE: Filing fee required.)

Items of Information:

- (A) Name and address of applicant;
- (B) name and address of the owner or operator of the proposed structure or use, if different from paragraph (A);
- (C) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) location of the proposed use or structure, and its relationship to existing uses or structures;
- (E) area and dimensions of the site for the proposed structure or uses;
- (F) existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) height and setbacks of the proposed structure;
- (H) number and size of the proposed dwelling units, if any;
- (I) location and number of proposed parking/loading spaces and access-ways;
- (J) identification and location of all existing or proposed utilities, whether public or private; and/or
- (K) any other pertinent information that the Administrator may require.

40-9-2.2 PUBLIC HEARING - NOTICE. The Board of Appeals shall hold a public hearing on every special-use permit application within a reasonable time after said application is submitted to them. The applicant for a special-use permit shall provide a list of names and addresses of the parties whose property abuts the proposed special use. The Chairman of the Board of Appeals shall have the responsibility of scheduling the public hearings and sending out notices to that effect.

At the hearing, any interested party may appear and testify, either in person or by a duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) by first-class mail to the applicant and to all parties whose property abuts the proposed special use; and
- (B) by publication in a newspaper of general circulation within the City.

40-9-2.3 ADVISORY REPORT - FACTORS CONSIDERED. Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit their advisory report to the City Council. In deciding what their advice should be, the Board of Appeals shall consider the following factors:

- (A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (B) the effect the proposed special use would have on the value of neighboring property and on the City's overall tax base;
- (C) the effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and
- (D) whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

40-9-2.4 ACTION BY COUNCIL. The City Council shall act on every request for a special-use permit at their next regularly scheduled meeting following submission of the Board of Appeals' advisory report. Without further public hearing, the Council may grant a special-use permit by an ordinance passed by simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the Council shall state their findings of fact, and indicate their reasons for approving (with or without conditions) or denying the request for a special-use permit.

40-9-3 TEMPORARY-USE PERMITS. As set forth in **Section 40-3-8**, requests for temporary-use permits shall be treated in substantially the same manner as requests for special-use permits. The Council shall not initially issue any temporary-use permit for a period longer than **one (1) year**, but they may renew any such permit as they see fit.

40-9-4 AMENDMENTS. The City Council may amend this Chapter in accordance with State law (**65 ILCS 5/11-13-14**) and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Council, the Administrator, the Board of Appeals, the Planning Commission, or any party in interest.

40-9-4.1 FILING. Every proposal to amend this Chapter shall be filed with the Administrator on a prescribed form.

(Every amendment proposal shall also be filed with the Soil and Water Conservation District as per Illinois Compiled Statutes, Chapter 70, Section 405/22.02a).

The Administrator shall promptly transmit said proposal together with any comments or recommendations he may wish to make, to the Board of Appeals for a public hearing.

(NOTE: Filing fee required.)

40-9-4.2 PUBLIC HEARING - NOTICE. The Zoning Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by a 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) days** nor less than **fifteen (15) days** before the hearing:

(A) by publication in a newspaper of general circulation within the City;
and

(B) when the amendment involves a rezoning, not a text amendment, by first-class mail to all parties whose property abuts the property for which rezoning is requested.

40-9-4.3 ADVISORY REPORT - FINDINGS OF FACT. Within a reasonable time after the public hearing, the Board of Appeals shall submit their advisory report to the Council. The report shall state the Board of Appeals' recommendations regarding adoption of the proposed amendment, and their reasons therefor.

If

the

effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

- (A) existing use(s) and zoning of the property in question;
- (B) existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) suitability of the property in question for uses already permitted under existing regulations;
- (D) suitability of the property in question for the proposed use; and
- (E) the trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned.

40-9-4.4 ACTION BY COUNCIL. The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Board of Appeals' advisory report. Without further public hearing, the Council may pass any proposed amendment or may refer it back to the Board of Appeals for further consideration by simple majority vote of all the members then holding office.

EXCEPTION: The favorable vote of at least two-thirds of all the members of the Council is required to pass an amendment to this Chapter when the proposed amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered. **(65 ILCS 5/11-13-14)**

40-9-5 APPEALS. Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Chapter may appeal to the Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law **(65 ILCS 5/11-13-12)** and the provisions of this Section.

40-9-5.1 FILING - RECORD TRANSMITTAL. Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal.

(Every appeal shall also be filed with the Soil and Water Conservation District as per Illinois Compiled Statutes, Chapter 70, Section 405/22.02a.)

Not more than **five (5) working days** after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. **(NOTE: Filing fee required.)**

40-9-5.2 STAY OF FURTHER PROCEEDINGS. An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the Circuit Court grants a restraining order for due cause, and so notifies the Administrator.

40-9-5.3 PUBLIC HEARING - NOTICE. The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

(A) by first-class mail to all parties whose property abuts the property affected by the appeal; and

(B) by publication in a newspaper of general circulation within the City.

40-9-5.4 ADVISORY REPORT - DECISION BY COUNCIL. Within a reasonable time after the public hearing, the Board of Appeals shall submit an advisory report to the Council. The Council shall make the final decision on the appeal at their next regularly scheduled meeting following submission of said report. The Council, by an ordinance passed by simple majority vote of all members then holding office, may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate.

40-9-6 VARIANCES. A variance is a relaxation of the requirements of this Chapter that are applicable to a particular lot, structure, or use. A so-called "use-variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance; it is an amendment, and may be granted only as provided for in **Section 40-9-4.**

40-9-6.1 APPLICATION. Every application for a variance shall be filed with the Administrator on a prescribed form.

(Every variance application shall also be filed with the Soil and Water Conservation District as per Illinois Compiled Statutes Chapter 70, Section 405/20.02a)

The Administrator shall promptly transmit said application, together with any advice he might wish to offer, to the Board of Appeals. The application shall contain

sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following:

(NOTE: Filing fee required.)

Items of Information:

- (A) Name and address of the applicant;
- (B) brief description/explanation of the requested variance;
- (C) location of the structure/use for which the variance is sought;
- (D) relationship of said structure/use to existing structures/uses on adjacent lots;
- (E) specific section(s) of this Chapter containing the regulations which, if strictly applied, would cause a serious problem; and
- (F) any other pertinent information that the Administrator may require.

40-9-6.2 PUBLIC HEARING - NOTICE. The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application 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 variance shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) by first-class mail to the applicant and to all parties whose property abuts the property for which the variance is requested;
- (B) by publication in a newspaper of general circulation within the City.

40-9-6.3 STANDARDS FOR VARIANCES. The Board of Appeals shall not recommend nor shall the Council grant any variance unless, based upon the evidence presented to them, they determine that:

- (A) the proposed variance is consistent with the general purposes of this Chapter (**See Section 40-1-1**); and
- (B) strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and
- (C) the proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
- (D) the peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(E) the variance, if granted, will not alter the essential character of the area where the premises in question are located.

40-9-6.4 ADVISORY REPORT - DECISION BY COUNCIL. Within a reasonable time after the public hearing, the Board of Appeals shall submit an advisory report to the Council. The Council, by an ordinance passed by simple majority vote of all members then holding office, shall act on the requested variance at their next regularly scheduled meeting following submission of the Board of Appeals' advisory report. In accordance with **Illinois Compiled Statutes, Chapter 65, Section 5/11-13-11**, the Council shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Council's reasons for granting or denying any requested variance.

[Unless Otherwise Noted, This Chapter, Ord. No. 722 ; 12-18-78]

References Are To Section Numbers

Abandoned Vehicles, (See Motor Vehicles)

Administration,

animal control officer,

- compensation, 1-2-162
- duties, 1-2-161
- position created, 1-2-159
- term, 1-2-160

attorney, city

- appointment of, 1-2-101
- compensation, 1-2-107
- delivery of papers, 1-2-106
- dismissal of suits, 1-2-105
- eligibility, 1-2-102
- ordinances, 1-2-104
- prosecute suits, 1-2-103

boards and commissions (see that title)

bidding procedures, 1-2-28

bonds, 1-2-26

cemetery sexton/clerk,

- compensation, 1-2-167
- department established, 1-2-164
- duties, 1-2-166
- sexton/clerk, 1-2-165

city council,

- agenda of, 1-2-12
- compelling attendance, 1-2-8
- censure, 1-2-11(DD)
- committees of, 1-2-5
- composition of, 1-2-1
- meetings of, 1-2-2
- members not attending, 1-2-9
- no vote at special meeting, 1-2-16
- ordinances, 1-2-14
- quorum, 1-2-7
- reconsideration, 1-2-15
- rules of, 1-2-11
- salary of, 1-3-1(D)
- special committees, 1-2-6
- special meetings, 1-2-3

city engineer,

- appointment, 1-2-115
- duties, 1-2-116

claims, 1-2-30

clerk, city,

- appointment of subordinates, 1-2-82
- audit accounts, 1-2-76
- bonds of, 1-2-26
- delivery of papers, 1-2-68
- deputy clerk for, 1-2-81
- election of, 1-2-65
- finance committee, 1-2-78
- local election official, 1-2-83
- minutes, 1-2-67

Administration, (Cont'd.)

clerk, city, (Cont'd.)

- notice to appointed officials, 1-2-79
- oaths administered by, 1-2-71
- other duties of, 1-2-80
- outstanding bonds, 1-2-72
- payroll, 1-2-75
- preparation of commissions, 1-2-69
- reports by, 1-2-73
- seal, in custody of, 1-2-19
- submit appropriation to council, 1-2-70
- successor of, 1-2-74
- term of, 1-2-65
- vacancy, 1-2-66
- warrants, 1-2-77

code enforcement officer,

- compensation, 1-2-153
- duties, 1-2-152
- position created, 1-2-150
- term, 1-2-151

commissions, (see: boards and commissions)

committees, 1-2-5

conservators of peace, 1-2-23(K)

contracts, 1-2-28

elections, city, 1-2-21

expenses of, 1-2-32

federal old age and survivor's insurance system, 1-2-34

fiscal year, 1-1-16

flag, 1-2-20

gas superintendent,

- compensation, 1-2-157
- duties, 1-2-156
- position created, 1-2-155

general,

- appointment of elected officials, 1-2-22
- bidding and contract procedures, 1-2-28
- bonds, 1-2-26
- certificates of insurance, 1-2-36
- claims, 1-2-30
- elections, 1-2-21
- expenses, 1-2-32
- flag, 1-2-20
- IMRF, 1-2-35
- insurance, 1-2-27, 1-2-34
- municipal officers, regulations, 1-2-23
- municipal year, 1-2-31
- official records, 1-2-33
- qualifications, 1-2-25
- resignation of appointed officials, 1-2-24
- salaries regulation, 1-2-29
- seal, 1-2-19

Illinois Municipal Retirement Fund, 1-2-35

liability insurances for, 1-2-27

maintenance superintendent,

- compensation, 1-2-137
- duties, 1-2-136
- position created, 1-2-135

Administration, (Cont'd.)

mayor,

- appointments,
 - animal control officer, 1-2-159
 - attorney, 1-2-101
 - cemetery clerk, 1-2-165
 - cemetery sexton, 1-2-165
 - city engineer, 1-2-115
 - code enforcement officer, 1-2-151
 - committees, 1-2-5
 - gas superintendent, 1-2-155
 - maintenance superintendent, 1-2-135
 - officers, 1-2-54
 - park superintendent, 1-2-130
 - plan commission, 4-1-2
 - police chief, 30-2-3
 - recreational director, 1-2-144
 - sewer superintendent, 1-2-120
 - water distribution superintendent, 1-2-140
 - water plant superintendent, 1-2-125
 - zoning and building administrator, 1-2-110
 - zoning board, 40-9-1.1
 - bond, 1-2-26
 - chief executive officer, 1-2-52
 - commissioner,
 - liquor, 1-2-59
 - conduct of officers, 1-2-55
 - deciding vote by, 1-2-60
 - designation of duties by, 1-2-56
 - election of, 1-2-50
 - formal occasions, 1-2-57
 - general duties of, 1-2-58
 - pro-tem, 1-2-51
 - salary of, 1-3-1(A)
 - signature required of, 1-2-53
 - street closing by, 34-2-5
 - term of, 1-2-50
 - tie-votes and, 1-2-60
 - veto ordinance, 1-2-15
 - voting by, 1-2-60
- meeting procedures,
- recording closed meetings,
 - back-up equipment, 1-5-5
 - closed session minutes, 1-5-3
 - maintenance and public release of recordings, 1-5-7
 - procedure for destruction of recordings, 1-5-8
 - procedure for recording, 1-5-4
 - recording closed sessions, 1-5-1
 - responsibility, 1-5-2
 - review, 1-5-6

Administration, (Cont'd.)

meetings,

- agenda, 1-2-12
- compelling attendance, 1-2-8
- quorum, 1-2-7
- refusal to attend, 1-2-9
- regular, 1-2-2
- special, 1-2-3
- time, 1-2-2

motions,

- changes in votes, 1-2-11(Q)
- division, 1-2-11(N)
- filling of blanks, 1-2-11(Y)
- postpone, 1-2-11(V)
- precedence of, 1-2-11(R)
- previous question, 1-2-11(T)
- reconsideration of, 1-2-11(AA)
- record of, 1-2-11(O)
- to adjourn, 1-2-11(S)
- to amend, 1-2-11(X)
- to refer, 1-2-11(W)
- to substitute, 1-2-11(Z)
- to table, 1-2-11(U)
- voting on, 1-2-11(J)
- withdrawal, 1-2-11(M)
- written, 1-2-11(L)

municipal year, 1-2-29

oath, 1-2-71

officers,

- appointment of, 1-2-22
- conservators of peace, 1-2-23(K)
- fees, 1-2-23(I)
- inspection of books, 1-2-23(H)
- oath, 1-2-23(L)
- qualification of, 1-2-23(E)
- report of fees, 1-2-23(I)
- residency, 1-2-25
- successor delivery of books to, 1-2-23(G)

official records, 1-2-33

ordinances, 1-2-14

park superintendent – cohen recreational complex,

- duties, 1-2-133
- position created, 1-2-132

park superintendent – cole park,

- compensation, 1-2-134
- duties, 1-2-131
- position created, 1-2-130

project manager,

- compensation, 1-2-114
- duties, 1-2-113
- position created, 1-2-112

quorum, 1-2-7

recreational director,

- compensation, 1-2-146
- duties, 1-2-145
- position created, 1-2-144

rules, council,

- business, order of, 1-2-11(A)
- call to order, 1-2-11(G)
- censure, 1-2-11(DD)
- chair, decisions of, 1-2-11(H)
- debate, 1-2-11(F)
- members, duties of, 1-2-11(C)

Administration, (Cont'd.)

rules, council, (Cont'd.)

