CITY OF CARTERVILLE

ORDINANCE NO. ______

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

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

THIS _____ DAY OF ______________, 2016

Published in pamphlet form by authority of the City Council of the City of Carterville, Williamson County, Illinois this ______ day of ________
_______________, 2016.
ORDINANCE NO. _______

AN ORDINANCE ADOPTING A REVISED CODE OF ORDINANCES FOR THE CITY OF CARTERVILLE, WILLIAMSON COUNTY, ILLINOIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARTERVILLE, WILLIAMSON COUNTY, ILLINOIS, THAT:

SECTION 1: Adoption. There is hereby adopted a "Revised Code of Ordinances" for the City of Carterville, Williamson County, Illinois shall be as follows:

[SEE EXHIBIT "A" FOLLOWING]

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

SECTION 3: Conflicting Ordinances. Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

SECTION 4: Effective. This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

SECTION 5: Passed this ___ day of ________________, 2016 by the Mayor and City Council of the City of Carterville, Williamson County, Illinois, and deposited and filed in the office of the City Clerk in said City on that date.

MICHELE A. EDWARDS, CITY CLERK
CARTERVILLE, ILLINOIS

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Approved by the Mayor of the City of Carterville, Williamson County, Illinois, this ___ day of ________________, 2016.

BRAD ROBINSON, MAYOR
CARTERVILLE, ILLINOIS

ATTEST:

MICHELE A. EDWARDS, CITY CLERK
CARTERVILLE, ILLINOIS

(SEAL)
CITY CLERK’S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF WILLIAMSON
CITY OF CARTERVILLE

I, Michele A. Edwards, City Clerk of the City of Carterville, Illinois, do hereby certify that the following Code of the City of Carterville, Williamson County, Illinois, published by authority of the City Council was duly passed by the City Council of the City of Carterville, 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 Carterville, Illinois, this _____ day of ________________ , 2016.

__________________________
MICHELE A. EDWARDS
CITY CLERK
CARTERVILLE, ILLINOIS

(SEAL)
## LIST OF ORDINANCES

**CARTERVILLE, ILLINOIS**

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## LIST OF ORDINANCES

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ADMINISTRATION 1-1-1

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 of Carterville". The Revised Code of Ordinances shall be known and cited as the "Ci 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;
- 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 WILLIAMSON  ) ss.  CITY CLERK’S OFFICE
CITY OF CARTERVILLE  )

I, Michele A. Edwards, City Clerk of the City of Carterville, Illinois, do hereby certify that the following **Revised Code of Ordinances of the City of Carterville, Illinois of 2015,** published by authority of the City Council were duly passed by the City Council of the City of Carterville, 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 Carterville, Illinois, this ______ day of ________________, 2016.

__________________________
MICHELE A. EDWARDS
CITY CLERK
CITY OF CARTERVILLE

(SEAL)

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

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

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

1-1-16 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 Carterville, Illinois.

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

"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 Williamson.

"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 in the employee agreement.

"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" as used in this Code shall mean the Mayor of this City.

"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.

"NEGLIGENCE", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY" impart 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" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the City or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"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 One Thousand Dollars ($1,000.00) 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 One Thousand Dollars ($1,000.00) 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  MINOR VIOLATIONS PENALTY.
(A) Any person accused of a violation of any section of this Code except Chapter 24 entitled "Motor Vehicles" may settle and compromise the claim by paying to the City the sum of Fifty Dollars ($50.00) within ten (10) days from the time such alleged offense was committed or by paying to the City Clerk the sum of Seventy-Five Dollars ($75.00) subsequent to said ten (10) day period and prior to such person being issued a complaint or notice to appear.
(B) The tickets issued under this Section shall be as a courtesy in lieu of arrest. If the person accused of this violation does not settle the claim, a complaint or notice to appear will be issued for that violation and the person shall be subject to the penalties set forth in Section 1-1-20 of this Code.

1-1-22  SERVICE BY CERTIFIED MAIL. In all actions for violation of any municipal ordinance where the fine would not be in excess of Seven Hundred Fifty Dollars ($750.00) and no jail term could be imposed, service of summons may be made by the municipal clerk by certified mail, return receipt requested, whether service is to be within or without the State. (See 65 ILCS Sec. 5/1-2-9.1)

1-1-23  APPLICATION.
(A) The penalty provided in this Chapter shall be applicable to every section of this City Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this City Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.
(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the
revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

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

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

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

DIVISION I - CITY COUNCIL

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

1-2-2 REGULAR MEETINGS. The regular stated meetings of the City Council shall be held in the City Hall Building on the second (2nd) Tuesday in each month at 7:00 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 Sec. 5/3.1-40-25) (Ord. No. 553-89; 05-08-89)

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 a designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken 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 COMMITTEES. The following standing committees of the City Council are hereby established, to-wit:

(A) Streets and Sidewalks
(1) Public Safety and Insurance
(2) Parks and Cemetery
(3) Finance – Economic Development – Operations

[NOTE: Committee appointments are subject to change at the discretion of the Mayor.]

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

(C) The Mayor shall be ex-officio chairman 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 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) All committee meetings are subject to the Open Meetings Act requirements and minutes shall be taken. (See 5 ILCS Sec. 120/1 and 120/2.06)

1-2-5 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.

1-2-6 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.

1-2-7 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. Any Alderman duly notified in writing by the City Clerk of the time and place of such adjourned meeting and any Alderman who may have been present when such adjournment was had who fails to attend the same shall be fined Twenty-Five Dollars ($25.00) for each of such adjourned meetings as he failed to attend; provided that the foregoing shall not apply when any Alderman is absent from such meeting or meetings because of sickness or unavoidable accident. (See 65 ILCS Sec. 5/3.1-40-20)

1-2-8 MEMBERS REFUSING TO ATTEND. Any member of the City Council who shall neglect or refuse to attend any meeting of the City Council without good and sufficient excuse to be passed upon by the City Council shall be fined the sum of Twenty-Five Dollars ($25.00) for failure to attend such meeting. No member shall receive compensation for failure to attend said meeting under the provisions of Section 1-2-2. (See 65 ILCS Sec. 5/3.1-10-50 and 5/3.1-40-20)

[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.

1-2-9 - 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 include the following: 

(See 65 ILCS Sec. 5/3.1-40-15)

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

(A) Call to order by presiding officer.
(2) Roll Call.
(3) 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.
(4) Treasurer's Report.
(5) Visitors and Public Comment.*
(6) Reports and Departmental Reports.
(7) Reports of Special Committees.
(8) Unfinished business.
(9) Presentation of communications, petitions, resolutions, orders, and ordinances.
(10) Miscellaneous 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.

(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.

(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 Notions 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 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 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. *(See Addendum "B", Request for Public Comment or Auxiliary Aid(s) and/or Services)*

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

1-2-15 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 Village Board 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) (1991)

NOTE ON VOTING: An Alderman is not required to vote on a motion, resolution or ordinance. His failure to vote, however, will not invalidate a resolution or motion which does not require the affirmative vote of a particular percentage of the corporate authorities where the majority of those exercising their franchise are in favor of the motion or resolution.

In dealing with an ordinance involving liability, expenditure or appropriation wherein an affirmative vote of a majority of the corporate authorities holding office is required, the philosophy is this: "If a member of a public body is present at a meeting, he is obliged to vote, except if he has an interest in the matter that is before the public body, and if he does not vote, his failure to do so must be construed as concurring with the majority. The non-vote will be counted in the column of the majority of those voting."

1-2-17 - 1-2-18  RESERVED.
DIVISION IV - GENERAL PROVISIONS

1-2-19  CORPORATE SEAL.
(A) The words "Seal of the City, Carterville, Illinois" in the outer circle and a bust of John A. Logan, a rising sun with the words March 8, 1892 on a banner, and a United States flag positioned in a brick structure with the words "Carterville—Come Live With Us." (See 65 ILCS Sec. 5/2-2-12)
(B) The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the City and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the City Clerk who shall be the legal custodian. (See 65 ILCS Sec. 5/3.1-35-90)

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

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

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

1-2-22  MUNICIPAL OFFICERS - REGULATIONS.
(A) Effect. The provisions of this Division shall apply alike to all officers and employees of the City regardless of the time of creation of the office or position or the time of the appointment of the officer or employee.
(B) Qualifications; Appointive Office.
(1) No person shall be eligible for any appointive municipal office unless that person is a qualified elector of the municipality or otherwise provided by law.
(2) The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed city treasurers, or to appointed city collectors (unless the City has designated by ordinance that the City Clerk shall also hold the office of collector). (See 65 ILCS Sec. 5/3.1-10-6)
(C) Bond. Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position. (See 65 ILCS Sec. 5/3.1-10-30)
(D) Books Delivered to Successor. Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the City. Within five (5) days after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality, or pertaining to the office he has held. Upon
his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of Section 1-1-20 of this Code. He shall not receive his final check until his City Code Book and keys are turned over to the City Clerk. (See 65 ILCS Sec. 5/3.1-10-35)

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

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

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

(H) Conservators of Peace.

(1) After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, 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)

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

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

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

1-2-23 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)
1-2-24 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. (65 ILCS 3.1-10-5(A))

(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. (65 ILCS 3.1-10-5 and 3.1-10-5(B))

(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 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). (People v. Hofer, 363 Ill. App 3d 719 (5th District))

1-2-25 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 $50,000.00
2. City Treasurer $50,000.00
3. City Clerk $50,000.00
4. Deputy Clerk $50,000.00
5. Police Chief $50,000.00

(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.

1-2-26 LIABILITY INSURANCE.

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

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

Notwithstanding any other 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.)

1-2-27
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 Thousand Dollars ($20,000.00), shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two-thirds (2/3) of the Aldermen then holding office.

(C) 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;
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(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.

(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) (1991)

1-2-28 **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.

1-2-29 **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 five (5) days prior to the regular meeting 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.

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

1-2-31 **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))

1-2-32 **OFFICIAL RECORDS.** All official records, including the Corporate Seal, shall be
kept in the City Hall.

1-2-33 **FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.**
(A) Eligible employees shall mean all employees of the City, eligible under the
Federal Act, including persons elected to office by popular election.
(B) Withholdings from salaries or wages of employees for the purpose provided in
sections hereof are hereby authorized to be made in the amounts and at such times as may be required
by applicable State or Federal laws or regulations, and shall be paid quarterly.

1-2-34 **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.
(D) This exclusion shall apply only to officials and employees who first occupy offices
or positions under the Fund after adoption of this Section.

1-2-35 **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.

1-2-36 **RESERVED.**
1-2-37 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 1-2-41, 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.

1-2-38 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.

1-2-39 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 1-2-41 or 1-2-42.

(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.
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ADMINISTRATION 1-2-40

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

1-2-40 **ELECTION OF AN ACTING MAYOR.** The election of an acting Mayor pursuant to Section 1-2-42 or 1-2-43 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.

1-2-41 **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.

1-2-42 **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 1-2-40, 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 1-2-41.
(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.

1-2-43 **VACANCIES DUE TO ELECTION BEING DECLARED VOID.** In cases of vacancies arising by reason of an election being declared void pursuant to Section 1-2-39(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.

1-2-44 **OWING A DEBT TO THE MUNICIPALITY.** A vacancy occurs if a municipal official fails to pay a debt to a municipality in which the official has been elected or appointed to an elected position subject to the provisions of 65 ILCS 5/3.1-10-50(C)(4).

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

1-2-45 - 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 ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the municipality. (See 65 ILCS Secs. 5/3.1-55-5)

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

1-2-55 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 BUSINESS LICENSE COMMISSIONER. The Mayor is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law, with the advice and consent of the City Council.

1-2-60 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)

1-2-61 HEALTH COMMISSIONER. The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the City authority as prescribed by law.
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. 5/3.1-40-30)

RESERVED.
DIVISION VII - CITY CLERK

1-2-66 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 5/3.1-30-5)

1-2-67 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 Division V of this Chapter)

1-2-68 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)

1-2-69 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)
1-2-70  **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.

1-2-71  **CITY LICENSES.** In all cases where the City requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Clerk, it shall be the duty of the Clerk to provide such plates, tags, or stickers to the person paying the license fee.

1-2-72  **REPORT OF LICENSES.** The Clerk shall report to the City Council at its regular meeting each month and more often if the Council so requires the data contained in the license register with respect to licenses issued during the previous month.

1-2-73  **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 his estimates as nearly as may be of moneys necessary to defray the expenses of the corporation during the current fiscal year. In the report, he shall classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, he is hereby authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements, and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year.

He shall in such report, show the aggregate income of the preceding fiscal year from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due, and when payable, and in such report, he shall give such other information to the City Council as he may deem necessary to the end that the City Council may fully understand the money exigencies and demands upon the corporation for the current year.

1-2-74  **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)

1-2-75  **OUTSTANDING BONDS.** The Clerk shall keep in his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued, or purchased, or paid, or cancelled, the book or books shall show that fact; and in the annual report, the Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof. (See 65 ILCS Sec. 5/3.1-35-110)

1-2-76  **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.

1-2-77  **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)

1-2-78  **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.

1-2-79  **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)

1-2-80  **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)

1-2-81  **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. (65 ILCS 5/8-1-8)

1-2-82 - 1-2-87  **RESERVED.**
DIVISION VIII - CITY TREASURER

1-2-88 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.

1-2-89 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.

1-2-90 TREASURER ELECTED; VACANCY. The Treasurer shall be elected at the same election as the Mayor for a four (4) year term and shall serve until 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)

1-2-91 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)

1-2-92 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)

1-2-93 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)

1-2-94 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)
1-2-95 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)

1-2-96 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)

1-2-97 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)

1-2-98 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.

1-2-99 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, on what account paid, and the total amount in the aggregate paid to each person from each account; and

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

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

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

1-2-100 DEPOSIT OF FUNDS.

(A) Designation by Council. The Treasurer is hereby required to keep all funds and monies in his or her custody belonging to the City in such places of deposit as have been designated by Section 1-2-100(F). 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 or savings and loan association has been designated as a depository, it shall continue as

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such depository until ten (10) days have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this Section. When a new depository is designated, the corporate authorities shall notify the sureties of the Village Treasurer of that fact in writing at least five (5) days before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money that the Treasurer deposits in a designated bank or savings and loan association while the funds and money are so deposited.

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

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

(D) Each Village Treasurer may:

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

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

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

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

1. Bank of Herrin, Herrin, IL
2. Old National Bank & Trust Co., Evansville, IL
3. First Mid-Illinois Bank & Trust, Carterville, IL

(Ord. No. 793-95; 04-25-95)
DIVISION IX - JUDICIARY

1-2-105 APPOINTMENT OF ATTORNEY. The Attorney shall be appointed by the Mayor, by and with the advise and consent of the City Council for the term of one (1) year, unless sooner removed for cause, and until a successor shall have been appointed and qualified. The Attorney shall have full charge of the law affairs of the City and shall be known as the City Attorney, and shall receive reasonable fees for services rendered when, in his or her judgment, or in the judgment of the Mayor or City Council, the same are necessary or are for the best interests of the City. (See 65 ILCS Sec. 5/3.1-30-5)

1-2-106 DUTIES.

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

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

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

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

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

(F) Collection of Taxes. The Attorney is hereby authorized and instructed to enforce the collection of any and all taxes and special assessments in the collection of which the City is interested and to attend all sales of real or personal property made to enforce the collection of such taxes or special assessments and to bid thereat on behalf of the City.

(G) Commissions. The City Attorney shall act as the legal advisory for the Utilities Systems, for the Plan Commission, for the Zoning Board of Appeals and for all other boards and commissions hereafter established by the City Council. The Attorney shall perform all legal services as may be required for those boards and commissions.

1-2-107 - 1-2-108 RESERVED.
DIVISION X – BUILDING INSPECTOR

1-2-109 APPOINTMENT. There is hereby created the position of Building Inspector who shall be appointed by the Mayor with the advice and consent of the Council.

1-2-110 DUTIES. It shall be the duty of the Building Inspector to see to the enforcement of all code provisions relating to buildings or zoning and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure the compliance with the ordinances of the City.

1-2-111 EX-OFFICIO PLUMBING INSPECTOR. The Building Inspector shall act as ex-officio Plumbing Inspector and shall have all the powers and perform all the duties connected with that office, unless a separate plumbing inspector is appointed.

1-2-112 STOP ORDER. The Building Inspector shall have the power to order all work stopped on construction or alteration or repair of buildings in the City when such work is being done in violation of any provision of any ordinance relating thereto, or in violation of the Zoning Code. Work shall not be resumed after the issuance of such an order, except on the written permission of the Building Inspector, provided that if the stop order is an oral one, it shall be followed by a written stop order within an hour. Such order may be served by the Building Inspector or any policeman.

1-2-113 ENTRY POWERS. The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections, at any reasonable hour.

1-2-114 VACANCY. In the event of a vacancy existing in the office of the Building Inspector, the Fire Chief, or any other officer who may be designated by the Council shall perform the duties and have the powers of the Building Inspector.

1-2-115 RESERVED.
DIVISION XI – CODE ENFORCEMENT OFFICER

1-2-116 GENERALLY.
(A) The position of Code Enforcement Officer is hereby established.
(B) The position is to be filled by appointment by the Mayor with approval of the City Council.
(C) The compensation for the Code Enforcement Officer will be established by the City Council.

1-2-117 RESERVED.

(Ord. No. 948-98; 09-08-98)

DIVISION XII - CITY ENGINEER

1-2-118 APPOINTMENT. With the advice and consent of the City Council, the Mayor may appoint an engineer for the City, who shall serve for the term of the Mayor or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and City Council.

1-2-119 DUTIES - SALARY. The City Engineer shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the City Council. The Engineer shall also examine all public works under his or her charge and see that the plans, estimates and specifications for the same are properly executed. The Engineer shall receive reasonable compensation for his services and the same will be provided for in the annual appropriation ordinance on an estimated basis. (See 65 ILCS Sec. 5/3.1-30-5)

1-2-120 RESERVED.
DIVISION XIII - PUBLIC WORKS DIRECTOR

1-2-121 OFFICE CREATED. There is hereby created the office of Public Works Director who shall be appointed by the Mayor with the advice and consent of the City Council for a term of one (1) year who shall hereinafter be known as the “Superintendent or Director”. (See 65 ILCS Sec. 5/3.1-30-5)

1-2-122 AUTHORITY. The Director shall have charge of and be responsible for:
(A) The operation and maintenance of the municipal water and sewer distribution systems as otherwise provided in this Code.
(B) The construction and care of all public streets, alleys and driveways in the City.
(C) The cleaning and safekeeping of all public streets, alleys and driveways.
(D) The construction, repair and maintenance of all gutters and drains located within or upon public streets, alleys and driveways and elsewhere by easement or right-of-way insuring that the same are kept free from defects.
(E) Supervise the lighting of public streets and alleys.
(F) Such other duties and responsibilities as may be otherwise defined in other chapters of this Code.
(G) Take custody of all City property which is not otherwise assigned to the care and custody of any other City officer or official.
(H) The operation and maintenance of the municipal cemeteries.
(I) The operation and maintenance of the municipal parks.
(See Chapter 33 and 38)

1-2-123 DEPARTMENT EMPLOYEES. All officers or employees assigned to the Department of Public Works shall perform their duties subject to the directions and under the supervision of the Director.

1-2-124 PROPERTY CUSTODIAN. The Director shall be the custodian of all City property which is not assigned to the care or custody of any other City officer.

1-2-125 RESERVED.
(See Chapter 33 & 38)
ARTICLE III - SALARIES

1-3-1  SALARIES OF CITY OFFICIALS. The following salaries are hereby established for elected City Officials:

(A)  Mayor. The Mayor shall receive a salary of Thirty-Six Thousand Dollars ($36,000.00) per annum, payable in monthly installments of Three Thousand Dollars ($3,000.00) for his/her services. He/she shall be entitled to reimbursement for actual expenses incurred in the performance of his/her duties.

(B)  Aldermen. An Alderman shall receive a salary of Six Thousand Dollars ($6,000.00) per annum, payable in monthly installments of Five Hundred Dollars ($500.00) plus Fifty Dollars ($50.00) for attending each regular meeting.

(C)  Clerk. The City Clerk shall receive a salary of Fourteen Thousand Four Hundred Dollars ($14,400.00) per annum, payable in monthly installments of One Thousand Two Hundred Dollars ($1,200.00) for his/her services.

(D)  Deputy Clerk. The Deputy Clerk shall receive a salary of Two Thousand Four Hundred Dollars ($2,400.00) per annum, payable in monthly installments of Two Hundred Dollars ($200.00) for his/her services.

(E)  Treasurer. The Treasurer shall receive a salary of Fourteen Thousand Four Hundred Dollars ($14,400.00) per annum, payable in monthly installments of One Thousand Two Hundred Dollars ($1,200.00) for his/her services.

(F)  Water and Sewer Board Members. Water and Sewer Board members shall receive a salary of Two Thousand One Hundred Dollars ($2,100.00) per annum, payable in monthly installments of One Hundred Seventy-Five Dollars ($175.00) for services rendered.

(Ord. No. 1280-11; 03-21-11)

(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 – WARD DESCRIPTIONS

1-4-1
(A) Division Street.
(B) Division Street.
(C) Division Street.
(D) Division Street.

WARDS. There are hereby established four (4) Wards for the City, as follows:

Ward I. Ward I shall consist of all area north of Grand Avenue and west of

Ward II. Ward II shall consist of all area south of Grand Avenue and west of

Ward III. Ward III shall consist of all area south of Grand Avenue and east of

Ward IV. Ward IV shall consist of all area north of Grand Avenue and east of
ARTICLE V – MEETING PROCEDURES

DIVISION I – 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.
DIVISION II – REMOTE MEETING PARTICIPATION

1-5-11 STATUTORY AUTHORITY FOR PARTICIPATION. Pursuant to Public Act 94-1058 which amends the Open Meetings Act in 5 ILCS 120/7, this municipality does hereby establish a policy that permits members of the corporate body to attend meetings by means other than physical presence.

1-5-12 DEFINITION OF MEETING. The term "meeting" shall mean "any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business" or such other definition as shall be contained within the state statutes.

1-5-13 AMENDMENT OF PREVIOUS TERMS. The definition of "meeting" set forth in Section 1-5-12 shall supersede and replace any other definition used in any previous or existing ordinance.

1-5-14 REMOTE PARTICIPATION POLICY. The City hereby adopts the Remote Participation Policy, as outlined in Addendum "A", that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video, or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws.
GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY

(A) Policy Statement. It is the policy of the City that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) Prerequisites. A member of the Covered Group of the City shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets the following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance;

1. the member must notify the recording secretary or clerk of the Covered Body at least twenty-four (24) hours before the meeting unless advance notice is impractical;
2. the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the City; or (3) the member cannot attend because of a family or other emergency; and
3. a quorum of the Covered Body must be physically present.

(C) Voting Procedure. After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(D) Quorum and Vote Required. A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.