- motions, (see title)
- new business, 1-2-11(E)
- presiding officer, 1-2-11(B)
- question of personal privilege, 1-2-11(I)
- reconsideration, 1-2-11(AA)
- "rules of order" adopted, 1-2-11(BB)
- special order of business, 1-2-11(K)
- suspension of rules, 1-2-11(CC)
- visitors, 1-2-11(D)
- voting, 1-2-11(J)

salaries, 1-3-1

seal, 1-2-19

sewer distribution superintendent,

- duties, 1-2-124
- position created, 1-2-123

sewer superintendent,

- compensation, 1-2-122
- duties, 1-2-121
- position created, 1-2-120

successor,

- books delivered to, 1-2-23(G)

treasurer, city,

- accounts by, 1-2-88
- bond of, 1-2-26, 1-2-91
- bookkeeping, 1-2-93
- department established, 1-2-85
- deposit of funds, 1-2-97
- election, 1-2-87
- finance committee, 1-2-86
- investments, 1-2-98
- official depositories, 1-2-98(I)
- report delinquent officer, 1-2-95
- separate funds by, 1-2-90
- special assessments, 1-2-92
- statements by, 1-2-94
- vacancy, 1-2-87
- warrant register, 1-2-89
- warrants by, 1-2-88
- year-end financial report, 1-2-96

vacancies,

- appointment to fill alderman vacancy, 1-2-44
- by death or disability, 1-2-41
- by other causes, 1-2-42
- by resignation, 1-2-40
- election of an acting mayor, 1-2-43
- election to fill vacancies with four (4) year term, 1-2-45
- elections declared void, 1-2-46

water distribution superintendent,

- compensation, 1-2-142
- duties, 1-2-141
- position created, 1-2-140

water plant superintendent,

- compensation, 1-2-127
- duties, 1-2-126
- position created, 1-2-125

Administration, (Cont'd.)

year,

- fiscal, 1-1-16
- municipal, 1-2-31

zoning and building administrator,

- creation of office, 1-2-110
- duties and salary, 1-2-111

Advertising,

on trees, 34-2-14

over streets, 34-2-6

posters on streets, 34-2-15

Animal control officer,

compensation, 1-2-162

duties, 1-2-161

position created, 1-2-159

term, 1-2-160

Animals,

dogs,

- animal control warden, 3-2-18
- as nuisance, 3-2-14
- barking, 3-1-5
- bitch in heat, 3-2-15, 3-2-16
- bitten persons, 3-2-11
- certificate of inoculation, 3-2-6
- city pound designated, 3-2-13
- complaints about, 3-1-5
- definitions, 3-2-1
- disposition of, 3-2-14
- female, 3-2-15
- impounding, 3-2-8, 3-2-12
- injury to property, 3-1-2
- inoculation of, 3-2-2
- kennels, 3-1-9
- limitation on, 3-1-9
- notice to owner, 3-2-9
- poundmaster, obstructing, 3-2-10
- restraint, 3-2-7
- running at large, 3-2-8
- tags, 3-2-5
- unlicensed, 3-2-8
- vaccination of, 3-2-3

general regulations,

- animals,
 - cruelty, 3-1-6
 - in city, 3-1-8
- bitch in heat, 3-2-16
- cruelty, 3-1-6
- definitions, 3-1-1
- dogs and cats in public places, 3-1-4
- injury to property, 3-1-2
- keeping barking dogs and crying cats, 3-1-5
- keeping of wild, 3-1-7
- kennels, 3-1-9
- livestock, 3-1-8
- manner of keeping, 3-1-3
- number, 3-1-9

Animals, (Cont'd.)

- general regulations, (Cont'd.)
 - penalty, 1-1-20
 - legislative intent, 3-4-1
 - penalties, 3-4-2
 - pound designated, 3-2-13
- vicious and dangerous dogs,
 - confinement, 3-3-9
 - definitions, 3-3-1
 - dog permitted to leave premises, 3-3-4
 - injunction, 3-3-5
 - liability of owner, 3-3-6
 - owner's responsibility, 3-3-3
 - right of entry, 3-3-7
 - sign required, 3-3-8
 - unlawful to maintain, 3-3-2

Annexations,

- planning commission, 4-1-5

Assembly,

- disturbing, 27-2-3

Attorney, City, 1-2-101 - 1-2-109

- B -

Banks, 1-2-98**Begging, 27-2-19****Boards and Commissions,**

- beautification and tourism commission,
 - established, 4-4-1
 - finances, 4-4-6
 - membership, 4-4-3
 - procedure, 4-4-5
 - projects, 4-4-7
 - purpose, 4-4-2
 - term of office, 4-4-4
- board of police commissioners,
 - adoption, 4-2-6
 - annual reports, 4-2-5
 - appointment, 4-2-1
 - appointments by, 4-2-4
 - bond, 4-2-3
 - oath, 4-2-3
 - quorum, 4-2-2
 - removal, 4-2-3
 - term of office, 4-2-1
 - vacancies, 4-2-2
- foreign fire insurance board,
 - appropriation by council, 4-5-5
 - audit, 4-5-6
 - board established, 4-5-1
 - duties of board, 4-5-7
 - election, 4-5-2
 - office, 4-5-3
 - terms, 4-5-3
 - treasurer's bond, 4-5-4

Boards and Commissions, (Cont'd.)

plan commission,

- annexations, 4-1-5
- duties of, 4-1-5
- established, 4-1-1
- expenditures, 4-1-7
- further purposes, 4-1-8
- improvements, 4-1-7
- membership on, 4-1-2
- official map of, 4-1-6
- powers of, 4-1-5
- procedure, 4-1-4
- re-subdivision approval, 4-1-6
- term of office, 4-1-3

police pension fund,

- annual report by treasurer, 4-3-9
- board established, 4-3-1
- board membership, 4-3-3
- deductions, 4-3-12
- definitions, 4-3-2
- election of board members, 4-3-5
- financing, 4-3-13
- meetings, 4-3-7
- payments of benefits, 4-3-10
- powers and duties of board, 4-3-8
- report by board, 4-3-11
- term, 4-3-4
- vacancy, 4-3-6

Bond(s),

city pays, 1-2-26

clerk, 1-2-26

mayor, 1-2-26

police chief, 1-2-26

treasurer, 1-2-26

Businesses,

administration,

- appeal, 7-1-14
- applications, 7-1-1
- building and premises, 7-1-7
- business vehicle sticker, 7-1-16
- change of location, 7-1-8
- fees, 7-1-5
- form of license, 7-1-3
- inspections, 7-1-12
- investigations, 7-1-4
- license to be posted, 7-1-15
- location, 7-1-9
- nuisances prohibited, 7-1-10

Businesses, (Cont'd.)

administration, (Cont'd.)

- persons subject to license, 7-1-2
- suspension, revocation of license or permit, 7-1-13
- termination of licenses, 7-1-6

adult use licensing,

- adult entertainment cabarets - restrictions, 7-8-14
- business records, 7-8-12
- definitions, 7-8-2
- expiration of license, 7-8-8
- fees, 7-8-6
- hours of operation, 7-8-16
- inspection, 7-8-7
- investigation, 7-8-17
- issuance of license, 7-8-4
- license required, 7-8-3
- liquor, 7-8-5
- liquor license, 7-8-13
- purpose, 7-8-1
- revocation, 7-8-10
- suspension, 7-8-9
- transfer of license, 7-8-11
- video viewing booths - restrictions, 7-8-15

bed and breakfast code,

- adoption of statutes, 7-7-2
- definitions, 7-7-3
- established, 7-7-1
- fire prevention, 7-7-6
- liability insurance, 7-7-7
- linen, 7-7-5
- minimum standards, 7-7-4

coin-operated machines,

- application, 7-4-3
- definitions, 7-4-1
- display of license, 7-4-8
- license fees, 7-4-5
- license required, 7-4-2
- non-assignability of license, 7-4-6
- placement, gambling prohibited, 7-4-7
- prohibited licensees, 7-4-4
- prohibitions and restrictions, 7-4-10
- right of entry, 7-4-9

gambling,

- licensing, 7-11-2
- penalties, 7-11-3
- prohibited, 7-11-1

junk dealers,

- application, 7-5-4
- defined, 7-5-1
- disqualified, 7-5-5
- fee, 7-5-7
- license, 7-5-6
- license required, 7-5-3
- minors, 7-5-8
- penalty, 1-1-20
- physical requirements, 7-5-2

licenses,

- application, 7-1-1
- fees for, 7-1-5, 7-2-11, 7-3-12, 7-4-5, 7-5-7, 7-5-6, 7-9-5, 7-10-8
- inspections, 7-1-12

Businesses, (Cont'd.)

licenses, (Cont'd.)

- investigation, 7-1-4, 7-3-4, 7-8-17, 7-10-5
- junk dealers, 7-5-3
- peddlers, 7-3-1
- person subject to, 7-1-2
- revocation of, 7-1-13
- signed by mayor, 7-1-3
- solicitors, 7-2-3
- termination of, 7-1-6

licensing and regulation,

- exemptions, 7-12-5
- fee, 7-12-2
- penalty, 7-12-6
- posting, 7-12-4
- requirement, 7-12-1
- suspension, 7-12-3

location of, 7-1-9

peddlers,

- application, 7-3-3
- definitions, 7-3-2
- exclusionary provision, 7-3-11
- fees, 7-3-12
- fraud, 7-3-6
- hours, 7-3-5
- investigation, 7-3-4
- license for, 7-3-1
- nuisance, 7-3-9
- photographs of, 7-3-7
- police action, 7-3-10
- unwanted, 7-3-8

raffle code,

- conduct of raffles,
 - operation and conduct, 7-6-10
 - raffles manager, bonds, 7-6-11
 - records, 7-6-12
- enforcement,
 - abatement, 7-6-16
 - penalty, 7-6-17
 - relationship to other laws, 7-6-15
- generally,
 - definitions, 7-6-3
 - purpose, 7-6-2
 - short title, 7-6-1
- license requirements,
 - application, 7-6-6
 - issuance, 7-6-8
 - license fee, 7-6-9
 - qualifications, 7-6-7
 - required, 7-6-5

solicitors,

- application for, 7-2-3
- certificate for, 7-2-2
- compliance by, 7-2-7
- defined, 7-2-1
- fees, 7-2-11
- notices for, 7-2-6
- policy on, 7-2-5
- public highways, 7-2-10
- revocation, 7-2-4
- time limit for, 7-2-9
- uninvited, 7-2-8

Businesses, (Cont'd.)

taxicabs,

- application, 7-9-3
- compliance with laws, 7-9-10
- definitions, 7-9-1
- driver's license required, 7-9-9
- certificate fee, 7-9-5
- certificate required, 7-9-2
- complaint procedure, 7-9-16
- hours of operation, 7-9-14
- insurance required, 7-9-6
- issuance, 7-9-4
- manifest, 7-9-12
- passengers, 7-9-15
- rates of fare, rate card required, 7-9-13
- suspension and revocation, 7-9-8
- transfer of certificate, 7-9-7
- vehicles, maintenance, 7-9-11

transient merchants and/or vendors,

- application, 7-10-4
- certificate of registration, 7-10-2
- definition, 7-10-3
- exemptions, 7-10-7
- fees, 7-10-8
- investigation, 7-10-5
- license required, 7-10-1
- sales tax, 7-10-6