(E) Minutes. The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that meeting of the members and is allowed to participate. The meeting minutes of the City shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.
ADDENDUM “B”

NOTICE OF REQUEST FOR PLACEMENT UPON CITY COUNCIL AGENDA

I, __________________________ (name), do hereby request placement upon the agenda of the City Council's regularly scheduled meeting on __________________________ (date) to address the Council with regards to:

________________________________________
________________________________________
________________________________________

(short explanation of proposed business)

Dated this __________ (day) of __________ (month), __________ (year).

Sincerely,

________________________________________
APPLICANT

Printed Name
Address

Telephone Number

Please keep in mind that pursuant to Section 1-2-13 that establishes rules governing the address of the City Council, all remarks must be kept to a maximum of five minutes, shall be addressed to the City Council, and shall not be disruptive to the business of the Council. The Mayor is empowered to remove individuals from any meeting should they fail to adhere to the rules regarding address of the Council.

REQUEST FOR AUXILIARY AID(S) AND/OR SERVICE(S)

NAME OF APPLICANT: __________________________

NAME OF COMPANION: __________________________

ADDRESS: __________________________

TELEPHONE: __________ CELL NO.: __________

DATE OF NEEDED AUXILIARY AID OR SERVICE: __________

SPECIFY AUXILIARY AID(S) AND/OR SERVICES REQUIRED: __________________________

DATE: __________ SIGNED: __________
NOTE: The identifying names have been changed to preserve confidentiality for Carterville.

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**Key**

- **P** Personnel
- **P/L** Pending Litigation
- **L/A** Land Acquisition
- **CB** Collective Bargaining
# Carterville City Code

## CHAPTER 3 - ANIMALS

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CHAPTER 3
ANIMALS

ARTICLE I - GENERAL REGULATIONS

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

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

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

"ANIMAL CONTROL WARDEN" means any person appointed by the Mayor and approved by the City Council to perform duties enforcing this Code or any animal control official appointed and acting under authority of the 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 a responsible person.

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

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

"DANGEROUS DOG" means:
(A) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal, or
(B) a dog that, without justification bites a person and does not cause serious injury. (See 510 ILCS 5/2.052A)

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

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

"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 that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The 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. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. (510 ILCS 5/2.11a)

"FERAL CAT" means a cat that:
(A) is born in the wild or is the offspring of an owned or feral cat and is not socialized,
(B) is a formerly owned cat that has been abandoned and is no longer socialized, or lives on a farm.

(510 ILCS 5/2.11b)

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

"INOCULATION AGAINST RABIES" means the injection of an anti-rabies vaccine approved by the Department. (See 510 ILCS 5/2.13)

"KENNEL" means any structure or premises or portion thereof on which more than three (3) dogs, cats, or other household domestic animals, over four (4) months of age, are kept or on which more than two (2) such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

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

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

"OWNER". For the purpose of this Code, the word "owner" means a person having a right of property in a dog or other animals or who keeps or harbors a dog, or who has a dog in his care, or who acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him. (See 510 ILCS 5/2.16)

"POTENTIALLY DANGEROUS DOG" means a dog that is unsupervised and found running at large with three (3) or more other dogs. (510 ILCS 5.17c)

"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 of Agriculture for the purpose of recording pertinent information as required by the Department under the Animal Control Act. (See 510 ILCS 5/2.19)

"RESTRAINT". A dog is under "restraint" within the meaning of this Code if it is controlled by a leash; within an enclosed 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 inches (2") from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

"UNOWNED STRAY DOG". "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)

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

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

3-1-3 INJURY TO PROPERTY.
(A) Unlawful. It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.
(B) Waste Products Accumulations. It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

3-1-4 MANNER OF KEEPING.
(A) Pens, Yards, or Runs. All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.
(B) Fences. Fences which are intended as enclosures for an animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

3-1-5 BARKING OR HOWLING OF DOGS.
(A) It is unlawful for any person to own, possess, harbor, control, or keep on any premises any dog that barks or howls so continuously or incessantly as to unreasonably disturb the peace and tranquility of the neighborhood. Commercial dog kennels, permitted by zoning law where located, are subject to dog barking nuisance laws as well as other applicable City codes.
(B) For purposes of this Section, evidence that the dog has barked or howled for an aggregate period of twenty (20) minutes out of one (1) hour shall be sufficient for conviction. If the first nuisance barking or howling complaint is determined to be provoked by any other animal or nearby pedestrian(s), it may be excluded from the aggregate time if the owner: (1) provides documentation that the provocation exists and cannot be avoided; and (2) takes remedial steps to change the environment of the dog(s) and abate the nuisance within a sixty (60) day period from the date of the complaint.
(C) For purposes of this Section, evidence that two (2) or more dogs are provoking each other to bark, shall be sufficient for conviction under this Section, so long as the barking continues for an aggregate twenty (20) minutes out of one (1) hour, regardless of which dog commenced the barking. In such instance, owners of each dog involved shall be subject to citation. Proof that any individual dog barked for an aggregate twenty (20) minutes out of an hour shall not be required if it is shown that the barking of the two (2) or more dogs was continuous sequentially or in concert for a twenty (20) minute period.
(D) Upon receipt of any complaint based on continuous or incessant barking or howling, an agent of the City shall investigate and take a report from any complaining witness.
Upon evaluation of the report, if in the opinion of the agent of the City a valid complaint exists, the officer shall contact the owner of the animal complained about and advise the owner of the existence of the complaint, and instruct the owner to abate the nuisance.

If a second complaint is received within a sixty (60) day period after the giving of such notice and warning regarding a dog barking or howling incessantly and continuously, the officer shall investigate the second complaint and take a report from any complaining witness.

Upon evaluation of the report, if in the opinion of the agent of the City the dog is creating a nuisance by barking or howling incessantly or continuously, the agent shall issue a citation to the owner of said animal for violation of this Section. Such violation shall be a violation of City ordinance.

The initial penalty for conviction of an infraction based on this Section shall be a fine of **One Hundred Dollars ($100.00)**.

The penalty for additional violations of this Section shall be a fine of **Five Hundred Dollars ($500.00)** and shall be applied to each subsequent conviction occurring within **two (2) years** of the previous resolution. Upon conviction the owner shall be required to either remove the dog from the premises or comply with such other restrictions as deemed necessary by the Chief of Police.

Nothing in this Section shall be construed to prevent any party from bringing a civil action to abate the nuisance.

(Ord. No. 1381-15; 07-15-15)

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**CRUELTY TO ANIMALS PROHIBITED.**

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

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

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**EXHIBITING WILD OR VICIOUS ANIMALS.**

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

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

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

(D) The Department of Agriculture shall 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, then said animal may be kept on a temporary basis.
3-1-8 HEALTH HAZARD. The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public.

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

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

(B) Limitation; Exception.
(1) It shall be unlawful for any person or persons to keep more than five (5) dogs or 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. (See Zoning Code, if any.)

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

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

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

3-1-11 ANIMAL FEED PROHIBITED. It shall be unlawful for anyone to place or distribute any animal feed on public property, public easements and accesses to public property. It shall be unlawful for anyone to place or distribute animal feed on vacant lots or in unoccupied structure in the City.

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

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

3-2-2 DOGS 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 3-1-2. (See 65 ILCS Sec. 5/11-20-9)

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

(A) It shall be the duty of such employees and officers 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 or State.
(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.

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

3-2-9 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDED DOGS. 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. (See 510 ILCS 5/13)

3-2-12 IMPOUNDMENT. Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog found running at large.
3-2-13 **REDEMPTION OF IMPOUNDED ANIMALS.** The owner of any animal impounded under this Chapter may redeem the same by paying all the costs and charges assessed, if any, that have accrued up to the time of making redemption and on paying the same; it shall be the duty of the authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any County authority having possession of the animal.

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

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

3-2-16 **DANGEROUS DOG - FEMALE DOG AT LARGE.** It shall be unlawful for the owner or keeper of any vicious or dangerous dog as defined in Section 3-1-2 or of any female dog, while in heat, to run at large within the limits of this City.

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

3-2-18 **TETHERING DOG REGULATIONS.** The following regulations shall be applicable to owners and guardians of dogs in their care to-wit:

(A) **Animal Welfare.** A dog that is outside for one (1) hour or more, whether fenced, kenneled, or tethered shall have proper food, water, and shelter. Owners and guardians shall be responsible for the welfare of their pets in severe heat, cold, rain, snow, ice, and wind.

(B) No dog shall be tethered within fifty (50) feet of a school, daycare, or school bus stop.

(C) No dog shall be tethered on any public easement, or public access to private property.

(D) No dog shall be tethered on private property within ten (10) feet of public or neighboring property.

(E) No dog shall be tethered on land without a dwelling or a vacant dwelling.

(F) No dog shall be left inside a vacant dwelling.

(G) No more than two (2) dogs may be tethered on one residential property.

(H) No more than one (1) dog shall be attached to a tether.

(I) A properly constructed fence, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment.

(J) A properly constructed kennel, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment if the following conditions are met. The dimensions of the kennel shall be dictated by the size of the dog. The kennel shall have a doghouse large enough for the dog to stand and turn around, with roof, four sides, and solid floor three (3) inches above the ground. The acceptable kennel size is one hundred twenty-five (125) square feet per dog of under fifty (50) pounds.

(K) Tethering shall not be used as permanent means of containment for any companion pet.

(L) Tethering shall be acceptable under the following conditions:

(1) Trolley or pulley types of tethering systems are recommended.
Fixed point tethers shall be acceptable upon inspection and approval by Animal Control.

All tethers will be a minimum of fifteen (15) feet in length and no more than one-eighth (1/8) the dog’s weight.

The tether shall have a swivel mechanism on both ends and attached to a properly fitting, non-metal, buckle type collar or a harness.

No pinch or choke collars shall be allowed.

No tether shall be directly attached to the dog.

No dog shall be tethered longer than ten (10) continuous hours or twelve (12) hours in any twenty-four (24) hour period.

Owners shall be responsible to maintain a clean and healthy environment on their property and provide medical treatment when needed.

Variances. Any person seeking a variance from the regulations in this Section shall complete an application from the City. The variance shall be reviewed by the City Council for approval or disapproval.

CITY PARK RESTRICTIONS. All dogs and cats that are in any city park are subject to the following restrictions:

(A) They shall be on a leash and accompanied by their owner at all times.

(B) The owners shall be responsible for the clean-up and removal of their animal’s waste.

(C) No animal shall be allowed to roam free.

ORD. NO. 1270-10; 12-14-10

PUBLIC EVENTS; ANIMAL RESTRICTIONS. It shall be unlawful to permit any animal, especially dogs, the following in public events, athletic events and congested gatherings:

(A) Under no circumstances shall any type of dog or any other animal be allowed on any athletic field, under any circumstances, with the exception that this does not apply to any service dog or any dog whose specific purpose is to be used for any other reason, such as service to a handicapped individual.

(B) Under no circumstances shall any type of dog or any other animal be allowed at any sporting event, under any circumstances, with the exception that this does not apply to any service dog or any dog whose specific purpose is to be used for any other reason, such as service to a handicapped individual.

ORD. NO. 1322-12; 05-22-12

SEE 65 ILCS SECS. 5/11-1-1 AND 5/11-20-9
ARTICLE III - Vicious and Dangerous Dogs

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

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

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

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

(B) "Dangerous Dog" means:
   (1) Any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal, or
   (2) A dog that, without justification bites a person and does not cause serious injury.

   (See 510 ILCS 5/2.052A)

(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 that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The 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. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

   (510 ILCS 5/2.11a)

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

(E) "Found to Be Vicious Dog" means:
   (1) That the County Veterinarian, Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in Section 3-1-2 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 Section 3-1-2 and has entered an order based on that finding.
3-3-2 **UNLAWFUL TO MAINTAIN.** It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

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

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

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

(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 **fifteen (15) working days**, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Animal Control Warden approves the enclosure as defined in this Article.

No owner or keeper of a vicious dog shall sell or give away the dog. **(See 510 ILCS 5/15)**

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, no attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to notify the Warden of changes of address. In the case of a sentry or guard dog, the owner shall keep the Warden advised of the location where such dog will be stationed. The Warden shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him. **(See 510 ILCS 5/15)**

3-3-5 **INJUNCTION.** The Animal Control Warden, the City Attorney, or any citizen of the City in which a dangerous or vicious dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. **(See 510 ILCS Sec. 5/17)**

3-3-6 **LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON.** If a dog, or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. **(See 510 ILCS Sec. 5/16)**
3-3-7 RIGHT OF ENTRY - INSPECTIONS. For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Animal Control Warden, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. (See 510 ILCS Sec. 5/17)

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

(See also 510 ILCS Sec. 5/24)
## Chapter 4 - Boards and Commissions

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CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I – BOARD OF FIRE AND POLICE COMMISSIONERS

4-1-1 CREATION. There is hereby created a Board of Fire and Police Commissioners in and for the City of Carterville, Williamson County, Illinois, in accordance with 65 ILCS 5/10-2.1-1 et seq. The Board of Fire and Police Commissioners shall consist of three (3) members who shall be appointed by the Mayor with the approval and consent of a majority of the City Council. The term of office shall be three (3) years and members shall serve until their respective successors have been appointed and qualified. No appointment shall be made by any Mayor within thirty (30) days of the expiration of his term of office.

In accordance with 65 ILCS 5/10-2.1-2, within thirty (30) days after the adoption of this Article, the Mayor shall appoint the first members of the Board of Fire and Police Commissioners. The initial term of one of the members shall be until the end of the current municipal year. One member shall be appointed until the end of the next ensuing municipal year. A third member shall be appointed to serve until the end of the second next ensuing municipal year.

4-1-2 QUALIFICATION – REMOVAL. The members of the Board of Fire and Police Commissioners shall be officers of the City and shall file an oath and fidelity bond in the amount of Five Thousand Dollars ($5,000.00).

No person holding an office under a municipality shall be a member of the Board of Fire and Police Commissioners. The acceptance of the office as a member of the Board of Fire and Police Commissioners shall be treated as a resignation of the person’s office as a member of the Board or Secretary thereof.

No person shall be appointed a member of the Board who has been convicted of a felony under the laws of the State of Illinois or the comparable laws of any other state or the United States.

No person shall be appointed a member of the Board who is related, either by blood or marriage up to the degree of the first cousin, to any elected official of the City.

No more than two (2) persons shall belong to the same political party existing in the City at the time of such appointment as defined by Section 10-2 of the Election Code [10 ILCS 5/10-2]. If only one political party exists in the City at the time of such appointments, then state or national party affiliations shall be considered in making such appointments. Party affiliation shall be determined by affidavit of the person appointed 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 their own defense, before a regular meeting of the City Council. A majority vote of the members of the City Council shall be required to remove any such member from office.

4-1-3 DEFINITIONS.

Board: The Board of Fire and Police Commissioners of the City.

Firefighter: Any person holding a position in the Carterville Fire Department, except as hereinbelow modified.

Officer: Any sworn officer holding a position in the Carterville Police Department, except as hereinbelow modified.
4-1-4 **AUTHORITY OF BOARD.**

(A) The Board of Fire and Police Commissioners shall have the duty and authority to
compile the register of eligible resulting from the examination process for original appointment in the
classified service of the Fire and Police Departments; the promotional eligibility register for promotional
appointments; and shall serve as the body to hear appeals from any suspension, demotion or termination
which may be imposed by the Mayor against any Police Officer or Firefighter, and to hear appeals as a
result of complaints brought against a member of the Police or Fire Departments by a member of the
public. The Board shall have no authority to discipline or discharge Police Officers or Firefighters.

(B) The Board of Fire and Police Commissioners is created pursuant to 65 ILCS 5/10-2/1.

4-1-5 **MEETINGS.**

(A) Notice. Notice of regular or special meetings shall be posted in accordance with
the Open Meetings Act and open to the public. During any regular or special meeting, a closed session
may be held upon a proper motion made by a member of the Board. Closed sessions may be limited to
Board members and such invited person as the Board may deem necessary.

(B) Quorum. Two (2) members of the Board shall constitute a quorum for the
conduct of all business.

(C) Chairperson. The Board shall elect a chairperson at the April meeting to serve
during the fiscal year. The chairperson shall serve for one (1) year or until a successor is duly elected
and qualified. The Board may designate one (1) member to serve as vice chairperson.

4-1-6 **GOVERNING RULES.**

(A) Formulate and Distribute. The Board shall formulate rules to carry out the
purposes of these provisions. All rules and revisions thereto shall be made available for distribution not
more than ten (10) days from the date of adoption.

(B) Substance and Application. The governing rules shall apply only to the
examination process for certification to the eligibility list and promotional register, to the appeal process
which may be filed by an officer or firefighter as a result of suspension, demotion or termination imposed
by the Mayor and to the appeal process arising out of complaints brought against a member of the Police
or Fire Department by a member of the public.

(C) Limitation of Rules. No governing rule of the Board shall apply to the
operation of the Police or Fire Departments or the conduct of its members.

(D) Examination Process. The Board of Fire and Police Commissioners shall have
the authority to promulgate rules governing the examination process for original appointment and
promotion in the classified service of the fire and police departments.

4-1-7 **ANNUAL REPORT.** The Board shall provide to the Mayor an annual report of its
activities and of the rules in force the practical effect thereof.

4-1-8 **SECRETARY.** The Assistant Clerk shall serve as Secretary for the Board and
shall keep the minutes of the Board's proceedings, shall be the custodian of all records pertaining to the
business of the Board, and shall keep a record of all examinations held.

4-1-9 **FACILITIES AND FUNDS.** The City shall allow reasonable use of public
buildings for meetings and for the holding examinations and shall provide adequate funds in the annual
appropriation for the operation of the Board.
ATTORNEY FOR THE BOARD. The City Attorney shall represent the Board and handle all matters before the Board upon behalf of the City. In the event that the City Attorney shall represent the Board, the City may employ an attorney of its choosing to serve as prosecutor before the Board.

APPLICATION PROCESS.

(A) Application Cards. Application cards for positions in the Police or Fire Department shall be available in the City Clerk's office. Completed cards shall be kept on file pending publication of the test date. Upon publication of the test date, the Clerk shall notify, by mail, those persons who have completed an application card that an application form will be available in the Clerk's office during regular business hours.

(B) Time Qualification: Pre-Employment Agreement. Applications for positions in the Police or Fire Departments shall consist of a completed application form, provided by the City. Applications shall be submitted to the City Clerk's office by the deadline determined by the Board with respect to each examination. Such dates shall be included in publication of the examination notice. In addition, each person submitting an application shall submit a signed pre-employment agreement on the form provided by the City Clerk.

(C) Informational Booklet. Upon submission of a completed application form and the signed pre-employment agreement, each applicant to the police or fire department.

APPOINTMENTS.

(A) The Board, upon compilation of an eligibility list for original appointment to either the Fire Department or Police Department, shall deliver to the Mayor an alphabetical list of names of all qualified and eligible persons for the positions. The Mayor, with the approval of the City Council, shall make all original appointments to the Fire and Police Commissioners from the list of eligible candidates. Any certificate of appointment issued shall be signed by the Mayor.

(B) Appointments Discretionary. The Board, upon certifying that applicants under this Article have satisfied all requirements imposed by the Board, shall deliver to the Mayor an alphabetical list of names of all qualified and eligible persons for reappointment to the Police Department or Fire Department. The Mayor, with the approval of the City Council, may, at his discretion, make appointments to the Police Department or Fire Department from the respective lists of eligible candidates for reappointment. The Mayor shall sign any reappointment.

PROMOTIONAL APPOINTMENT.

(A) The Board, upon completion of an eligibility register for promotional appointments to either the Fire Department or Police Department, shall deliver to the Mayor an alphabetical list of the names of all qualified and eligible people for said positions. The Mayor, with the approval of the City Council, shall make all promotional appointments to the Fire and Police Departments from the list of eligible candidates. Any certificates of appointment issued to any officer or member of the Fire or Police Department shall be signed by the Mayor.

(B) If a candidate does not wish to be certified as one of the eligible candidates for promotion, then his name will be dropped from the eligibility list or if the certified letter is returned from the post office as undeliverable, then the Board of Fire and Police Commissioners will remove the name of the uninterested or unavailable candidate from the eligibility list.

REVIEW OF DISCIPLINARY ACTION.

(A) Appeals Board. The Board has no authority in disciplinary matters involving Police Officers and Firefighters other than to serve as an appeal board from any disciplinary action taken by the Mayor.

(B) Criteria for Appeal. Any Police Officer or Firefighter, who has been suspended, demoted or terminated by action of the Mayor, may appeal that action to the Board.
(C) **Decision.** The Board is hereby granted the authority to affirm, modify, or reverse the Mayor's decision. The Mayor may appeal any decision of the Board to reverse his decision to the circuit court pursuant to the administrative review act.

(D) **Time Limited Suspension.** Nothing in this Section shall be construed to prevent the Mayor from suspending, with or without pay, and Police Officer or Firefighter for a period of not more than thirty (30) days. Any Police Officer or Firefighter so suspended may appeal for review to the Mayor within twenty-four (24) hours of the notice of the suspension, and upon appeal, the Mayor may conduct a hearing. The decision of the Mayor shall be appealable to the Board. The burden to show that the suspension is erroneous is upon the individual bringing the appeal.

4-1-15 **APPLICATION OF ARTICLE.** The provisions of this Article pertaining to disciplinary action shall apply only to full-time Firefighters and full-time Police Officers of a regularly constituted Fire or Police Department, who hold the rank of Patrol Officer or Firefighter, and not to any other personnel of the City or the Police Chief or Fire Chief.

(See 65 ILCS 5/10-2.1-1)

(Ord. No. 1294-11; 06-14-11)
ARTICLE II – POLICE PENSION FUND

4-2-1 POLICE PENSION FUND CREATED. There is hereby created and established a Police Pension Fund in and for the City of Carterville, Williamson County, Illinois, in accordance with 40 ILCS 5/3-101 et. al. (Article 3 of the Illinois Pension Code.)

4-2-2 DEFINITION OF PARTICIPANTS. For the purpose of this Article, the term “police” and “Board” or “Board of Trustees” are defined, respectively, as full-time police officers or full-time police officers entitled to participate in the benefits of said Pension Fund as provided by said Article 3 of said Illinois Pension Code and the Board of Trustees of said Pension Fund.

4-2-3 DUTIES AND POWERS. The rights, powers, duties and functions of said Board and the members thereof, as such, and the rights and benefits of the various beneficiaries of the Pension Fund shall be and are hereby declared to be in accordance with the law and particularly of Article 3 of the Illinois Pension Code and all amendments thereof.

4-2-4 OPERATION. Such Board shall be appointed and elected as therein provided; shall exercise such powers and perform such duties that shall be required of them by law. All monies and securities belonging to said fund shall be held by the Municipal Treasurer subject to the order of the Board of Trustees of the Pension Fund. An annual list of beneficiaries and report of funds shall be made as required by law. Members of said Board of Trustees of the Pension Fund shall serve without compensation.

(See 40 ILCS 5/3-101 et al.)