- C -

Cable Television,

cable and video customer protection law,

- customer credits, 8-3-3
- customer service and privacy protection law, 8-3-1
- enforcement, 8-3-2
- penalties, 8-3-4

cable/video service provider fee and PEG access fee,

- applicable principles, 8-2-4
- audits of cable/video service provider, 8-2-6
- cable/video service provider fee imposed, 8-2-2
- definitions, 8-2-1
- late fees/payments, 8-2-7
- no impact on other taxes due from holder, 8-2-5
- PEG access support fee imposed, 8-2-3

franchise agreement,

- channels, 8-1-6
- definitions, 8-1-1
- franchise fee, 8-1-7
- grant of authority, 8-1-2
- insurance, 8-1-8
- miscellaneous provisions, 8-1-9
- provisions of service, 8-1-4
- regulation and oversight, 8-1-3
- system facilities, equipment and services, 8-1-5

Cemetery Board,

generally,

- additional duties, 9-1-10
- appointment, 9-1-3
- board established, 9-1-2
- cemetery sexton and cemetery clerk, 9-1-13
- council delegate, 9-1-12
- department established, 9-1-1
- gifts and bequests, 9-1-7
- investments, 9-1-6
- organization, bond, 9-1-4
- permanent records, removal of officers, 9-1-9
- recommendations, 9-1-11
- treasurer custodian of funds, 9-1-5
- vesting, 9-1-8

regulations,

- burials, 9-2-11
- burning in cemetery, 9-2-9
- cemetery clerk - plat and records, 9-2-2
- cemetery sexton - control of cemetery, 9-2-3
- damage to property, 9-2-5
- dig graves, 9-2-4
- fees, 9-2-10
- fences, 9-2-7
- garbage and refuse, 9-2-8
- grave decorations, 9-2-13
- hours cemetery open to public, 9-2-14
- named, 9-2-1
- records, 9-2-12
- riding on grass, 9-2-6

Cemetery Sexton/Clerk,

compensation, 1-2-167

duties, 1-2-166

established, 1-2-164

sexton/clerk, 1-2-165

Chief of Police, (See Public Safety)**City engineer,**

appointment, 1-2-115

duties, 1-2-116

Civil Emergency,

authority of mayor to issue orders, 30-1-4

curfew, 30-1-3

declaration of emergency, 30-1-2

definitions, 30-1-1

effectiveness, 30-1-5

notification, 30-1-6

penalty, 30-1-7

Claims against City, 1-2-30**Clerk, City, (See Administration)****Code enforcement officer,**

compensation, 1-2-153

duties, 1-2-152

position created, 1-2-150

term, 1-2-151

Commissions, (See title "Boards and Commissions")**Contracts, 1-2-28****Culverts in Streets, (See Streets)**

Curbs and Gutters, 34-5-2
Curfew, 27-2-33

- D -

Disorderly Conduct, 27-4-1
Disturbing peace, 27-2-5
Dogs, (See Animals)
Drug free workplace,
 definitions, 11-2-1
 requirements for city, 11-2-2

- E -

Elections, 1-2-21
Emergency Management Agency (E.M.A.),
 appropriations and levy of tax, 30-4-13
 assistant coordinator, 30-4-20
 authority to accept services, gifts, grants or loans, 30-4-14
 communications, 30-4-10
 compensation, 30-4-19
 definitions, 30-4-3
 emergency management agency, 30-4-4
 emergency management powers of the mayor, 30-4-5
 emergency termination or reduction of electrical service, 30-4-22
 financing, 30-4-6
 immunity, 30-4-11
 limitations, 30-4-2
 local disaster emergencies, 30-4-7
 mobile support team, 30-4-23
 mutual aid arrangements between political subdivisions, 30-4-9
 no private liability, 30-4-17
 orders, rules and regulations, 30-4-15
 penalty, 30-4-24
 personnel oath, 30-4-21
 policy and procedures, 30-4-1
 professions, trades and occupations, 30-4-12
 succession, 30-4-18
 testing of disaster warning devices, 30-4-8
 utilization of existing agency, facilities and personnel, 30-4-16

Employees,
 drug free workplace,
 - definitions, 11-2-1
 - requirements for city, 11-2-2
 drug/alcohol testing policy and procedure,
 - applicability, 11-3-4
 - confidentiality of test results, 11-3-7
 - consequences of positive test result or refusal to cooperate, 11-3-8
 - definitions, 11-3-2
 - policy, 11-3-1
 - prohibited actions, 11-3-3
 - screening and testing, 11-3-6
 - testing procedure, 11-3-5
 personnel code,
 - absence without leave, 11-1-21
 - accident reports, 11-1-10

Employees, (Cont'd.)

personnel code, (Cont'd.)

- applicability, 11-1-2
- appointed officials, 11-1-12
- appointments, 11-1-3
- attendance in court, 11-1-19
- definitions, 11-1-1
- dismissal/discipline, 11-1-11
- dues and checkoff, 11-1-14
- employee organizations, 11-1-16
- employment of personnel, 11-1-4
- grievance, 11-1-15
- health insurance, 11-1-9
- holidays, 11-1-28
- layoff and recall, 11-1-27
- leave of absence, 11-1-20
- maternity, 11-1-31
- military leave, 11-1-18
- outside employment, 11-1-13
- overtime, 11-1-26
- physical examination, 11-1-5
- political activity, 11-1-17
- prohibition against discrimination, 11-1-6
- residence requirement, 11-1-7
- resignation, 11-1-24
- retirement fund, 11-1-8
- sick leave, 11-1-30
- special leave, 11-1-22
- traveling expense, 11-1-23
- vacation, 11-1-29
- work days and work week, 11-1-25

sexual misconduct policy,

- child abuse incident reporting and follow-up, 11-5-8
- coordinator, 11-5-2
- discipline, 11-5-5
- employee acknowledgement of policy, 11-5-10
- employees, 11-5-3
- false accusations, 11-5-6
- investigation and confidentiality, 11-5-4
- maintenance of records and documents, 11-5-9
- purpose, 11-5-1
- reporting procedures, 11-5-2
- retaliation against accuser, 11-5-7

Equal employment,

- accommodations for disabled, 22-4-6
- adoption, 22-4-1
- compliance by employees, 22-4-7
- contracting with non-complaints, 22-4-3
- designated enforcers, 22-4-8
- minority hiring, 22-4-5
- non-discriminatory practices, 22-4-2
- outreach to all, 22-4-4

Ethics Code,

- definitions, 22-5-1
- disposition of gifts, 22-5-5
- ethics advisor, 22-5-6
- ethics commission, 22-5-7
- exceptions, 22-5-4
- gift ban, 22-5-3
- penalties, 22-5-8
- prohibited political activities, 22-5-2

Excavations in Streets, (See Streets)

- F -

Fair Housing Code,

- declaration of policy, 22-3-1
- definitions, 22-3-2
- penalty, 22-3-4
- prohibited acts, 22-3-3

Filth, 25-1-1**Fire Department,**

- generally,
 - chain of command, 30-5-11
 - department established, 30-5-1
 - fire chief shall preside at meetings, 30-5-13
 - fire committee, 30-5-2
 - meetings and drills, 30-5-8
 - membership, 30-5-5
 - name, 30-5-4
 - purpose, 30-5-3
 - regular drill, 30-5-9
 - resignation, 30-5-6
 - secretary responsible for funds, 30-5-13
 - special meetings, 30-5-10
 - suspension, 30-5-7
- regulations,
 - enforcement of code, 30-5-16
 - entering fire houses, 30-5-18
 - equipment, 30-5-19
 - false alarms, 30-5-22
 - firefighting service and/or non-medical emergency service, membership contracts, 30-5-24
 - inspections, 30-5-20
 - MABAS agreement, 30-5-25
 - MABAS by-laws, 30-5-26
 - mutual aid agreements, 30-5-21
 - reimbursements, 30-5-24
 - use of apparatus - injury, 30-5-17

Firearms, 27-2-21

Fireworks, (Regulations),

- definitions, 27-9-4
- enforcement, 27-9-13
- exceptions, 27-9-6
- findings, 27-9-1
- non-prohibited acts, 27-9-11
- prohibitions and unlawful acts, 27-9-5
- public exhibitions - content of application, 27-9-7
- public exhibitions - filing of application, 27-9-8
- purpose, 27-9-2
- reckless discharge, 27-9-14
- scope of authority, 27-9-3
- special effects for entertainment media, 27-9-10
- standards for public displays, 27-9-9
- status of state law, 27-9-12

Fiscal year, 1-1-16**Flood Plain Code,**

- abrogation and greater restrictions, 14-1-14
- base elevation, 14-1-3
- carrying capacity, 14-1-10
- definitions for, 14-1-2
- development permit, 14-1-5
- duties of the zoning administrator, 14-1-4
- liability disclaimer, 14-1-12
- penalties for, 14-1-13
- preventing increased damages, 14-1-6
- protecting buildings, 14-1-7
- public health, 14-1-9
- purpose, 14-1-1
- severability, 14-1-15
- subdivision standards, 14-1-8
- variances, 14-1-11

Franchises,

- electric, 15-1-1

Freedom of Information Code,

- certain information exempt from inspection and copying, 22-2-9
- designation, duties and training of officers, 22-2-2
- fees, 22-2-6
- granting or denial of requests, 22-2-8
- notice of denial of request; appeals, 22-2-10
- procedures, 22-2-3
- public file, 22-2-7
- public records available, 22-2-1
- request for commercial purposes, 22-2-5
- requests to inspect or copy, 22-2-4

- G -

Gambling,

- licensing, 7-11-2
- penalties, 7-11-3
- prohibited, 7-11-1

Games in Streets, 27-2-22**Garbage,**

- application for license, 32-1-6
- collection and disposal, 32-1-5
- contracts for residential collection required, 32-1-3
- definitions, 32-1-1
- garbage on premises unlawful, 32-1-12
- industry, construction, etc., 32-1-13
- insurance, 32-1-15
- license, 32-1-2

Garbage, (Cont'd.)

- location of containers, 32-1-17
- materials falling or leaking from truck, 32-1-10
- parked garbage truck, 32-1-16
- parking of truck limited, 32-1-11
- residential collection service mandatory, 32-1-4
- revocation of license, 32-1-14
- truck requirements, cleanliness, etc., 32-1-7
- truck wastewaters, 32-1-8
- windblown garbage unlawful, 32-1-9

Gas superintendent,

- compensation, 1-2-157
- duties, 1-2-156
- position created, 1-2-155

Gas System,

- department,
 - established, 17-1-1
 - gas department and public property committee, 17-1-2
 - references, 17-1-4
 - superintendent, 17-1-3
- rates and fees,
 - application, 17-2-1
 - contract, 17-2-6
 - cost of connections, 17-2-3
 - meter deposit, 17-2-2
 - rate, 17-2-4
 - receipt, 17-2-7
 - special rates, no free service, 17-2-5
- regulations,
 - all service shall be metered, 17-3-2
 - city not liable, 17-3-7
 - connection with private lines, 17-3-8
 - extensions of mains, 17-3-11
 - meter reading conclusive, 17-3-4
 - meters open to inspection, 17-3-3
 - regulations relative to customers piping, 17-3-9
 - rules to become part of contract, 17-3-10
 - separate meters, 17-3-6
 - specifications, 17-3-1
 - tampering with meter, 17-3-12
 - test of meters, 17-3-5

- I -

Identity Theft,

- prevention protocol,
 - assistance for victims, 22-1-12
 - compliance with federal law, 22-1-1
 - detected red flags, 22-1-3
 - duties regarding change of address, 22-1-5
 - education of customers, 22-1-10
 - other applicable legal requirements, 22-1-11
 - preventing and mitigating identity theft, 22-1-4
 - program administration, 22-1-7
 - risk assessment/identifying relevant red flags, 22-1-2
 - service provider arrangements, 22-1-8

Identity Theft, (Cont'd.)

- prevention protocol, (Cont'd.)
 - training, 22-1-9
 - updating the program, 22-1-6
- use of social security numbers,
 - amendment of privacy policy, 22-7-9
 - applicability, 22-7-4
 - compliance with federal law, 22-7-5
 - conflict with stricter laws, 22-7-10
 - definitions, 22-7-1
 - embedded social security numbers, 22-7-6
 - identity--protection requirements, 22-7-7
 - penalty, 22-7-8
 - prohibited activities, 22-7-2
 - public inspection and copying of documents, 22-7-3

Investment Policy,

- authorized and suitable investments, 22-6-8
- authorized financial dealers and institutions, 22-6-7
- collateralization, 22-6-9
- delegation of authority, 22-6-5
- diversification, 22-6-11
- ethics and conflicts of interest, 22-6-6
- internal control, 22-6-13
- investment policy adoption, 22-6-16
- maximum maturities, 22-6-12
- objective, 22-6-4
- performance standards, 22-6-14
- policy, 22-6-1
- prudence, 22-6-3
- reporting, 22-6-15
- safekeeping and custody, 22-6-10
- scope, 22-6-2

- J -

Junk Dealers,

- application, 7-5-4
- defined, 7-5-1
- disqualified, 7-5-5
- fee, 7-5-7
- license, 7-5-6
- license required, 7-5-3
- minors, 7-5-8
- penalty, 1-1-20
- physical requirements, 7-5-2

- L -

Library Board,

- additional powers and duties, 20-1-8
- annual report, 20-1-11
- appointment, 20-1-2
- compensation, 20-1-2
- custodian of funds, 20-1-6
- disturbance prohibited, penalty, 20-1-13
- donations, 20-1-12
- established, 20-1-1
- injury to or failure to return material, penalty, 20-1-14

Library Board, (Cont'd.)

meetings, 20-1-5
oath of office, 20-1-5
organization, 20-1-5
powers and duties, 20-1-7
reference, 20-1-15
selection and use of materials, 20-1-9
term, 20-1-3
use, 20-1-10
vacancies, 20-1-4

Licenses,

application, 7-1-1
fees for, 7-1-5, 7-2-11, 7-3-12, 7-4-5, 7-5-7, 7-8-6, 7-9-5, 7-10-8
inspections, 7-1-12
investigation, 7-1-4, 7-3-4, 7-8-17, 7-10-5
junk dealers, 7-5-3
peddlers, 7-3-1
person subject to, 7-1-2
revocation of, 7-1-13
signed by mayor, 7-1-3
solicitors, 7-2-3
termination of, 7-1-6

Liquor Code,

classes of licenses, 21-2-6
closing hours, 21-3-1
commissioner for, 1-2-59
definitions for, 21-1-1
examination of applicant, 21-2-3
licenses for,
- application, 21-2-2
- classes, 21-2-6
- display of, 21-2-11
- dramshop insurance, 21-2-10
- examining, 21-2-3
- fees for, 21-2-6
- hours open, 21-3-1
- limitation of, 21-2-9
- nature of, 21-2-8
- number of, 21-2-7
- prohibited, 21-2-4
- record of, 21-2-12
- required, 21-2-1
- term of, 21-2-5
liquor defined, 21-1-1
mayor as liquor commissioner, 1-2-59
regulations for,
- books and records, 21-3-30
- change of location, 21-3-5
- diseased employees, 21-3-16
- disorderly house, 21-3-20
- drinking on public ways, 21-3-7
- election days, 21-3-12
- exclusionary provision, 21-3-28
- false identification, 21-3-33
- gambling prohibited, 21-3-19
- happy hour restrictions, 21-3-3

Liquor Code, (Cont'd.)

regulations for, (Cont'd.)

- health permit, 21-3-17
- hours, 21-3-1
- identification required, 21-3-25
- inspections, 21-3-29
- minors, liquor in vehicles, 21-3-10
- open liquor, 21-3-9
- peddling alcohol, 21-3-18
- persons selling, 21-3-22
- prohibited locations, 21-3-4
- prohibited sales, 21-3-21
- renting hotel rooms for drinking, 21-3-36
- residential areas, 21-3-11
- residential drinking, 21-3-35
- restrictions on licensee, 21-3-31
- sanitary conditions, 21-3-15
- school supplies sold, 21-3-6
- selling false identification, 21-3-32
- special permit for Sundays, 21-3-2
- transfer of identification prohibited, 21-3-26
- transporting in motor vehicles, 21-3-8
- underaged; entry on licensed premises, 21-3-23
- underaged drinking on streets, 21-3-34
- unlawful acts, 21-3-13
- unlawful entertainment, 21-3-14
- unlawful purchase, 21-3-24
- warnings posted, 21-3-27

term of license, 21-2-5

violations of,

- abatement of place used, 21-4-6
- acts of agents, 21-4-2
- appeal limitations, 21-4-13
- appeals of commissioner, 21-4-11
- complaint of residents, 21-4-9
- fines, 21-4-14
- hearings, 21-4-10
- misbranding, 21-4-5
- owner permitting, 21-4-1
- revocation of license, 21-4-3, 21-4-4, 21-4-8
- subsequent violations, 21-4-12
- suspension of, 21-4-8
- use of premises, 21-4-7

Litter,

aircraft, 27-5-8

construction sites, 27-5-12

definitions, 27-5-1

handbills, 27-5-10

loading docks, 27-5-13

owner's responsibility, 27-5-6

parks, 27-5-9

parking lots, 27-5-14

posting notices prohibited, 27-5-11

prohibited, 27-5-2

receptacles, 27-5-4

scattering, 27-5-3

sidewalks and, 27-5-5

vehicle, 27-5-7

- M -

Maintenance superintendent,

- compensation, 1-2-137
- duties, 1-2-136
- position created, 1-2-135

Mandated Policies,

- discrimination, harassment and sexual misconduct,
 - applicable procedures, 22-8-3
 - responsibilities, 22-8-2
 - statement of policy, 22-8-1
- equal employment,
 - accommodations for disabled, 22-4-6
 - adoption, 22-4-1
 - compliance by employees, 22-4-7
 - contracting with non-complaints, 22-4-3
 - designated enforcers, 22-4-8
 - minority hiring, 22-4-5
 - non-discriminatory practices, 22-4-2
 - outreach to all, 22-4-4
- ethics Code,
 - definitions, 22-5-1
 - disposition of gifts, 22-5-5
 - ethics advisor, 22-5-6
 - ethics commission, 22-5-7
 - exceptions, 22-5-4
 - gift ban, 22-5-3
 - penalties, 22-5-8
 - prohibited political activities, 22-5-2
- fair housing code,
 - declaration of policy, 22-3-1
 - definitions, 22-3-2
 - penalty, 22-3-4
 - prohibited acts, 22-3-3
- freedom of information code,
 - certain information exempt from inspection and copying, 22-2-9
 - designation, duties and training of officers, 22-2-2
 - fees, 22-2-6
 - granting or denial of requests, 22-2-8
 - notice of denial of request; appeals, 22-2-10
 - procedures, 22-2-3
 - public file, 22-2-7
 - public records available, 22-2-1
 - request for commercial purposes, 22-2-5
 - requests to inspect or copy, 22-2-4
- identity theft,
 - prevention protocol,
 - assistance for victims, 22-1-12
 - compliance with federal law, 22-1-1
 - detected red flags, 22-1-3
 - duties regarding change of address, 22-1-5
 - education of customers, 22-1-10
 - other applicable legal requirements, 22-1-11
 - preventing and mitigating identity theft, 22-1-4
 - program administration, 22-1-7
 - risk assessment/identifying relevant red flags, 22-1-2
 - service provider arrangements, 22-1-8
 - training, 22-1-9
 - updating the program, 22-1-6

Mandated Policies, (Cont'd.)

identity theft, (Cont'd.)

- use of social security numbers, amendment of privacy policy, 22-7-9
- applicability, 22-7-4
- compliance with federal law, 22-7-5
- conflict with stricter laws, 22-7-10
- definitions, 22-7-1
- embedded social security numbers, 22-7-6
- identity--protection requirements, 22-7-7
- penalty, 22-7-8
- prohibited activities, 22-7-2
- public inspection and copying of documents, 22-7-3

Manufactured Housing,

department of public health, 23-1-4

fees, 23-3-21

general provisions of,

- carbon monoxide detectors, 23-1-10
- definitions, 23-1-1
- department of public health rules, 23-1-4
- fire extinguishers, 23-1-6
- Illinois Manufactured Housing Code, 23-1-3
- inspection, 23-1-7
- Manufactured Home Park Act, 23-1-2
- Manufactured Home Tiedown Act, 23-1-2
- national safety standards, 23-1-5
- off-street parking, 23-1-8
- prohibited residential use, 23-1-9
- smoke and fire detectors, 23-1-11

immobilized manufactured homes,

- defined, 23-2-1
- limit of units, 23-2-4
- lot size, 23-2-3
- permit, fee, 23-2-2

inspections, 23-1-7

Manufactured Home Park Act adopted, 23-1-2

manufactured home parks,

- compliance with statutes, 23-3-1
- design requirements for,
 - application for, 23-3-11
 - location and, 23-3-12
 - parking as, 23-3-13
 - plan document, 23-3-10
 - roadways, 23-3-13
- initial permit required, 23-3-7
- inspection of, 23-3-5
- local government requirements, 23-3-3
- lot size, 23-3-17
- miscellaneous restrictions, 23-3-18
- permits for, 23-3-4
- planning for, 23-3-2
- violation proceedings, 23-3-6

Manufactured Home Tiedown Act, 23-1-2

off-street parking, 23-1-8

Mayor,

appointments,

- animal control officer, 1-2-159
- attorney, 1-2-101
- cemetery clerk, 1-2-165
- cemetery sexton, 1-2-165
- city engineer, 1-2-115
- code enforcement officer, 1-2-151
- committees, 1-2-5
- gas superintendent, 1-2-155
- maintenance superintendent, 1-2-135
- officers, 1-2-54
- park superintendent, 1-2-130
- plan commission, 4-1-2
- police chief, 30-2-3
- recreational director, 1-2-144
- sewer superintendent, 1-2-120
- water distribution superintendent, 1-2-140
- water plant superintendent, 1-2-125
- zoning and building administrator, 1-2-110
- zoning board, 40-9-1.1

bond, 1-2-26

chief executive officer, 1-2-52

commissioner,

- liquor, 1-2-59

conduct of officers, 1-2-55

deciding vote by, 1-2-60

designation of duties by, 1-2-56

election of, 1-2-50

formal occasions, 1-2-57

general duties of, 1-2-58

pro-tem, 1-2-51

salary of, 1-3-1(A)

signature required of, 1-2-53

street closing by, 34-2-5

term of, 1-2-50

tie-votes and, 1-2-60

veto ordinance, 1-2-15

voting by, 1-2-60

Motor Vehicles,

abandoned, lost, stolen or unclaimed,

- abandonment prohibited, 24-7-1
- collection of unpaid charges, 24-7-11
- definitions, 24-7-16
- disposal of hazardous dilapidated vehicles, 24-7-10
- disposal of unclaimed vehicle, 24-7-8
- disposal without notice, 24-7-9
- identifying and tracing vehicle, 24-7-6
- liability of law enforcement officers, 24-7-14
- notification to law enforcement agencies, 24-7-2
- police record for disposed vehicle, 24-7-12
- police tows, reports, release, payment, 24-7-4
- public sale proceeds, 24-7-13
- reclaimed vehicles, expenses, 24-7-7
- record searches for unknown owner, 24-7-5
- removal, towing or hauling away, 24-7-3
- violations, 24-7-15

Motor Vehicles, (Cont'd.)

animals, 24-2-7

bicycles, 24-2-8

definitions, 24-1-1

driving rules,

- careless, 24-2-2(A)
- duty to report accident, 24-4-3
- drag racing, 24-4-2(B)
- excessive noise, squealing tires, 24-4-7
- excessive noise, stopped vehicle, 24-4-5
- excessive noise, wheels, 24-4-6
- excessive noise while driving, 24-4-9
- fleeing or attempting to elude officer, 24-4-2(C)
- reckless, negligent or careless driving, 24-4-8
- rules of the road adopted, 24-4-1
- speed restrictions,
 - o elevated structures, 24-4-2(E)
 - o failure to reduce, 24-4-2(H)
 - o general, 24-4-2(F)
 - o school, 24-4-2(G)
- traffic lane usage, 24-4-2(I)
- transporting liquor, 24-4-4
- u-turns prohibited, 24-4-2(J)
- unlawful possession of highway sign or marker, 24-4-2(D)

equipment of,

- excessive engine braking noise prohibited, 24-5-4
- Illinois vehicle code, 24-5-1
- muffler, 24-5-2
- sound amplification system, 24-5-3

generally,

- advertising signs, 24-2-6
- animals or bicycles, 24-2-7
- bicycle lamps, reflectors and equipment, 24-2-8
- obedience to police, 24-2-1
- scene of fire, 24-2-2
- signs and signals, 24-2-3
 - o advertising, 24-2-6
 - o interference, 24-2-5
 - o unauthorized, 24-2-4

Illinois vehicle code,

- definitions adopted, 24-1-1
- rules of the road adopted, 24-4-1

miscellaneous regulations,

- snow routes, 24-8-1
- street sweeping zones, 24-8-2

non-highway vehicles,

- definitions, 24-9-2
- general, 24-9-1
- permits, 24-9-5
- requirements, 24-9-3
- rules, 24-9-4
- vehicle requirements, 24-9-6
- violations, 24-9-7

parking rules,

- designated loading zones, 24-6-12
- for sale or repair, 24-6-2
- handicapped, 24-6-4
- in specified places, 24-6-3
- limited parking zones, 24-6-7
- load limits, 24-6-5
- prima facie proof, 24-6-10
- thirty-minute parking, 24-6-13
- tickets, 24-6-11
- time limit, 24-6-1
- towing cars away, 24-6-8

Motor Vehicles, (Cont'd.)

parking rules, (Cont'd.)