(Ord. No. 1295-11; 06-14-11)
ARTICLE III – FIREFIGHTER’S PENSION FUND

4-3-1 FIREFIGHTER’S PENSION FUND. There is hereby created and established a Firefighter’s Pension Fund in and for the City of Carterville, Williamson County, Illinois, in accordance with 40 ILCS 5/4-101 et. al. (Article 4 of the Illinois Pension Code.)

4-3-2 PARTICIPANTS DEFINED. For the purpose of this Article, the term “firefighters” and “Board” or “Board of Trustees” are defined, respectively, as full-time firefighters or full-time firefighters entitled to participate in the benefits of said Pension Fund as provided by said Article 4 of said Illinois Pension Code and the Board of Trustees of said Pension Fund.

4-3-3 DUTIES AND POWERS. The rights, powers, duties and functions of said Board and the members thereof, as such, and the rights and benefits of the various beneficiaries of the Pension Fund shall be and are hereby declared to be in accordance with the law and particularly of Article 4 of the Illinois Pension Code and all amendments thereof.

4-3-4 OPERATION. Such Board shall be appointed and elected as therein provided; shall exercise such powers and perform such duties that shall be required of them by law. All monies and securities belonging to said fund shall be held by the Municipal Treasurer subject to the order of the Board of Trustees of the Pension Fund. An annual list of beneficiaries and report of funds shall be made as required by law. Members of said Board of Trustees of the Pension Fund shall serve without compensation.

(See 40 ILCS 5/4-101 et seq.)

(Ord. No. 1296-11; 06-14-11)
**ARTICLE IV - PLAN COMMISSION**

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

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

4-4-3 **TERM OF OFFICE.** The members shall serve for a period of five (5) years. Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the City Council deems it advisable, they may receive such compensation as provided by the City Council by appropriation.

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

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

(A) To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than one and one-half (1 1/2) miles beyond the corporate limits of the City and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan or part thereof of the City. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the City Council.

All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the City Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the City and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law.

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

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

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

(E) To give aid to the officials of the City charged with the direction of projects for improvements embraced within the official plan or parts thereof, to further the making of such improvements and generally, to promote the realization of the official comprehensive plan.
(F) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

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

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

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

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

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

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

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

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

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

(E) To divide the entire City 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.

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

4-5-1 **BOARD ESTABLISHED.** There is hereby established a Board of three (3) members to be known as the "Water and Sewer Board" of the City hereinafter known as the "Board".

4-5-2 **APPOINTMENT: TERM.** The Mayor shall appoint, with the advice and consent of the City Council, members of the Board. Each member shall serve a term of two (2) years and until his successor is appointed and qualified.

4-5-3 **MEETINGS.** The Board shall meet at six (6:00) P.M. on the Thursday preceding the first (1st) regular City Council meeting of the month.

4-5-4 **MEMBERSHIP - BOARD.** Three (3) of the members appointed to the Board shall be citizens of the City who are not elected officials or employees of the City. A fourth (4th) (ex-officio) non-voting member shall be an Alderman and shall act as liaison between the City Council and the Board. Board members, with the exception of the Council liaison, shall receive salary as established by ordinance.

The Board shall select one (1) of their members as Chairman of the Board. He shall preside over the meetings of the Board and may call special meetings. All special meetings shall be called by personal notification of the Board members.

Two (2) members of the Board shall constitute a quorum for the transaction of business.

4-5-5 **RULES OF PROCEDURE.** The Board shall have the power to pass and adopt all necessary rules, regulations and bylaws for the conduct of business of the Board.

4-5-6 **SECRETARY'S DUTIES.** It shall be the duty of the Secretary to keep a record of all actions of the Board and to collect all monies charged for the service rendered to the users of the Water and Sewer Systems of the City, and to pay over to the City Treasurer each month, all monies collected. The Secretary shall keep a record of all monies thus collected and paid over to the City Treasurer.

4-5-7 **RESPONSIBILITIES OF BOARD.** The maintenance and operation of the Water System and Sewer System of the City and all appurtenances, as now existing, or as may be hereafter constructed or acquired by the City are hereby vested solely and exclusively in the Board.

4-5-8 **EMPLOYEES: CONTRACTS.** The Board shall have all the powers necessary and appropriate for said purpose, including the power to employ agents and employees and the power to make contracts in reference to said system. All agents and employees, however, shall be selected on the basis of merit irrespective of partisan considerations, and proper regulations for the appointment, promotion, dismissal and control of agents and employees on a merit basis shall be established. All contracts shall be made in a manner provided by law and subject to all legal requirements applicable thereto, such as competitive bidding in cases provided by law, and a prior appropriation by the corporate authorities where the expenditure of money is involved.
4-5-9 PERSONAL LIABILITIES. Neither the Board or any member, officer, agent or employee thereof shall be personally liable for any contract, obligation or expenditure in reference to said water supply system, or sewer system. All obligations incurred by the Board shall be payable only out of the proceeds of the Water System and Sewer System, and the Board shall have no power to incur any obligation against the general funds of the City.

4-5-10 MONTHLY REPORTS. The Board shall render monthly minutes in writing to the City on the first (1st) day of each and every month concerning the operation of the Water and Sewer System, showing in such detail as from time to time the Council may require of the Board the receipts and expenditures for the monthly period preceding such report. The Board shall also, from time to time, make recommendations to the City Council looking to the more efficient maintenance and operation of the Water and Sewer Systems. (See 65 ILCS 5/11-129-8)
## ARTICLE I  CONSTRUCTION CODES

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CHAPTER 6

BUILDING CODES

ARTICLE I – CONSTRUCTION CODES

6-1-1 BUILDING CODE ADOPTION. “2012 International Building Code”, as published by International Code Council, Inc., including accumulative supplements thereto as amended from time to time, be and is hereby adopted as the Building Code for the City, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the 2012 International Building Code and accumulative supplements thereto are hereby referred to, adopted, and made a part hereof as if fully set out in this Code with any additions, insertions, deletions, and changes thereto, described as follows:

(A) Section 101.1. Insert: City of Carterville.
(B) Section 1612.3. Insert: City of Carterville.
(C) Section 3410.2. Insert: February 1, 2015.
(D) Section 406.1.4. Change: 1. Private garages... “Doors shall be self-closing and self-latching in all use groups with the exception of R3.”
(E) Section 903.2.1.2. Group A-2 as follows: “An automatic sprinkler system shall be provided for group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (465m²); or
2. The fire area has an occupant load of 100 or more; or
3. The fire area is located on a floor other than the level of exit discharge.

6-1-2 INTERNATIONAL RESIDENTIAL CODE. “2006 International Residential Code”, as published by the International Code Council, Inc., including accumulative supplements thereto as amended from time to time, be and is hereby adopted as the Residential Building Code for the City, for the control of one and two-family buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the International Residential Code and accumulative supplements thereto are hereby referred to, adopted, and made a part hereof as if fully set out in this Code with any additions, insertions, deletions, and changes thereto, described as follows:

(A) Insert: “Carterville, Illinois” where wording calls for “Name of Municipality”.
(B) Section R105.2. Work Exempt from Permit Change to: 1. One story detached accessory structure used as tool and storage sheds, playhouses and similar uses, provide the floor area does not exceed 200 square feet (11.15m²)
(C) Section R301.1. Emergency Escape and rescued openings change to: Basement sleeping rooms shall have at least one operable emergency escape and rescue opening.

6-1-3 ELECTRICAL CODE ADOPTIONS. “The National Electrical Code, _____ Edition”, as published by the National Fire Protection Association, including accumulative supplements thereto, as amended from time to time, be and is hereby adopted as the Electrical
**Carterville City Code**

Code for the City, for the control of installations, alteration and use of electrical equipment in the City, and all regulations, provisions, penalties, conditions, and terms of that Code are hereby referred to, adopted, and made a part thereof, as if fully set out in this Code, with additions, deletions, insertions, changes or exclusions thereto, described as follows:

(A) **Additions.**

(1) The service entrance conductors for systems whose voltage does not exceed **three hundred (300) volts** to ground, shall continue from the point of connection of the utility company, to and including the first over current/load interrupting device shall be installed in accordance with the applicable requirements of the National Electrical Code and Utility Company specifications and shall utilize one or more of the following methods:

(a) Threaded rigid metal conduit.
(b) Rigid non-metallic conduit for underground systems.
(c) Wireways.
(d) Busways.
(e) Auxiliary gutters.
(f) Cable bus.
(g) Mineral-insulated metal-sheathed cable.

(2) All commercial electrical installations shall be installed in approved conduits or moldings. Where electrical metallic tubing (thinwall) is installed in concrete slabs, it shall be installed above the vapor barrier.

(3) On all power and branch systems whose voltage exceeds **six hundred (600) volts** phase-to-phase, the installation shall incorporate one or more of the following:

(a) Threaded rigid metal conduit (in exterior wet locations).
(b) Rigid non-metallic conduit encased within a **three (3) inch** concrete envelope.
(c) Specialty systems approved by the inspecting authority.
(d) Electrical metallic tubing in interior dry locations.

(4) **Control Circuiting.** All fire alarm wiring installed in exposed area shall be installed in an approved raceway system.

(5) All underwater swimming pool lighting and wiring and all lighting or wiring within **five (5) feet** of the swimming pool or water line shall be served with a source not exceeding **twenty-four (24) volts**.

(B) **Exclusions.** The use of aluminum and copperclad aluminum conductors are not permitted within the City.

(C) **Administration.** All fees provided herein shall be made payable to the City and paid to the City Clerk.

6-1-4 **INTERNATIONAL FIRE PREVENTION CODE ADOPTION.** "The 2006 International Fire Code" as published by the International Code Council, Inc., including accumulative supplements thereto as amended from time to time, be and is hereby adopted, to be administered and enforced by the Fire Districts providing fire protection within the City limits.
6-1-5 ENERGY CONSERVATION CODE. "International Energy Conservation Code 2006", as published by International Code Council Inc. including accumulative supplements thereto as amended from time to time, be and is hereby adopted as the Energy Conservation Code for the City regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to use or maintenance of the building envelope, mechanical lighting and power systems in commercial buildings in the City; and each and all of the regulations, provisions, penalties, conditions and terms of the International Energy Conservation Code, 2006 edition, and accumulative supplements thereto or hereby referred to adopted and made part hereof as if fully set out in this Code with any additions, insertions, deletions and changes thereto described as follows. The following buildings shall be exempt from the Code:

(A) Buildings otherwise exempt from provisions of a locally adopted Building Code and buildings that do not contain a conditioned space.

(B) Buildings that do not use either electricity or fossil fuel for comfort conditioning. For purposes of determining whether this exemption applies a building will be presumed to be heated by electricity even in the absence of equipment used for electric comfort heating, whenever the building is provided with electrical service in excess of 100 amps, unless the Code Enforcement Official determines that this electrical service is necessary for purposes other than providing electric comfort heating.

(C) Historic Buildings. This exemption shall apply to those buildings that are listed on the National Register of Historic Places or the Illinois Register of Historic Places and to those buildings that have been designated as historically significant by a local governing body that is authorized to make such designations.

(D) Residential buildings.

(E) Other buildings specified as exempt by the International Energy Conservation Code.

6-1-6 INTERNATIONAL EXISTING BUILDING CODE. "International Existing Building Code", as published by International Code Council, Inc., including accumulative supplements thereto as amended from time to time, be and is hereby adopted as the Existing Building Code for the City, for regulating and governing the repair, alteration, change or occupancy, addition and relocation of existing buildings, as herein provided; providing for the issuance of permits and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code and hereby referred to, adopted and made a part hereof as if fully set out in this Code.