- two-hour zones, 24-6-6
- violations, 24-6-9

speed limits, 24-4-2

stop and through streets,

- one-way streets or alleys, 24-3-2
- posting signs, 24-3-5
- stop intersections, 24-3-3
- through streets, 24-3-1
- yield right-of-way streets, 24-3-4

- N -

Nuisances,

abatement of,

- garbage and debris, 25-3-1(D)
- notice to, 25-1-7, 25-2-1(E), 25-3-1(B), 25-4-6

garbage and debris as,

- abatement of, 25-3-1(D)
- definition, 25-3-1(A)
- foreclosure of lien, 25-3-1(G)
- lien for, 25-3-1(E)
- notice to person, 25-3-1(B)
- payment, 25-3-1(F)
- penalty, 25-3-1(H)
- service of notice, 25-3-1(C)

generally,

- abatement by city, 25-1-10
- affecting health, etc., 25-1-4
- appeal, 25-1-9
- citizen complaint, 25-1-12
- definition, 25-1-1
- detrimental to health, 25-1-5
- dumping garbage, 25-1-6
- failure to comply, 25-1-11
- general prohibition, 25-1-2
- hearing, 25-1-8
- lien, 25-1-13
- notice to abate, 25-1-7
- penalty, 25-1-14
- specific, 25-1-3

inoperable motor vehicles,

- collection of unpaid charges, 25-4-12
- disposal of unclaimed vehicle, 25-4-11
- emergency disposal, notice required, contents, 25-4-7
- generally, 25-4-1
- identifying and tracing of vehicles, 25-4-8
- leaving, 25-4-2
- notice, 25-4-6
- notification of impounded vehicle, 25-4-10
- police record for disposed vehicle, 25-4-13
- public sale, 25-4-14
- reclaimed, expenses, 25-4-9
- removal, 25-4-3
- removal by city, 25-4-5
- violation, 25-4-4

Nuisances, (Cont'd.)

liens for,

- foreclosure of, 25-1-13, 25-2-1(D), 25-3-1(E)
- garbage, 25-3-5
- weed, 25-2-6

signs,

- political, 25-5-1

specific,

- accumulation of debris, 25-1-3(W)
- advertising, 25-1-3(H)
- animals, 25-1-3(P)
- bringing nuisances into city, 25-1-3(T)
- burn-out pits, 25-1-3(J)
- business unwholesome, 25-1-3(N)
- corruption of water, 25-1-3(C)
- discarded materials, 25-1-3(K)
- filth, 25-1-3(A)
- generally, 25-1-3(X)
- harassment as, 25-1-3(M)
- highway encroachment, 25-1-3(D)
- junk, 25-1-3(R)
- litter, 25-1-3(Q)
- manufacturing gunpowder, 25-1-3(E)
- noxious odors, 25-1-3(G)
- offensive materials,
 deposit of, 25-1-3(B)
- offensive liquids, 25-1-3(U)
- powder magazines, 25-1-3(F)
- premises, filthy, 25-1-3(O)
- rodents, 25-1-3(S)
- scrap tires, 25-1-3(V)
- underground wells, 25-1-3(L)
- wells unplugged, 25-1-3(I)

weeds and grasses,

- defined, 25-2-1(A)
- foreclosure of lien, 25-2-1(F)
- height, 25-2-1(B)
- liability, 25-2-1(C)
- lien, 25-2-1(D)
- notice, 25-2-1(E)
- penalty, 25-2-1(G)

- O -

Offenses, (Public),

abandoned refrigerators, 27-2-27

abetting or encouraging violation, 27-2-34

admission fees, avoiding, 27-2-7

adult uses,

- definitions, 25-11-2
- limitation, 25-11-4
- prohibition, 25-11-3
- purpose and additional findings, 27-11-1

against property,

- climbing utility poles, 27-3-8

Offenses, (Public), (Cont'd.)

against property, (Cont'd.)

- criminal damage,
 - fire equipment, 27-3-3
 - property, 27-3-2
 - public notice, 27-3-6
 - street signs, 27-3-5
 - wires and poles, 27-3-4
- electronic devices to kill insects, 27-3-7
- theft,
 - petty, 27-3-1
- vandalism, 27-3-9

aid in committing, 27-2-15

aid in escape, 27-2-11

assault, battery, affray and reckless conduct, 27-4-14

assemblies,

- disturbing, 27-2-3
- public places and businesses, 27-4-4
- unlawful, 27-2-4

begging as, 27-2-19

bows and arrows, 27-2-21

cigarette sales as, 27-2-8

concealed weapons, 27-2-20

criminal code,

- adopted, 27-1-2
- definitions, 27-1-1

criminal housing management, 27-2-16

curfew violations, 27-2-33

definitions adopted, 27-1-1

depositing of snow and ice restricted, 27-2-31

destruction of public property, 27-2-25

discarded refrigerators, 27-2-27

discharging firearms, 27-2-21

disorderly conduct, 27-4-1

disturbing the peace, 27-2-5

drug paraphernalia,

- definitions, 27-13-1
- determination, 27-13-2
- forfeiture of property, 27-13-4
- offenses and penalties, 27-13-3
- possession of cannabis, 27-13-6
- prohibition in city hall, 27-13-5

electric fence as, 27-2-6

escaping custody, 27-2-12

explosives, 27-2-23

false pretenses to obtain goods as, 27-2-13

false report of offense, 27-4-11

fighting, 27-4-6

fireworks, (See Title FIREWORKS)

fortune telling, 27-2-26

fraudulently avoiding admission fees, 27-2-7

games in street, 27-2-22

halloween, 27-2-28

harmful (obscene) materials, 27-12-2

harmful material, 27-12-2

impersonating an officer, 27-2-2

Offenses, (Public), (Cont'd.)

interfering with firemen, 27-4-12
intimidation, 27-4-16
intoxication in public, 27-2-18
litter unlawful,
- air craft, 27-5-8
- construction sites, 27-5-12
- definitions of, 27-5-1
- handbills, 27-5-10
- loading docks, 27-5-13
- owner to maintain private premises, 27-5-6
- parks, 27-5-9
- parking lots, 27-5-14
- posting notices, 27-5-11
- prohibited, 27-5-2
- receptacles for, 27-5-4
- scattering of, 27-5-3
- sidewalks from, 27-5-5
- vehicles, 27-5-7
loud and unnecessary noise, 27-4-7
maintenance of handicapped parking space, 27-2-35
minors purchasing cigarettes, 27-2-8
molesting street signs prohibited, 27-3-5
obscenity as,
- definition of, 27-12-1(B)
- elements of offense, 27-12-1(A)
- evidence interpretation, 27-12-1(C)
- prima facie evidence, 27-12-1(D)
- publications that are, 27-12-3
officer, refusing aid to, 27-4-3
open burning, 27-2-38
outside storage, 27-2-36
parental responsibility. 27-7-1, 27-7-2
peeping tom, 27-4-9
penalties for, 1-1-20
petty theft, 27-3-1
police officer,
- impersonation of, 27-2-2
- interference with, 27-2-1
- refusing aid to, 27-4-3
political signs, 27-2-37
posting bills, 27-2-17
premises rented for unlawful purpose, 27-2-14
profanity, 27-4-8
protective covering or fencing, 27-2-32
public ways blocked, 27-2-10
refrigerators,
- abandoned, 27-2-27
refusal to disperse, 27-4-5
resisting a police officer, 27-4-2
sale of cigarettes, 27-2-8
sale of firearms or weapons to minors, 27-4-15
scavengers prohibited, 27-4-10
signs on public property, 27-2-35

Offenses, (Public), (Cont'd.)

skateboards,

- areas not prohibited, 27-10-3
- bicycles not included, 27-10-10
- damaging city property, 27-10-7
- definitions, 27-10-1
- impoundment, 27-10-9
- private property, 27-10-6
- prohibited areas, 27-10-2
- ramps, 27-10-8
- vehicle, 27-10-4
- yield right-of-way, 27-10-5

smokeless tobacco sales, 27-2-9

storage of explosives, 27-2-23

theft of recyclables, 27-2-29

throwing junk on private property, 27-4-13

throwing objects from motor vehicles, 27-2-30

throwing rocks as, 27-2-24

trespass,

- prohibited, 27-6-1
- solicitors, 27-6-2

truancy,

- civil liability, 27-8-7
- curfew restrictions, 27-8-2
- definitions, 27-8-1
- enforcement, 27-8-5
- establishment restrictions, 27-8-4
- penalty, 27-8-6
- truancy restrictions, 27-8-3

Open Burning, 27-2-38

- P -

Park superintendent,

compensation, 1-2-132

duties, 1-2-131

position created, 1-2-130

Parks,

Chester parks and recreation board, 28-1-3

closing time for parks, 28-1-5

disorderly conduct, 28-1-8

established, 28-1-1

liquor in park, 28-1-7

list of parks, 28-1-13

officers, 28-1-4

park committee, 28-1-2

receipt and expenses, 28-1-11

reservation of power, 28-1-12

sanctuary for animals, 28-1-9

speed limits, 28-1-10

supervision over parks, 28-1-6

Peace,

disturbing, 27-2-5

Peddlers,

application, 7-3-3

definitions, 7-3-2

exclusionary provision, 7-3-11

Peddlers, (Cont'd.)

- fees, 7-3-12
- fraud, 7-3-6
- hours, 7-3-5
- investigation, 7-3-4
- license for, 7-3-1
- nuisances, 7-3-9
- photographs of, 7-3-7
- police action, 7-3-10
- unwanted, 7-3-8

Penalties, 1-1-20**Permits, required,**

- adult business, 7-8-3
- business, 7-1-1
- coin-operated machines, 7-4-2
- culverts, 33-6-2
- curb, 33-5-2
- driveway, 33-7-1
- excavation, 33-4-1
- fireworks, 7-9-8
- flood plain, 14-1-5
- gas system, 17-2-1
- health, 21-3-17
- immobilized manufactured home, 23-2-2
- junk yards, 7-5-4
- kennel, 3-1-9
- manufactured home parks, 23-3-4
- peddlers, 7-3-3
- raffles, 7-6-5
- sewer, 38-4-11
- sidewalk, 33-5-1
- solicitors, 7-2-3
- storm sewer, 33-5-3
- water, 38-3-7

Person,

- defined, 1-1-16

Plan Commission,

- annexations, 4-1-5
- duties of, 4-1-5
- established, 4-1-1
- expenditures, 4-1-9
- further purposes, 4-1-8
- improvements, 4-1-7
- membership on, 4-1-2
- official map of, 4-1-6
- powers of, 4-1-5
- procedure, 4-1-4
- re-subdivision approval, 4-1-6
- term of office, 4-1-3

Police Department,

- appointments, 30-2-3
- detective position, 30-2-10
- duties of chief of police and deputy chief of police, 30-2-8
- duties of police officers, 30-2-7
- establishment and purpose, 30-2-1
- exemption from jury duty, 30-2-5

Police Department, (Cont'd.)

- oath and bond, 30-2-4
- organization, 30-2-2
- part-time officer standards, 30-2-12
- probationary officers, expense, 30-2-11
- qualifications, 30-2-6
- uniform, 30-2-9

Police Regulations,

- absence from work, 30-3-31
- carrying of gun and departmental identification, 30-3-22
- commercial utilization of enforcement authority, 30-3-33
- cooperation with internal investigations, 30-3-46
- cooperation with investigations, failure, 30-3-10
- courtroom demeanor, 30-3-27
- department correspondence, 30-3-14
- department organization, 30-3-1
- department property, loss/damage negligence or inattention, 30-3-54
- departmental discipline, 30-3-67
- departmental property, reporting damage/return, 30-3-23
- departmental records/reports/citations, 30-3-29
- disobedience of orders, 30-3-3
- divulgence of departmental business, 30-3-13
- duplication of police identification, 30-3-61
- duty to read/understand/comply with orders, 30-3-25
- employment outside of department, 30-3-34
- escapes, 30-3-55
- fees/rewards, 30-3-52
- fighting/quarreling, 30-3-53
- general responsibilities at crime scene/arrests, 30-3-56
- gifts - solicitations/acceptance, 30-3-35
- illness/condition (physical/mental)/sick leave, 30-3-30
- insubordination, 30-3-39
- knowledge of laws, 30-3-58
- labor disputes, 30-3-64
- leaving city, 30-3-48
- loss of city property, 30-3-50
- misconduct known to departmental personnel, 30-3-42
- neglect of duty, 30-3-37
- notices - posting, circulation, destruction, defacing, 30-3-16
- on/off duty conduct, 30-3-36
- participation in civil matters, 30-3-47
- payment of debts/legal liabilities, 30-3-6
- personal appearance, 30-3-17
- physical/mental condition, 30-3-43
- political utilization of official position, 30-3-15
- possession of keys, 30-3-45
- possession/use of alcohol, 30-3-4
- possession/use of controlled substances, 30-3-5
- private benefit from departmental association, 30-3-62
- professional image, 30-3-18
- prohibited association/frequenting, 30-3-9
- prompt performance of duty, 30-3-38
- public criticism of the department, 30-3-12
- receipt of mail/calls/visitors at police station, 30-3-26
- recovered property, 30-3-51
- registration of personal police equipment, 30-3-59

Police Regulations, (Cont'd.)