6-1-7 INTERNATIONAL MECHANICAL CODE. "International Mechanical Code", as published by International Code Council, Inc., be and is hereby adopted as the Mechanical Code for the City, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits, and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code.
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CHAPTER 7
BUSINESS CODE

ARTICLE I - ADMINISTRATION

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

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

7-1-3  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.
Upon receipt of all related investigative reports, the Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

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.

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, he may disapprove such application, indicating the reasons therefor. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is disapproved and that no license or permit will be issued.

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.

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.

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.

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. (See Chapter 40 - Zoning Code)

The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that ten (10) days notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with. (See Chapter 40 - Zoning Code)
7-1-9  **LOCATION.** No license for the operation of a business or establishment in this Municipality shall be construed to permit the operation of a licensed business or establishment in more than one (1) location in this Municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

7-1-10  **NUISANCES PROHIBITED.**

7-1-10.1  **GENERALLY.** No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health.

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

7-1-10.2  **UNSAFE OR UNHEALTHFUL BUSINESS.**

(A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.

(B) No substance, matter or thing of any kind whatsoever, which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this Municipality.

7-1-10.3  **REFUSE DISPOSAL.**

(A) **Refuse Containers.** The standard refuse container required by this Code shall be a receptacle of not less than twenty (20), nor more than thirty-two (32) gallons capacity, constructed of impervious material and sturdy construction with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.

(B) **Duty to Provide Refuse Containers.** The occupant of every building, structure or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

(C) **Refuse Removal.** It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation to cause to be removed, at his own cost and expense, at least once each week, all refuse produced therein.

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

7-1-11  **WORKING CONDITIONS.**

7-1-11.1  **HEALTH REQUIREMENTS.** No owner, lessee, manager, or superintendent of any store, factory, workshop or other place where persons are employed shall cause or permit such place or any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

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7-1-11.2 SANITATION. All such places of employment shall be kept in a clean condition, free from effluvia of a sewer, drain, privy, stable or other nuisance(s); also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

7-1-11.3 HEAT REQUIRED.
(A) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop to maintain a temperature within such factory or workshop of not less than sixty-two degrees Fahrenheit (62°F) without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than sixty-two degrees Fahrenheit (62°F) is necessary or expedient for the work or manufacturing processes of such business.
(B) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature therein of not less than sixty-two degrees Fahrenheit (62°F), without such undue restriction of ventilation as to interfere with proper sanitary conditions therein between the hours of 8:00 A.M. and 6:00 P.M. from October 1st of each year until June 1st of the succeeding year [Sundays and legal holidays excepted].

7-1-11.4 INSPECTION. The Chief of Police and the Zoning Administrator, if any, shall visit or cause to be visited all places of employment in this Municipality as often as they shall deem necessary to assure compliance with the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

7-1-12 INSPECTIONS.
(A) Whenever inspections of the premises for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of this Municipality, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of this Municipality who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.
(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of this Municipality requesting the same, sufficient samples of such material or commodity for such analysis upon official request.
(C) In addition to any other penalty which may be provided, the Mayor may revoke the license of any owner or operator of a licensed business in this Municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take adequate sample(s) of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of this Municipality after having first presented a warrant authorizing such entry.

7-1-13 SUSPENSION. REVOCATION OF LICENSE OR PERMIT.
7-1-13.1 NUISANCE. When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of
business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.

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

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

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

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

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

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

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

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

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

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

7-1-14 APPEAL. Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in Section 7-1-4 or in connection with the revocation of a license or permit as provided in Section 7-1-13 shall have the right to appeal to the 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.
BUSINESS CODE 7-1-16

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

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

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

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

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

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

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

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

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

7-2-2  **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this Municipality is hereby required to make written application for a **Certificate of Registration** as hereinafter provided. All resident charitable, non-profit organizations in this Municipality which have been in existence for six (6) months or longer shall be exempt from the provisions of this Article.

7-2-3  **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Applications for a **Certificate of Registration** shall be made upon a form provided by the 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 five inches (3” x 5”) 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.

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 10:00 A.M. or after 5:00 P.M. of any weekday or at any time on a Sunday or on a State or National holiday.

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

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

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

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

(D) Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.
Any person so engaged in such solicitation shall be at least sixteen (16) years of age and shall wear a high visibility vest.

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: $20.00 per person per day.

(B) Annual License: $50.00 per person per year.

(See 65 ILCS 5/11-5-2)

7-2-12 CHARITABLE OR RELIGIOUS SOLICITING. All persons or religious organizations engaged in the acts of soliciting charitable or religious contributions shall register with the City Clerk or the Mayor's designee. There shall be no fee for registration, however, the following information must be given to the Police Department by the applicant:

(A) Name and physical description of the applicant or applicants.

(B) Permanent home address and local address if operating from such an address.

(C) Evidence that the agent is acting on the behalf of the firm, corporation, or religious organization he represents.

(D) If the donations are to be tax deductible, proof of a valid Certificate of Exemption.

Any person or religious organization failing to provide the above listed information shall be prohibited from seeking donations; however, they shall not be prohibited for exercising their First Amendment Rights. Upon receipt of the information required for registration, the applicant is free to proceed.
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 10:00 A.M. or after 5:00 P.M. of any weekday or at any time on a Sunday or on a State or National holiday.

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

7-3-7 PHOTOGRAPHS. Two (2) photographs of the applicant and such of its employees as will be used in the peddling or merchandising, taken within sixty (60) days immediately prior to the filing of the application, which pictures shall be two inches by two inches (2" x 2"), showing the head and shoulders of the applicant or its agent(s) and/or employee(s) in a clear and distinguishing manner.
7-3-8 **UNWANTED PEDDLING.** Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

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

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

7-3-11 **EXCLUSIONARY PROVISION.** The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the Municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the Municipality or anyone duly licensed.

7-3-12 **FEES.** The license fees per person to be charged for licenses to peddle in this Municipality, each payable in advance, are hereby fixed and established as follows:

(A) **Daily License:** $20.00 per person per day

(B) **Annual License:** $50.00 per person per year

(See 65 ILCS Sec. 5/11-42-5)
ARTICLE IV - COIN-OPERATED MACHINES

7-4-1 Definitions. Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

"COIN-OPERATED AMUSEMENT DEVICE" means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pinball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features.

7-4-2 License Required. No person, firm or corporation shall engage in the business of an operator of coin-operated amusement devices within the corporate limits of this Municipality without having first obtained the proper license therefor.

7-4-3 Application. 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 Article has been revoked for cause.

(E) Any person who does not own the premises for which a license is sought, or does not have a lease therefor for the full period for which the license is to be issued.

7-4-5 Fees. The annual fee for such license shall be Twenty-Five Dollars ($25.00) per year or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor.

(A) All operator's license fees shall be payable annually in advance and in no case shall any portion of said license fee be refunded to the licensee.

(B) The license period shall be for the fiscal year of the Municipality, and all applications for renewal shall be made to the Clerk not more than thirty (30) days, but no less than fifteen (15) days prior to the expiration of such license.
7-4-6 NON-ASSIGNABILITY OF LICENSE. The location of a license may be changed only upon the written permission of the Mayor. Any license issued hereunder shall be non-assignable and non-transferable.

7-4-7 PLACEMENT: GAMBLING PROHIBITED.
(A) All licensed devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.
(B) Nothing in this Article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.
(C) Prizes and Awards Prohibited. It shall be unlawful for any person receiving a license pursuant to this Article to give or award a cash prize or equivalent to any person playing any of the tables, devices or machines enumerated hereinabove under tournament, league or any other individual or competitive play.

7-4-8 DISPLAY OF LICENSE. Every licensee shall frame and hang his license in a conspicuous place in the licensed premises.

7-4-9 RIGHT OF ENTRY. The Chief of Police has the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he may deem necessary for the proper enforcement of this Article.

7-4-10 CLOSING HOURS. No establishment operating under a license issued under this Article shall be open for use of any such devices between the hours of 12:00 Midnight and 6:00 A.M. on any day or between 12:00 Midnight Saturday and 12:00 Noon the following Sunday.

(See 65 ILCS Sec. 5/11-55-1)
ARTICLE V - JUNK DEALERS

7-5-1 DEFINITIONS.

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

"JUNK DEALERS" 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 for sale, barter, or exchange, any of the things in and by this Section defined as "junk". (See Zoning Code - Chapter 40)

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. (See Chapter 40 - Zoning Code)

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 7-5-2 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 pro rata 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 One Hundred Dollars ($100.00) 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.

(See 65 ILCS Sec. 5/11-42-3)
ARTICLE VI - RAFFLES AND POKER RUNS

7-6-1 DEFINITIONS. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) "Business": A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(B) "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 on the public.

(C) "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 favorably in their scope and intensity with the course of study presented in tax-supported schools.

(D) "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 that otherwise would be cared for by the government.

(E) "Hardship": A non-profit fundraising organization that has not been in existence continuously for a period of five (5) years immediately before making application for a license that the County determines to be 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.

(F) "Key Location": The location where the poker run concludes and the prize or prizes are awarded.

(G) "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.

(H) "Licensee": An organization which has been issued a license to operate a raffle.

(I) "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 or poker run.

(J) "Non-Profit": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

(K) "Poker Run": An event organized by an organization licensed under this Chapter in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

(L) "Raffle": A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

(1) the player pays or agrees to pay something of value for a chance, represented and differentiated by as number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;

(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.

(M) "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.

7-6-2 REQUIREMENT OF LICENSE.

(A) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

(B) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

7-6-3 APPLICATION FOR A LICENSE FOR A RAFFLE.

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a raffle shall file an application therefore with the City Clerk.

(B) Applications for licenses under this Article must contain the following information:

1. The name and address of the applicant organization;
2. The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
3. The length of existence of the organization and, if incorporated, the date and state of incorporation;
4. The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
5. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
6. The maximum retail value of each prize awarded by a licensee in a single raffle;
7. The maximum price which may be charged for each raffle chance issued or sold;
8. The maximum number of days during which chances may be issued or sold;
9. The area in which raffle chances will be sold or issued;
10. The time period during which raffle chances will be sold or issued;
11. The date, time, and name and address of the location or locations at which winning chances will be determined;
12. A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
13. 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.

(C) An application for a license to conduct or operate a raffle shall be accompanied by a non-refundable filing fee. Such fee shall be paid by cash, credit card or cashier's check. The City Clerk shall refer the application to the Mayor.

NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold.
APPLICATION FOR A LICENSE FOR A POKER RUN.

Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run shall file an application therefore with the City Clerk on the forms provided by the City Clerk.

Applications for licenses under this Article must contain the following information:

1. The name and address of the applicant organization;
2. The type of organization that is conducting the raffle or poker run, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
3. The length of existence of the organization and, if incorporated, the date and state of incorporation;
4. The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the raffle or poker run;
5. The name, address, and telephone number of all locations at which the poker run will be conducted;
6. The time period during which the poker run will be conducted;
7. The time of determination of winning chances and the location or locations at which the winning chances will be determined;
8. A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
9. 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.

An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable Twenty-Five Dollar ($25.00) filing fee. Such fee shall be paid by cash, cashier's check, or credit card. The City Clerk shall refer the application to the Mayor.

LICENSEE QUALIFICATIONS.

Raffle licenses and poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the Mayor 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 Mayor may waive the five (5) year requirement under this Section for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the five (5) year requirement. The following are ineligible for any raffle or poker run license:

1. Any person who has been convicted of a felony;
2. Any person who is or has been a professional gambler or gambling promoter;
3. Any person who is not of good moral character;
4. Any organization in which a person defined in subsection (1), (2) or (3) of this Section has a proprietary, equitable, or credit interest or in which such person is active or employed;
5. Any organization in which a person defined in subsection (1), (2) or (3) of this Section is an officer, director, or employee, whether compensated or not; and
6. Any organization in which a person defined in subsection (1), (2) or (3) of this Section is to participate in the management or operation of a poker run as defined in this Section.
7-6-6 LICENSE ISSUANCE.