- rendering aid/furnishing identification, 30-3-49
- reports, 30-3-65
- residence - telephone/address, 30-3-32
- residency, 30-3-66
- serving as character witness, 30-3-57
- settlement of duty incurred expenses/damages, 30-3-60
- solicitation of favorable acts, 30-3-41
- termination of duty/assignment, 30-3-44
- truthfulness/cooperation, 30-3-28
- unauthorized persons in police vehicles, 30-3-24
- undertaking self-assigned police action, 30-3-8
- unsatisfactory performance, 30-3-21
- use of force, 30-3-20
- use of private vehicles/equipment, 30-3-63
- use/display of firearms, 30-3-11
- vacations, sick days, etc., 30-3-19
- valuable items, 30-3-40
- violation of law, 30-3-2
- withholding information, 30-3-7

Property Maintenance Code,

- administration,
 - applicability,
 - application of other codes, 29-1-7
 - existing remedies, 29-1-8
 - general, 29-1-5
 - historic buildings, 29-1-10
 - maintenance, 29-1-6
 - referenced codes and standards, 29-1-11
 - requirements not covered by code, 29-1-12
 - workmanship, 29-1-9
 - approval,
 - alternative materials, methods and equipment, 29-1-31
 - material and equipment reuse, 29-1-33
 - modifications, 29-1-30
 - required testing, 29-1-32
 - demolition,
 - failure to comply, 29-1-69
 - general, 29-1-67
 - notices and orders, 29-1-68
 - salvage materials, 29-1-70
 - duties and powers of the code enforcement officer,
 - exceptions to inspections, 29-1-29
 - frequency of inspection, 29-1-28
 - general, 29-1-21
 - identification, 29-1-25
 - inspections, 29-1-23
 - notices and orders, 29-1-26
 - records, 29-1-27
 - right of entry, 29-1-24
 - rule-making authority, 29-1-22
 - emergency measures,
 - closing streets, 29-1-62
 - costs of emergency repairs, 29-1-64
 - emergency repairs, 29-1-63
 - hearing, 29-1-65

Property Maintenance Code, (Cont'd.)

administration, (Cont'd.)

- emergency measures, (Cont'd.)
 - imminent danger, 29-1-60
 - temporary safeguards, 29-1-61
- general
 - intent, 29-1-3
 - scope, 29-1-2
 - severability, 29-1-4
 - title, 29-1-1
- means of appeal,
 - application, 29-1-72
 - board decision, 29-1-77
 - court review, 29-1-78
 - membership of the board, 29-1-73
 - notice of meeting, 29-1-74
 - open hearing, 29-1-75
 - postponed hearing, 29-1-76
 - stays of enforcement, 29-1-79
- notices and orders,
 - form, 29-1-42
 - method of service, 29-1-43
 - penalties, 29-1-44
 - to person responsible, 29-1-41
 - transfer of ownership, 29-1-45
 - utilities connection, 29-1-46
- property maintenance,
 - fees, 29-1-16
 - general, 29-1-14
 - liability, 29-1-15
 - notification of renters, 29-1-17
- unsafe structures and equipment,
 - closing of vacant structures, 29-1-48
 - general, 29-1-47
 - notice, 29-1-49
 - placarding, 29-1-50
 - prohibited occupancy, 29-1-51
- violations,
 - abatement, 29-1-39
 - notice, 29-1-36
 - penalties, 29-1-38
 - prosecution, 29-1-37
 - unlawful acts, 29-1-35

definitions,

- defined in other codes, 29-2-3
- interchangeability, 29-2-2
- not defined, 29-2-4
- parts, 29-2-5
- scope, 29-2-1
- specific, 29-2-6

fire safety requirements,

- fire protection systems,
 - carbon monoxide detectors, 29-7-16
 - general, 29-7-12
 - interconnection, 29-7-15
 - power source, 29-7-14
 - smoke alarms, 29-7-13

Property Maintenance Code, (Cont'd.)

fire safety requirements, (Cont'd.)

- fire-resistance ratings,
assemblies, 29-7-9
opening protectives, 29-7-10
- general,
responsibility, 29-7-2
scope, 29-7-1
- means of egress,
aisles, 29-7-5
emergency escape openings, 29-7-7
general, 29-7-4
locked doors, 29-7-6

general requirements,

- exterior property areas,
accessory structures, 29-3-11
defacement of property, 29-3-13
exhaust vents, 29-3-10
grading and drainage, 29-3-6
motor vehicles, 29-3-12
rodent harborage, 29-3-9
sanitation, 29-3-5
sidewalks and driveways, 29-3-7
weeds, 29-3-8
- exterior structure,
basement hatchways, 29-3-33
building security, 29-3-35
chimneys and towers, 29-3-28
decorative features, 29-3-25
doors, 29-3-32
exterior walls, 29-3-23
foundation walls, 29-3-22
general, 29-3-18
guards for basement windows, 29-3-34
handrails and guards, 29-3-29
insect screens, 29-3-31
overhang extensions, 29-3-26
premises identification, 29-3-20
protective treatment, 29-3-19
roofs and drainage, 29-3-24
stairways, decks, porches and balconies, 29-3-27
structural members, 29-3-21
window, skylight and door frames, 29-3-30
- extermination,
infestation, 29-3-50
multiple occupancy, 29-3-53
occupant, 29-3-54
owner, 29-3-51
single occupant, 29-3-52
- general,
responsibility, 29-3-2
scope, 29-3-1
vacant structures and land, 29-3-3
- handrails and guardrails, 29-3-44

Property Maintenance Code, (Cont'd.)

general requirements, (Cont'd.)

- interior structure,
 - general, 29-3-37
 - handrails and guards, 29-3-41
 - interior doors, 29-3-42
 - interior surfaces, 29-3-39
 - stairs and walking surfaces, 29-3-40
 - structural members, 29-3-38
- rubbish and garbage,
 - accumulation, 29-3-46
 - disposal of garbage, 29-3-48
 - disposal of rubbish, 29-3-47
- swimming pools, spas and hot tubs,
 - enclosures, 29-3-16
 - swimming pools, 29-3-15

light, ventilation and occupancy limitations,

- general,
 - alternative devices, 29-4-3
 - responsibility, 29-4-2
 - scope, 29-4-1
- light,
 - common halls and stairways, 29-4-6
 - habitable spaces, 29-4-5
 - other spaces, 29-4-7
- occupancy limitations,
 - bedroom requirements, 29-4-18
 - efficiency unit, 29-4-20
 - food preparation, 29-4-21
 - minimum ceiling heights, 29-4-17
 - minimum room widths, 29-4-16
 - overcrowding, 29-4-19
 - privacy, 29-4-15
- ventilation,
 - bathrooms and toilet rooms, 29-4-10
 - clothes dryer exhaust, 29-4-13
 - cooking facilities, 29-4-11
 - habitable spaces, 29-4-9
 - process ventilation, 29-4-12

mechanical and electrical requirements,

- duct systems, 29-6-28
- electrical equipment,
 - installation, 29-6-21
 - luminaries, 29-6-23
 - receptacles, 29-6-22
- electrical facilities,
 - required, 29-6-17
 - service, 29-6-18
 - system hazards, 29-6-19
- elevators, escalators and dumbwaiters,
 - elevators, 29-6-26
 - general, 29-6-25
- general,
 - responsibility, 29-6-2
 - scope, 29-6-1

Property Maintenance Code, (Cont'd.)

mechanical and electrical requirements, (Cont'd.)

- heating facilities,
 - facilities required, 29-6-4
 - heat supply, 29-6-6
 - occupiable work spaces, 29-6-7
 - residential occupancies, 29-6-5
 - room temperature measurement, 29-6-8
- mechanical equipment,
 - clearances, 29-6-12
 - combustion air, 29-6-14
 - energy conservation devices, 29-6-15
 - mechanical appliances, 29-6-10
 - removal of combustion products, 29-6-11
 - safety controls, 29-6-13

plumbing facilities and fixture requirements,

- general,
 - responsibility, 29-5-2
 - scope, 29-5-1
- plumbing systems and fixtures,
 - fixture clearances, 29-5-15
 - general, 29-5-14
 - plumbing system hazards, 29-5-16
- required facilities,
 - dwelling units, 29-5-4
 - employees' facilities, 29-5-7
 - hotels, 29-5-6
 - rooming houses, 29-5-5
- sanitary drainage system,
 - general, 29-5-23
 - maintenance, 29-5-24
- storm drainage, 29-5-26,
- toilet rooms,
 - floor surface, 29-5-12
 - location, 29-5-10
 - location of employee toilet facilities, 29-5-11
 - privacy, 29-5-9
- water system,
 - contamination, 29-5-19
 - general, 29-5-18
 - supply, 29-5-20
 - water heating facilities, 29-5-21

Public Safety,

civil emergency,

- authority of mayor to issue orders, 30-1-4
- curfew, 30-1-3
- declaration of emergency, 30-1-2
- definitions, 30-1-1
- effectiveness, 30-1-5
- notification, 30-1-6
- penalty, 30-1-7

emergency management agency (E.M.A.)

- appropriations and levy of tax, 30-4-13
- assistant coordinator, 30-4-20
- authority to accept services, gifts, grants or loans, 30-4-14
- communications, 30-4-10

Public Safety, (Cont'd.)

emergency management agency (E.M.A.) (Cont'd.)

- compensation, 30-4-19
- definitions, 30-4-3
- emergency management agency, 30-4-4
- emergency management powers of the mayor, 30-4-5
- emergency termination or reduction of electrical service, 30-4-22
- financing, 30-4-6
- immunity, 30-4-11
- limitations, 30-4-2
- local disaster emergencies, 30-4-7
- mobile support team, 30-4-23
- mutual aid arrangements between political subdivisions, 30-4-9
- no private liability, 30-4-17
- orders, rules and regulations, 30-4-15
- penalty, 30-4-24
- personnel oath, 30-4-24
- policy and procedures, 30-4-1
- professions, trades and occupations, 30-4-12
- succession, 30-4-18
- testing of disaster warning devices, 30-4-8
- utilization of existing agency, facilities and personnel, 30-4-16

fire department,

- generally,
 - chain of command, 30-5-11
 - department established, 30-5-1
 - EMAC payment, 30-5-14
 - fire chief shall preside at meetings, 30-5-13
 - fire committee, 30-5-2
 - meetings and drills, 30-5-8
 - membership, 30-5-5
 - name, 30-5-4
 - purpose, 30-5-3
 - regular drill, 30-5-9
 - resignation, 30-5-6
 - secretary responsible for funds, 30-5-13
 - special meetings, 30-5-10
 - suspension, 30-5-7
- regulations,
 - enforcement of code, 30-5-16
 - entering fire houses, 30-5-18
 - equipment, 30-5-19
 - false alarms, 30-5-22
 - firefighting service and/or non-medical emergency service, membership contracts, 30-5-24
 - inspections, 30-5-20
 - MABAS agreement, 30-5-25
 - MABAS by-laws, 30-5-26
 - mutual aid agreements, 30-5-21
 - costs for certification, 30-5-24
 - use of apparatus - injury, 30-5-17

police department,

- appointments, 30-2-3
- detective position, 30-2-10
- duties of chief of police and deputy chief of police, 30-2-8
- duties of police officers, 30-2-7
- establishment and purpose, 30-2-1
- exemption from jury duty, 30-2-5

Public Safety, (Cont'd.)

police department, (Cont'd.)

- oath and bond, 30-2-4
- organization, 30-2-2
- part-time officer standards, 30-2-12
- probationary officers, expense, 30-2-11
- qualifications, 30-2-6
- uniform, 30-2-9

- R -

Recreational director,

compensation, 1-2-146

duties, 1-2-145

position created, 1-2-144

Refrigerators,

discarded, 27-2-27

Religious assembly,

disturbing, 27-2-3

Revised Code,

definitions,

- catchlines, 1-1-17
- list of, 1-1-16
- word construction, 1-1-15

liability of officers, 1-1-22

penalty,

- application of, 1-1-21
- liability of officers, 1-1-22
- license, 1-1-23
- specific, 1-1-20

saving clause of,

- clerk's certificate, 1-1-12
- court proceedings, 1-1-10
- ordinance repeal, 1-1-8
- public utility ordinances, 1-1-9
- severability of provisions, 1-1-11

title of, 1-1-1

- acceptance, 1-1-2
- amendments, 1-1-3
- code alteration, 1-1-4
- jurisdiction, 1-1-5

- S -

Salaries, (See "Administration")**Seal of Village, 1-2-19****Sewer superintendent,**

compensation, 1-2-122

duties, 1-2-121

position created, 1-2-120

Sewer System,

administrative enforcement remedies,

- administrative fines, 38-4-87
- cease and desist orders, 38-4-86
- compliance orders, 38-4-85
- consent orders, 38-4-83

Sewer System, (Cont'd.)

administrative enforcement remedies, (Cont'd.)

- emergency suspensions, 38-4-88
- notification of violation, 38-4-82
- show cause hearing, 38-4-84
- termination of discharge, 38-4-89

affirmative defenses to discharge violations,

- bypass, 38-4-103
- prohibited discharge standards, 38-4-102
- upset, 38-4-101

building sewers and connections,

- capacity downstream, 38-4-23
- control manhole, 38-4-19
- design and specifications, 38-4-15
- excavations barricaded, 38-4-22
- existing building sewers, 38-4-14
- illegal connections of roof drains, 38-4-17
- inspection by the city, 38-4-21
- installation costs, 38-4-12
- permit required, 38-4-11
- requirements for connection, 38-4-20
- separate connection required, 38-4-13
- sewer elevation, 38-4-16
- storm water - natural outlets, 38-4-18

compliance date, 38-4-138

compliance monitoring,

- entering premises, 38-4-76
- right of entry, inspection and sampling, 38-4-75
- search warrants, 38-4-77

confidential information, 38-4-79

extensions,

- application, 38-4-132
- contract, 38-4-136
- engineer to prepare plans, 38-4-134
- plat of proposed extension, 38-4-133
- sealed bids - larger pipe required, 38-4-135

general provisions,

- abbreviations, 38-4-3
- administration, 38-4-2
- definitions, 38-4-4
- purpose and policy, 38-4-1

general sewer use requirements,

- city's right of revision and special agreements, 38-4-30
- dilution, 38-4-31
- local limits, 38-4-29
- national categorical pretreatment standards, 38-4-27
- prohibited discharge standards, 38-4-26
- state pretreatment standards, 38-4-28

judicial enforcement remedies,

- civil penalties, 38-4-92
- criminal prosecution, 38-4-93
- injunctive relief, 38-4-93
- remedies nonexclusive, 38-4-94

pretreatment of wastewater,

- accidental discharge/slug control plans, 38-4-36
- additional pretreatment measures, 38-4-35

Sewer System, (Cont'd.)

pretreatment of wastewater, (Cont'd.)

- hauled wastewater, 38-4-37
- pretreatment facilities, 38-4-34

publication of users in significant noncompliance, 38-4-80

rates and rate discharge,

- accounts, 38-4-120
- basis for wastewater service charges, 38-4-108
- computation of surcharge, 38-4-113
- computation of wastewater service charge, 38-4-114
- definitions, 38-4-107
- delinquent bills, 38-4-116
- foreclosure of lien, 38-4-118
- lien - notice of delinquency, 38-4-117
- measurement of flow, 38-4-109
- non-payment of utility bills, 38-4-112
- notice of rates, 38-4-121
- pretreatment charges and fees, 38-4-105
- protection from damage, 38-4-122
- rate adjustments for volume and strength, 38-4-106
- revenues, 38-4-119
- sewer rates, 38-4-111

records and evaluations,

- annual audit, 38-4-128
- depreciation and replacement, 38-4-130
- maintenance of records, 38-4-129
- new sanitary sewage system construction, 38-4-125
- rejection or reduction of industrial discharges, 38-4-127
- user charge reviewed annually, 38-4-126

reporting requirements,

- analytical requirements, 38-4-67
- baseline monitoring reports, 38-4-58
- compliance schedule progress reports, 38-4-59
- determination of noncompliance, 38-4-69
- notice of violation/repeat sampling and reporting, 38-4-65
- notification of the discharge of hazardous waste, 38-4-66
- periodic compliance reports, 38-4-61
- record keeping, 38-4-71
- reports from unpermitted users, 38-4-64
- reports of changed conditions, 38-4-62
- reports of potential problems, 38-4-63
- reports on compliance, 38-4-60
- sample collection, 38-4-68
- timing, 38-4-70

supplemental enforcement action,

- liability insurance, 38-4-97
- performance bonds, 38-4-96
- public nuisance, 38-4-99
- water supply severance, 38-4-98

use of public sewers required,

- connection to system mandatory, 38-4-8
- objectionable wastes unlawful, 38-4-6
- private sewage disposal, 38-4-9
- septic tank unlawful, 38-4-7

Sewer System, (Cont'd.)

wastewater discharge permit application,

- application signatories and certification, 38-4-46
- wastewater analysis, 38-4-40
- wastewater discharge permit application contents, 38-4-45
- wastewater discharge permit decisions, 38-4-47
- wastewater discharge permit requirement, 38-4-41
- wastewater discharge permitting, existing connections, 38-4-42
- wastewater discharge permitting, new connections, 38-4-43
- wastewater discharge permitting for extra-jurisdictional industrial users, 38-4-44

wastewater discharge permit issuance process,

- intermunicipal agreements, 38-4-56
- wastewater discharge permit appeals, 38-4-51
- wastewater discharge permit contents, 38-4-50
- wastewater discharge permit duration, 38-4-49
- wastewater discharge permit modification, 38-4-52
- wastewater discharge permit reissuance, 38-4-55
- wastewater discharge permit revocation, 38-4-54
- wastewater discharge permit transfer, 38-4-53

Sexual harassment policy,

definition, 11-4-2

external remedies, 11-4-7

false and frivolous complaints, 11-4-8

general provisions, 11-4-3

non-retaliation provision, 11-4-9

procedures for filing a complaint, 11-4-6

responsibility of individual employees, 11-4-4

responsibility of supervisory employees, 11-4-5

statement, 11-4-1

Sexual misconduct policy,

child abuse incident reporting and follow-up, 11-5-8

coordinator, 11-5-2

discipline, 11-5-5

employee acknowledgement of policy, 11-5-10

employees, 11-5-3

false accusations, 11-5-6

investigation and confidentiality, 11-5-4

maintenance of records and documents, 11-5-9

purpose, 11-5-1

reporting procedures, 11-5-2

retaliation against accuser, 11-5-7

Sidewalks, (See Streets)

Signs,

across streets, 34-2-6

Solicitors,

application for, 7-2-3

certificate for, 7-2-2

compliance by, 7-2-7

defined, 7-2-1

fees, 7-2-11

notices for, 7-2-6

policy on, 7-2-5

public highways, 7-2-10

revocation, 7-2-4

time limit for, 7-2-9

uninvited, 7-2-8

Solid Waste,

garbage,

- application for license, 32-1-6
- collection and disposal, 32-1-5
- contracts for residential collection required, 32-1-3
- definitions, 32-1-1
- garbage on premises unlawful, 32-1-12
- industry, construction, etc., 32-1-13
- insurance, 32-1-15
- license, 32-1-2
- location of containers, 32-1-17
- materials falling or leaking from truck, 32-1-10
- parked garbage truck, 32-1-16
- parking of truck limited, 32-1-11
- residential collection service mandatory, 32-1-4
- revocation of license, 32-1-14
- truck requirements, cleanliness, etc., 32-1-7
- truck wastewaters, 32-1-8
- windblown garbage unlawful, 32-1-9

Special meetings, 1-2-3**Sports,**

in streets, 27-2-22

Streets,

barbed-wire fences, 34-2-17

building materials in, 34-2-11

burning, 34-2-18

closing, 34-2-5

committee on, 34-1-2

construction of utility facilities,

- action on permit applications, 34-10-5
- annual registration required, 34-10-3
- change of ownership, 34-10-12
- cleanup and restoration, 34-10-19
- construction methods and materials, 34-10-16
- definitions, 34-10-2
- enforcement, 34-10-23
- effect of permit, 34-10-6
- general construction standards, 34-10-13
- indemnification, 34-10-9
- insurance, 34-10-8
- location of facilities, 34-10-15
- maintenance and emergency maintenance, 34-10-20
- penalties, 34-10-22
- permit required; applications and fees, 34-10-4
- permit suspension and revocation, 34-10-11
- purpose and scope, 34-10-1
- removal, relocation, or modification, 34-10-18
- revised permit drawings, 34-10-7
- security, 34-10-10
- severability, 34-10-24
- traffic control, 34-10-14
- variances, 34-10-21
- vegetation control, 34-10-17

culverts,

- application, 34-6-3
- backfill cost, 34-6-7

Streets, (Cont'd.)

culverts, (Cont'd.)

- cost of installation, 34-6-6
- obstruction of drain or storm sewer, 34-6-1
- permit, 34-6-2
- replacement cost, 34-6-8
- termination of permit, 34-6-4
- type, 34-6-5

curbs, 34-5-2

department,

- committee on streets, 34-1-2
- established, 34-1-1
- references, 34-1-3

deposits on sidewalks, 34-2-8

driveway construction,

- bond required, 34-7-5
- fee, 34-7-2
- grade surface, 34-7-3
- permit required, 34-7-1
- repair, 34-7-6
- specifications, 34-7-4

encroachments, 34-2-13

excavations,

- abandonment of substructures, 34-4-15
- applications, 34-4-2
- backfilling, 34-4-22
- bond, 34-4-4
- breaking through pavement, 34-4-20
- clean-up, 34-4-18
- clearance for vital structures, 34-4-12
- deposit, 34-4-5
- depth of structures, 34-4-21
- emergency action, 34-4-26
- fees, 34-4-3
- inspections, 34-4-29
- liability of persons to city for damage, 34-4-31
- location records, 34-4-30
- manner of excavating, 34-4-6
- noise, dust and debris, 34-4-27
- permit required, 34-4-1
- placement of excavated material, 34-4-17
- preservation of monuments, 34-4-28
- prompt completion of work, 34-4-24
- protection of adjoining property, 34-4-16
- protection of traffic, 34-4-13
- protection of watercourses, 34-4-19
- protective measures and routing of traffic, 34-4-11
- relocation and protection of utilities, 34-4-14
- restoring surface, 34-4-8
- sidewalks, 34-4-7
- supervision, 34-4-9
- trenches in pipe laying, 34-4-23
- tunneling, 34-4-10
- urgent work, 34-4-25

games in, 27-2-22

grass mowing, 34-2-19

Streets, (Cont'd.)

gutters, 34-5-2

injury to new pavements, 34-2-16

merchandise on public street, 34-2-12

moving buildings,

- applications, 34-9-2
- approval of route, 34-9-16
- clearance of site, 34-9-9
- control and supervision, 34-9-13
- default in performance, 34-9-15
- denial of permit, 34-9-4
- estimate of cost and deposit, 34-9-6
- fees, 34-9-10
- investigation, 34-9-3
- issuance of permit, 34-9-11
- liability insurance, 34-9-7
- lights and barricades, 34-9-18
- notice required, 34-9-14
- obstructing streets, 34-9-17
- owner's completion bond, 34-9-8
- permit required, 34-9-1
- refunding of deposits, 34-9-22
- repairs to public property, 34-9-21
- suspension or revocation, 34-9-12
- terms and conditions, 34-9-5
- trees, plants and shrubs, 34-9-20
- wires and structural supports, 34-9-19

obstruction, removal of, 34-2-9

open doors, 34-2-2

poles, signs on, 34-2-15

posting bills, 34-2-14

rainwater drains, 34-2-10

repairing sidewalks, 34-2-3

sidewalks, 34-5-1

signs across, 34-2-6

signs on public property, 34-2-20

snow removal,

- definitions, 34-8-1
- depositing, 34-8-3
- mayor's authority, 34-8-4
- removal by private persons, 34-8-2

stairways on, 34-2-4

storm sewers, 34-5-3

trees and shrubs,

- advertisements or notices, 34-3-5
- dangerous trees, 34-3-6
- gas pipes, 34-3-8
- injury, 34-3-4
- planting, 34-3-1
- planting trees in right-of-way, 34-3-2
- removal, 34-3-3
- wires, 34-3-7

undermining, 34-2-1

vehicles on sidewalks, 34-2-7

Subdivisions,

appendixes,

- "A" - Checklist for Preliminary Plan, 35-11-1
- "B" - Checklist for Engineer Plans, 35-11-2
- "C" - Checklist for Final Plat, 35-11-3

approval of engineering plan,

- approval tentative, 35-6-3
- changes or revisions, 35-6-2
- checklist, 35-6-1
- letter of approval, 35-6-4

approval of final plat,

- guarantees to city, 35-8-2
- requirements, 35-8-1

approval of preliminary plan,

- approval - tentative, 35-4-2
- certificate, 35-4-3
- checklist completed, 35-4-1

bond for improvements, 35-12-1

enforcement and release of bond,

- construction time constraints, 35-9-1
- inspection, 35-9-2
- release of bond, 35-9-3

engineering plan,

- easements, 35-5-1
- public utilities, 35-5-2
- sewers, 35-5-3
- street improvements, 35-5-5
- water supply, 35-5-4

final plat,

- additional delineation, 35-7-2
- appropriate certificates, 35-7-3
- general, 35-7-1

penalty, 1-1-20, 35-10-1

preliminary plan,

- existing conditions, 35-3-2
- identification and description, 35-3-1
- proposed subdivision design features, 35-3-3

procedure,

- engineering plans, 35-2-3
- final plat, 35-2-4
- preliminary plan, 35-2-2
- procedure, 35-2-1

rules and definitions,

- definitions, 35-1-3
- purpose and jurisdiction, 35-1-1
- rules and definitions, 35-1-2

- T -

Taxation,

cannabis retailers' occupation tax,

- collection, 36-6-2
- effective date, 36-6-4
- imposed, 36-6-1
- severability, 36-6-3

electric utility tax,

- additional taxes, 36-3-5
- collection, 36-3-6
- credit for overpayment, 36-3-8
- effective date, 36-3-3
- exceptions, 36-3-4

Taxation, (Cont'd.)

electric utility tax, (Cont'd.)