(A) The Mayor shall review all raffle license applications and all poker run license applications. The Mayor shall, within thirty (30) days from the date of application, accept or reject a raffle or poker run license application. If an application is accepted, the Mayor shall forthwith issue a raffle or poker run license to the applicant.

(B) A raffle license or poker run license shall specify:

1. The area or areas within the County in which raffle chances will be sold or issued or a poker run will be conducted;
2. The time period during which raffle chances will be sold or issued or a poker run will be conducted; and
3. The time of determination of winning chances and the location or locations at which the winning chances will be determined.

(C) Any license issued under this Article shall be non-transferable.

(D) A license shall be valid for one raffle event or one poker run only, unless the Mayor specifically authorized a specified number of raffles or poker runs to be conducted during a specified period not to exceed one (1) year.

(E) A raffle license or poker run license may be suspended or revoked for any misrepresentation on the application, any violation of this Article or State law, or when such raffle or poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

(F) Prominent Display of License.

1. A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.
2. A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.

(G) Miscellaneous Provision for Poker Run License. Any poker run license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.

7-6-7 CONDUCT OF RAFFLES AND POKER RUNS.

(A) The operation and conduct of raffles and poker runs are subject to the following restrictions:

1. The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
2. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.
3. No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
4. 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 Article. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
5. Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.
6. A 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 parent or guardian.

(B) If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the City.

### 7-6-8 MANAGER - BOND

(A) All operations of and conduct of raffles and poker runs shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle or poker run must be a bona fide member of the organization holding the license for such a raffle or poker run and may not receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars ($1,000.00)** conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the City not less than **thirty (30) days** prior to its cancellation.

(C) The Mayor is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Article provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

### 7-6-9 RECORDS

(A) Each organization licensed to conduct raffles and chances or poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

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

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

(D) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(E) The City shall maintain the records required by this Section in compliance with the “Raffles and Poker Runs Act” and the Local Records Act, **50 ILCS 205/1 et seq.**

### 7-6-10 LIMITED CONSTRUCTION

Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.
ARTICLE VII – PARADE PERMIT

7-7-1  **PERMIT REQUIRED.** It shall be unlawful for any person, group or organization to conduct, sponsor or take part in any parade, march, assemblage or gathering, other than a funeral procession and High School Parades, in any public street, alley or other public way without first obtaining a permit as provided in the Code. The word "event" is used hereafter to refer to any parade, march, assemblage or gathering regulated by this Code. (Ord. No. 480; 09-16-70)

7-7-2  **APPLICATIONS FOR PERMIT.** Applications for a permit under this Code shall be made in writing to the City Chief of Police not less than ten (10) nor more than thirty (30) days prior to the date upon which the event is to be held. Each application shall state the name, address and phone number of the person, group or organization holding the event, the purpose of the event; the number of participants, vehicles and floats; the proposed route or location; the date and hour(s) for which the permit is desired; and such other pertinent data as would assist the City in making plans to conduct the event. Where good cause is shown therefore, the City Chief of Police shall have the authority to consider any application hereunder which is filed less than ten (10) days before the date such event is proposed to be held.

7-7-3  **STANDARDS FOR ISSUANCE.** The City Chief of Police shall issue a permit when he finds that:

(A) The proposed route or location has not been reserved for other use on the date and hours requested in the application.
(B) The conduct of the event will not substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic at or contiguous to the place where the same is conducted or held.
(C) The conduct of the event will not substantially interrupt, prevent or unduly interfere with normal fire and police protection in the City.
(D) The event is for a lawful purpose and is not intended to cause a public disturbance of breach of the peace.
(E) The event is not held purely for the private profit of the person, group, or organization conducting or holding the event, or for the sole purpose of advertising any product or goods of such person, group, or organization.

7-7-4  **ISSUANCE, DENIAL, ALTERNATIVE PERMITS.** The City Chief of Police shall act upon the application within five (5) days after its receipt:

(A) **Approval.** If approved, the City Chief of Police shall issue a permit which specifies the date of the event, its time of inception and duration, its route or location and such other information as he shall find necessary to the enforcement of this Code.
(B) **Denial.** If the application is denied, the City Chief of Police shall immediately notify the applicant by mail, stating the reasons for the denial of the permit.
(C) **Alternative Permits.** The City Chief of Police, in denying an application for a permit, shall be empowered to authorize the conduct of the event on a date, at a time, over a route, or at a location different from that named by the applicant. An alternate permit shall conform to the requirements of this Code.

7-7-5  **APPEAL PROCEDURE.** Any applicant aggrieved by the action of the City Chief of Police shall have the right to appeal the denial of the permit to the City Council within ten (10) days after receipt of notice. The City Council shall act upon the appeal within ten (10) days after receiving written notice of this appeal.
7-7-6 NOTICE TO CITY OFFICIALS. Immediately upon issuance of a parade permit, the City Chief of Police shall send a copy thereof to the Mayor, City Councilmen, and Fire Chief.

7-7-7 PROHIBITED ACTS.
(A) It shall be unlawful for any person, group or organization to disturb, interfere with, or obstruct any event permitted under this Code.
(B) It shall be unlawful for any person, group or organization to erect or place structure of a permanent or temporary nature along the route or at the site of an event without the written permission of the City Chief of Police.
(C) It shall be unlawful for any person, group or organization to conduct or take part in any event regulated by this Code other than at the time, place and route designated by the City Chief of Police.
(D) The City Chief of Police shall have the authority, when reasonably necessary to prohibit or restrict the parking of vehicles along a public street or highway which constitutes a part of the route or location of an event. Signs shall be posted to such effect, and it shall be unlawful to park or leave unattended any vehicle in violation thereof. No person shall be liable under this Section for parking on a street or public highway unless signs are posted thereon.

7-7-8 REVOCATION OF PERMIT. The City Chief of Police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

7-7-9 AUTHORITY OF CITY CHIEF OF POLICE AND POLICE DEPARTMENT. The City Chief of Police and the Police Department of the City are hereby authorized and empowered to take such lawful action as may be necessary to carry out the regulations and requirements of this Code, insure an orderly event, to prevent obstruction to and insure the full flow of traffic, and to prevent riots and disorder.
ARTICLE VIII – HOUSE MOVERS

7-8-1 LICENSE REQUIRED. It shall be unlawful to engage in the business of house moving, raising or shoring without first having obtained a license therefore. Applications for such licenses shall be made in writing to the City Clerk.

7-8-2 REGULATIONS. Persons licensed under this Article must comply with all of the Code provisions relating to the work being done, and must pay the permit fee required for moving buildings, and must maintain lights and warnings as required by ordinance. (See Chapter 33)

7-8-3 INSPECTIONS. It shall be the duty of the Chief of Police to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this Article.

7-8-4 BOND. Every licensee under the provisions of this Article shall file with the City Clerk a bond in the sum of Ten Thousand Dollars ($10,000.00) with sureties to be approved by the Mayor, conditioned to indemnify the City for any loss, damage or expense occasioned by any act or failure to act of the licensee, or by any failure of the licensee to comply with the ordinances of the City relating to the business of house moving.

7-8-5 PLANKING STREET. The pavement of any street, alley or sidewalk on or along which any house is moved shall be protected by two (2) inch planks along the route.

7-8-6 FEE. The annual fee per house mover shall be One Hundred Dollars ($100.00).

[Also See Chapter 33]
ARTICLE IX – YARD SALES

7-9-1 PERMIT REQUIRED. No person shall conduct a yard sale within the City limits, or within its zoning jurisdiction without first having obtained a permit for such sale from the Carterville Police Department.

7-9-2 MAXIMUM NUMBER OF SALES. Yard sales at any one residence or location within the City or its zoning jurisdiction are hereby limited to a maximum of two (2) yard sales annually.

7-9-3 DURATION OF SALES. Any sale conducted within the City limits or its zoning jurisdiction shall be of a duration not to exceed forty-eight (48) hours.

7-9-4 PENALTIES FOR VIOLATION. The owner of the premises where a yard sale is being conducted in violation of the provisions of this Article shall be fined as provided in Section 1-1-20.

(Ord. No. 760-94; 06-14-94)

ARTICLE X – BILLIARD AND POOL HALLS

7-10-1 LICENSE REQUIRED. No person, firm or corporation shall operate, maintain or conduct a billiard, pool or bagatelle or pigeonhole table open to the public without having first obtained a license therefor as is herein required. All applications for such licenses shall state thereon the intended location of the place of business and the number of tables to be used therein.

7-10-2 FEES. The annual fee shall be Fifty Dollars ($50.00).

7-10-3 MINORS. Minors under the age of eighteen (18) years shall, under no circumstances, frequent, loiter, go or remain in any hall licensed hereunder at any time, unless it be upon some lawful errand and sent under the direction and the consent and knowledge of the parent, guardian or other person having the lawful custody of such minor, and it shall be unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter or remain within the hall in violation of this Section.
ARTICLE XI – ADULT USE LICENSING AND REGULATION

7-11-1 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.

7-11-2 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.
BUSINESS CODE 7-11-3

Carterville City Code

7-11-3 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.
7-11-4 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.

7-11-5 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.

7-11-6 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.

7-11-7 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.
BUSINESS CODE 7-11-8

Carterville City Code

(B) A person who operates an adult use or his agent or employee violates this Article is he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-11-8 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 7-11-4. 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.

7-11-9 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.

7-11-10 REVOCATION.

(A) The City shall revoke a license if a cause of suspension in Section 7-11-8 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.

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.

7-11-11 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.

7-11-12 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.

7-11-13 LIQUOR LICENSE. No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

7-11-14 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.

7-11-15 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.

7-11-16 HOURS OF OPERATION. No adult use shall be open prior to 10:00 A.M. or after 2:00 A.M.

7-11-17 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 XII – FIREWORKS CODE

7-12-1 DEFINITIONS. As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

**Common Fireworks:** Any fireworks designed primarily to produce visual or audible effects by combustion.

(A) The term includes:

(1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flutter sparklers;
(2) Smoke devices;
(3) Fireworks commonly known as helicopters, aerrals, spinners, roman candles, mines and shells;
(4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

**Dangerous Fireworks:** Any fireworks not defined as a “common firework”.

**Fireworks:** Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

**Special Fireworks:** Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

(A) Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and

(B) Fireworks not classified as common fireworks.

7-12-2 SALE OF FIREWORKS UNLAWFUL. It is unlawful for any person to sell any fireworks within the City other than those fireworks designated in Section 7-12-5 of this Article, provided that this prohibition shall not apply to duly authorized public displays.

7-12-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL. It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the City; provided that this prohibition shall not apply to duly authorized public displays.

7-12-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS. It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the City without first having obtained a valid permit issued pursuant to the provisions of this Article.

7-12-5 TIME LIMIT SET ON SALE AND USE. No permit holder shall offer for retail sale or sell any fireworks within the City except from 12:00 Noon on the 15th of June to 12:00 Noon on the 6th of July of each year. No fireworks may be sold or discharged between the hours of 11:00 P.M. and 9:00 A.M. Provided, the sale and use of fireworks as provided in this Section shall be limited to the following:

Dipped stick, sparklers and smoke devices.
PERMIT FEES. The annual fee for a "seller's permit" for the sale of fireworks as may be authorized under this Article, shall be One Hundred Dollars ($100.00) per year for each seller's permit, payable in advance. The fee for a "public display permit" for the public display of fireworks shall be One Hundred Dollars ($100.00), payable in advance, unless waived by the City Council.