- imposed, 36-3-1
- penalty, 36-3-9
- reports to city, 36-3-7
- type of customer, rate effective, 36-3-2

foreign fire insurance companies,

- conformance, 36-4-1
- fees, 36-4-2
- penalty, 36-4-6
- recovery of monies, 36-4-4
- required reports, 36-4-3
- unlawful operation, 36-4-5

generally,

- audit, 36-1-2
- corporate, 36-1-1
- ESDA, 36-1-13
- FICA, 36-1-3
- fire, 36-1-12
- general liability, 36-1-4
- IMRF, 36-1-9
- library, 36-1-5
- municipal bond, 36-1-11
- police, 36-1-8
- public parks, 36-1-7
- unemployment insurance, 36-1-10
- workmen's compensation, 36-1-6

simplified telecommunications tax,

- collection by retailers, 36-2-3
- definitions, 36-2-1
- resellers, 36-2-5
- returns to department, 36-2-4
- tax imposed, 36-2-2

taxpayer's rights code,

- abatement, 36-5-12
- appeal, 36-5-9
- application, 36-5-18
- audit procedure, 36-5-8
- certain credits and refunds, 36-5-7
- definitions, 36-5-3
- hearing, 36-5-10
- installment contracts, 36-5-13
- interest and penalties, 36-5-11
- internal review procedure, 36-5-17
- late payment, 36-5-5
- notices, 36-5-4
- payment, 36-5-6
- publication of tax ordinances, 36-5-16
- scope, 36-5-2
- statute of limitations, 36-5-14
- title, 36-5-1
- voluntary disclosure, 36-5-15

Treasurer, (See Administration)

Trees and Shrubs,

- advertisements or notices, 34-3-5
- dangerous trees, 34-3-6
- gas pipes, 34-3-8
- injury, 34-3-4
- planting, 34-3-1
- planting trees in right-of-way, 34-3-2
- removal, 34-3-3
- wires, 34-3-7

- W -**Water and Sewer,**

- department established, 38-1-1
- reference, 38-1-6
- sewer superintendent and sewer distribution superintendent, 38-1-5
- water and sewer committee, 38-1-2
- water distribution superintendent, 38-1-4
- water plant superintendent, 38-1-3
- regulations,
 - building unit defined, 38-2-8
 - consumer lists, 38-2-4
 - contract, 38-2-1
 - estimated charge, 38-2-3
 - inaccurate meter, 38-2-6
 - liability for charges, 38-2-2
 - meters tested, deposit, 38-2-5
 - utility deposits, 38-2-7

Water distribution superintendent,

- compensation, 1-2-142
- duties, 1-2-141
- position created, 1-2-140

Water plant superintendent,

- compensation, 1-2-127
- duties, 1-2-126
- position created, 1-2-125

Water System,

- cross-connection control,
 - contamination costs, 38-3-35
 - discontinuance of service, 38-3-34
 - inspector, 38-3-33
 - investigation by superintendent, 38-3-32
 - private connection unlawful, 38-3-31
 - requirements, 38-3-30
- cross-connection control code,
 - application, 38-3-41
 - backflow prevention devices, 38-3-49
 - booster pumps, 38-3-51
 - cross-connection prohibited, 38-3-45
 - definitions, 38-3-43
 - inspection and maintenance, 38-3-50
 - purpose, 38-3-40
 - responsibility of owner, 38-3-42
 - survey and investigations, 38-3-46
 - type of protection required, 38-3-48
 - violations and penalties, 38-3-52

Water System, (Cont'd.)

cross-connection control code, (Cont'd.)

- water system, 38-3-44
- where protection is required, 38-3-47

regulations,

- all service to be by meter, 38-3-9
- application, 38-3-7
- city not liable, 38-3-12
- cost, 38-3-8
- dangerous usage, 38-3-16
- electric ground wires, 38-3-17
- fire hydrants, 38-3-20
- inspection, 38-3-14
- installation, 38-3-15
- meter damaged, 38-3-11
- meters open to inspection, 38-3-10
- non-compliance, 38-3-19
- request for billing adjustment, 38-3-13
- rules to become part of contract, 38-3-21
- shortage and purity of supply, 38-3-18

rates,

- additional charges, 38-3-2
- Ellis Grove rates, 38-3-5
- outside city, 38-3-3
- special, 38-3-4
- water rates, 38-3-1

- V -

Village Board, (See Administration)

Village Code,

definitions,

- catchlines, 1-1-17
- list of, 1-1-16
- word construction, 1-1-15

penalty,

- application of, 1-1-21
- liability of officers, 1-1-22
- license, 1-1-23
- specific, 1-1-20

saving clause of,

- clerk's certificate, 1-1-12
- court proceedings, 1-1-10
- ordinance repeal, 1-1-8
- public utility ordinances, 1-1-9
- severability of provisions, 1-1-11

- W -

Wards, 39-1-1

Zoning,

- "A" agricultural district, 40-4-1
 - agricultural exemption, 40-4-2
 - lot and building requirements, 40-4-3
 - permitted uses, 40-4-5
 - special restrictions, 40-4-4
 - special uses, 40-4-6
- access way,
 - defined, 40-2-2
 - loading space, 40-6-4.2
 - required, 40-3-10
- accessory use, 40-3-16
 - restrictions, 40-3-17
- agricultural activities, 40-5-2
- alterations,
 - nonconforming structures, 40-7-4
 - structures with nonconforming use, 40-7-5
- amendments, 40-9-4
 - action by council, 40-9-4.4
 - advisory report, findings of fact, 40-9-4.3
 - filing, 40-9-4.1
 - public hearing, notice, 40-9-4.2
- annexed territory, 40-3-5
- annual publication,
 - zoning map, 40-3-3
- appeals, 40-9-5
 - decision by council, 40-9-5.4
 - filing, 40-9-5.1
 - hearing, 40-9-5.3
 - notice, 40-9-5.3
 - stay of proceedings, 40-9-5.2
- applicability of article, 40-5-1
- board of appeals, (See Zoning Board)
 - appointment to, 40-9-2
 - compensation, 40-9-2
 - established, 40-9-1
 - meetings of, 40-9-4
 - membership of, 40-9-2
 - quorum, 40-9-4
 - records, 40-9-5
 - term of office, 40-9-3
 - vacancies, 40-9-3
- "C" commercial district,
 - lot and building requirements, 40-4-31
 - no mobile homes, 40-4-29
 - no nuisances, 40-4-30
 - permitted uses, 40-4-32
 - purpose, 40-4-28
 - special uses, 40-4-34
- definitions,
 - construction of terms, 40-2-1
 - selected, 40-2-2

Zoning, (Cont'd.)

enlargement,

- nonconforming structures, 40-7-4
- structure with nonconforming use, 40-7-5

establishment of districts, 40-3-1

fees, 40-8-12

fences, 40-5-3

front setbacks,

- certain built up areas, 40-3-12
- corner/through lots, 40-3-11

front yard,

- defined, 40-2-2

general prohibition, 40-3-6

height limits,

- exceptions, 40-3-14

home occupations, 40-5-4

hospitals, 40-5-5

"I-1" Industrial District,

- lot and structure requirements, 40-4-38
- no mobile homes, 40-4-36
- permitted uses, 40-4-39
- purpose, 40-4-35
- special uses, 40-4-40
- temporary use, 40-4-41
- use restrictions, 40-4-37

interpretation, 40-1-3

intrusions into yards, 40-3-13

junk yards, 40-5-6

jurisdiction,

- of zoning code, 40-1-2

kennels, 40-5-7

liability,

- disclaimer of, 40-1-4

map, 40-3-2

- annexed territory, 40-3-5
- determination, 40-3-4
- publication, 40-3-3

meeting minimum requirements, 40-3-9

nonconforming,

- generally, 40-7-1
- lot, 40-7-2
- structures, 40-7-4
- under permit authority, 40-7-6
- use occupying structure, 40-7-4
- use of land, 40-7-5

nursing homes, 40-5-5

off-street loading,

- computation, 40-6-5
- design and location, 40-6-6
- existing, 40-6-2

off-street parking,

- access ways, 40-6-3.3
- applicability of article, 40-6-1
- computation, 40-6-5
- existing, 40-6-2
- interior aisles, 40-6-3.2

Zoning, (Cont'd.)

off-street parking, (Cont'd.)

- location, 40-6-4
- number, 40-6-7
- parking lot standards, 40-6-2
- spaces, 40-6-3.1
- surfacing, 40-6-3.4

patios,

- intrusion into yards, 40-3-13

permanent certificate,

- of zoning compliance, 40-8-5

permits,

- initial certificate, 40-8-2

plan commission, (See Plan Commission)

porches,

- intrusion into yards, 40-3-13

purpose,

- of zoning code, 40-1-1

"R-1" single-family residential district,

- lot and building requirements, 40-4-10
- permitted uses, 40-4-11
- purpose, 40-4-8
- special restrictions, 40-4-9
- special uses, 40-4-12

"R-2" general residential district,

- lot and building requirements, 40-4-16
- permitted uses, 40-4-17
- purpose, 40-4-14
- special restrictions, 40-4-15
- special uses, 40-4-18

"R-3" mobile home district,

- lot and building requirements, 40-4-22
- mobile home parks, 40-4-26
- mobile homes on individual lots, 40-4-25
- permitted uses, 40-4-23
- purpose, 40-4-21
- special uses, 40-4-24

rear yard,

- defined, 40-2-2

reconstruction,

- nonconforming structures, 40-7-4

recreational vehicles, 40-5-9

separability, 40-1-5

sewers, septic tanks, 40-3-15

special uses, 40-9-2

- action by council, 40-9-2.4
- advisory report, factors considered, 40-9-2.3
- application, 40-9-2.1
- public hearing, notice, 40-9-2.2
- temporary use permits, 40-9-2.5

stables, 40-5-2

streets,

- as district boundary, 40-3-4

structure,

- nonconforming, 40-7-4
- temporary uses, 40-3-8

Zoning, (Cont'd.)

swimming pools, 40-5-8

temporary uses, 40-3-8

unlisted uses, 40-3-7

variances, 40-9-6

- advisory report, 40-9-6.4
- application, 40-9-6.1
- decision by council, 40-9-6.4
- public hearing, notice, 40-9-6.2
- standards, 40-9-6.3

walls, 40-5-3

zoning administrator, 40-8-1

- application, 40-8-3
- complaints, 40-8-11
- contents of order, 40-8-7
- corrective action orders, 40-8-6
- duration of certificate, 40-8-4
- duties, 40-8-1
- emergency measures, 40-8-10
- filing fees, 40-8-12
- final certificates of zoning compliance, 40-8-5
- initial certificates of zoning compliance, 40-8-2
- penalties, 40-8-13
- service of order, 40-8-8
- stop orders, 40-8-9

zoning board of appeals,

- appointment to, 40-9-2
- compensation, 40-9-2
- established, 40-9-1
- meetings of, 40-9-4
- membership of, 40-9-2
- quorum, 40-9-4
- records, 40-9-5
- term of office, 40-9-3
- vacancies, 40-9-3

Zoning and building administrator,

creation of office, 1-2-110

duties and salary, 1-2-111