ISSUANCE – NONTRANSFERABLE VOIDING.

(A) Sellers. Each seller's permit issued under this Article shall be for only one retail outlet. The number of seller's permits shall not be limited as long as all conditions are met as stated in Section 7-12-11 of this Article. Each seller's permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B) Public Display Permit. Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

APPLICATION FOR PUBLIC DISPLAY PERMIT. Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least fourteen (14) days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in Section 7-12-12 of this Article.

APPLICATION FOR SELLER'S PERMIT—CONDITIONS FOR ISSUANCE. Applications for seller's permits shall be made to the City Clerk annually on or after April 1st of the year for which the permit is issued and the filing period shall close on April 15th of such year unless extended by action of the City Council. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller's permits for the sale of those fireworks allowed pursuant to Section 7-12-4 of this Article shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be twenty-one (21) years of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. (See 425 ILCS 35)

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) 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: Five Hundred Thousand Dollars ($500,000.00) for injuries to any one person in one accident or occurrence; One Million Dollars ($1,000,000.00) 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.

(E) The permit holder's location or place of business shall be only in those areas or zones within the City where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by Section 7-12-5 of this Article shall not be deemed an enlargement of an existing nonconforming use.
(F) 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 prompt removal of the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand 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. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the tenth (10th) of July following the sales period.

(G) No seller’s permit shall be issued for a location which fails to meet the criteria set forth in Section 7-12-11 of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller’s permit with the City Clerk shall be controlling.

7-12-10  **SALE FROM STANDS – EXCEPTIONS.** All approved fireworks as set forth in Section 7-12-5 of this Article except toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

7-12-11  **STANDARDS FOR TEMPORARY STANDS.** The temporary stands of all seller’s permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the City Building Inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within fifty (50) feet of any other building or structure, nor within two hundred fifty (250) feet of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, two and one-half (2½) gallon pressurized water fire extinguishers which are in good working order.

(E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than twenty-five (25) feet, measured from the exterior walls of the temporary fireworks stand.

(F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than fifty (50) feet measured from the exterior walls of the temporary fireworks stand. Signs stating: “No Smoking Within 50 Feet” shall be posted on the exterior of each wall of the temporary fireworks stand.

(G) Each temporary fireworks stand shall have a person who is eighteen (18) years old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the Fire Chief.

(H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by 12:00 Noon on the seventh (7th) day of July of each year.

(I) No temporary fireworks stand shall be located within five hundred (500) feet of any other temporary fireworks stand.

(J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least fifteen (15) spaces, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.
(K) No person shall discharge any fireworks within two hundred fifty (250) feet of the exterior walls of any temporary fireworks stand. Signs stating: "No discharge of fireworks within 250 feet." shall be posted on the exterior of all walls of the temporary fireworks stand.

7-12-12 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 permit must be obtained from the City and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a five hundred (500) foot radius. The drawing shall include all structures, fences, barricades, street fields, streets and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) 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 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.

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of three hundred (300) feet in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) 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.

(I) Areas of public access shall be determined by the Fire Chief or designer and maintained in an approved manner.

7-12-13 USE OF FIREWORKS IN PUBLIC PARKS. It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the City, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by Section 7-12-5 of this Article. Otherwise lawful discharge and possession of fireworks as allowed by Section 7-12-5 in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

(1) The sensitivity of the area's environment, wildlife and wildlife habitat;

(2) The inconvenience and nuisance to abutting property owners;

(3) The safety and suitability of the area as a place for the discharge of fireworks; and
(4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by July 1st of each year for use on July 4th between the hours of 9:00 A.M. and 11:00 P.M. Designation of any area may be appealed in writing to the City Council by any citizen of the City. The decision of the City Council shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the City Council to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

7-12-14 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 Sections 7-12-7 and 7-12-8 of this Code.

7-12-15 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.

7-12-16 APPLICABILITY. The provisions of this Code shall not be applicable to toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

7-12-17 STATUS OF STATE LAW. This Code is intended to implement applicable State law, to wit, Chapters 225 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.

7-12-18 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 or the requirements of the community development code relating to temporary structures.

7-12-19 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 XIII – TOBACCO RETAILERS

7-13-1 LEGISLATIVE FINDINGS, DECLARATION, AND PURPOSE. The City Council finds cigarette smoking and other tobacco use by minors a grave public health problem. Therefore, the purpose of this Article is to implement a strict and enforceable system to prevent the illegal sale of cigarettes and other tobacco products to minors.

(A) Findings:
(1) Cigarette smoking is dangerous to human health;
(2) There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease, and various other medical disorders;
(3) The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine and is the most widespread example of drug dependence in this country;
(4) The Centers of Disease Control and Prevention have found that among person who have ever tried a cigarette, more than eighty percent (80%) reported having had their first cigarette before age eighteen (18); and
(5) The National Institute on Drug Abuse has found that cigarette smoking precedes and may be predictive of adolescent illicit drug use.

(B) The enactment of this Article intends to further the health, welfare and safety of the residents of the City of Carterville, Williamson County, Illinois, particularly those residents under eighteen (18) years of age.

7-13-2 DEFINITIONS. For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

Compliance Check means an inspection conducted with the intention of assessing retail sales of tobacco products to minors and enforcing age-of-sales laws. Compliance checks are conducted by having designated persons under the age of eighteen (18) years of age attempt to purchase tobacco products from vendors.

License means the holder of a valid license for the retail sale of tobacco products.

Minor means any person under the age of eighteen (18) years of age.

Public Place means an area to which the public is invited or in which the public is permitted, including but not limited to any right-of-way, mall or shopping center, park, playground, and any other property owned by the City, any school district, or any park district.

Self-Service Displays means open displays of tobacco leaf, including, but not limited to: cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco products.

Vending Machine means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any from of payment, dispenses tobacco products.

7-13-3 LICENSE. If and when the City requires a license for the sale of tobacco there will be an annual retailer's license fee of One Hundred Dollars ($100.00) for each tobacco retail location. This license will be non-transferable. A new license will be issued to a tobacco retailer who changes location.

7-13-4 LIMITATIONS ON NUMBER OF TOBACCO VENDORS. There will be a limited number of licensed tobacco vendors in the City at any point in time. Licenses will be issued in the order that applications are received.
7-13-5  **PROHIBITED SALES.** It shall be unlawful for any person to sell, give away or deliver tobacco products to any person under the age of eighteen (18) years.

7-13-6  **WARNING SIGNS.** Signs informing the public of the age-of-sale restrictions shall be posted by every retailer at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall state:

"THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN (18) YEARS OF AGE IS PROHIBITED BY LAW"

The text of such signs must be in red letters on a white background, and said letters must be at least one (1) inch high.

7-13-7  **IDENTIFICATION REQUIRED.** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products or to misrepresent their age or use any false or altered identification with the intention of purchasing tobacco products.

7-13-8  **MINIMUM AGE TO SELL TOBACCO PRODUCTS.** It shall be unlawful for any licensee, officer, associate, member, representative, agent or employee of such licensee to engage, employ or permit any person under eighteen (18) years of age to sell tobacco products on any vendor's premises.

7-13-9  **VENDING MACHINES PROHIBITED.** Tobacco vending machines or any other devices for the sale of distribution of tobacco products are prohibited.

7-13-10  **PROXIMITY TO CERTAIN INSTITUTIONS.** It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within one hundred (100) feet of any school, child care facility or other building used for educational or recreational purposes by persons under eighteen (18) years of age.

7-13-11  **TOBACCO SAMPLES AND CERTAIN FREE DISTRIBUTIONS PROHIBITED.** It shall be unlawful for any licensee or any person, business, or tobacco retailer to distribute, give away, or deliver tobacco products free of charge, or deliver any coupon or rebate for tobacco products to any person on any right-of-way, park, playground or other property owned by the City, any school district, any park district or any public library.

7-13-12  **OUT-OF-PACKAGE SALES PROHIBITED.** It is unlawful to sell cigarettes out of the manufacturer's package without required health warnings. It is unlawful to sell cigarettes individually or in packages of fewer than twenty (20) cigarettes per package.

7-13-13  **VENDOR-ASSISTED SALES.** It shall be unlawful for any licensee, person, business, or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of self-service displays or any other means other than vendor-assisted sales.
7-13-14 RESPONSIBILITY FOR AGENTS AND EMPLOYEES. Every act or omission of any nature constituting a violation of any provisions of this Article by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

7-13-15 POSSESSION BY MINORS PROHIBITED. It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products.

(A) It shall not be a violation of this Section for a minor to possess any tobacco product where:

1. Such use takes place under the direct supervision and approval of the parent, parents, or legal guardian of the minor; and
2. Such use takes place in the privacy of a home or established place of worship or tribal meeting place; provided, however, where such use takes place in an established place of worship or tribal meeting place, such use shall not be a violation only where use is in the performance of a religious service or tribal ceremony and the religious group or tribe is legally established and recognized by the State of Illinois.

7-13-16 INSPECTION. It shall be the duty of the Chief of Police and the Building Commissioner and they are hereby authorized and empowered to conduct annual, random, unannounced inspections of all places wherein such tobacco products are licensed to sell, for the purpose of ascertaining whether the laws of the State and of the City in relation to the same, are being complied with at such place.

7-13-17 SALES/DISTRIBUTION VIOLATION. The Mayor shall initiate enforcement against any person who violates any provision of this Article, and shall conduct hearings upon the licenseholder’s request. The Mayor and the Police Department shall have the authority to enforce this Article. Any person who shall knowingly violate, or shall knowingly cause the violation of any provision of this Article is guilty of a petty offense for which the offender may be fined an amount as follows:

(A) In the case of a first violation, any person shall be fined not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) and shall be notified in writing of penalties levied for further violations.

(B) In the case of a second violation within a two (2) year period, any person shall be fined not less than Two Hundred Fifty Dollars ($250.00) and not more than Five Hundred Dollars ($500.00).

(C) In the case of a third violation or subsequent offense within a two (2) year period, any person shall be fined not less than Five Hundred Dollars ($500.00) and not more than One Thousand Dollars ($1,000.00).

7-13-18 SUSPENSION AND REVOCATION OF LICENSE. A license shall be suspended or revoked for any violation of this Article after notice and opportunity to be heard as follows:

(A) In the case of a first violation, the licensee shall be fined Two Hundred Dollars ($200.00) and shall be notified in writing of penalties levied for further violations.

(B) In the case of a second violation, the licensee shall be fined Five Hundred Dollars ($500.00) and the tobacco license shall be suspended for not less than thirty (30) consecutive business days nor more than three (3) months. Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended.

(C) In the case of a third violation, the licensee shall be fined One Thousand Dollars ($1,000.00) and the tobacco license shall be suspended for not less than six (6) months nor
more than eighteen (18) months from the date of suspension. Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended.

(D) In the case of a fourth violation, the licensee shall be fined One Thousand Dollars ($1,000.00) and the license shall be revoked. All tobacco merchandise must be removed from all areas accessible to the public.

Any licensee found to have violated any of the provisions of this Article shall pay to the City costs of hearing on such violation. Costs may include, but not be limited to: court reporter’s fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the City or such lesser sum as the Mayor may allow.

The licensee shall pay said costs to the City within thirty (30) days of notification of the costs. Failure to pay said costs within thirty (30) days of notification is a violation of this Article and may cause the levy of an additional fine.

7-13-19 PURCHASE/POSSESSION VIOLATIONS. Any person under the age of eighteen (18) years of age that violates the Purchasing and Possession sections of this Article will be subject to the following penalties:

(A) For the first violation, a fine of Twenty-Five Dollars ($25.00) or the completion of an approved smoking cessation program;

(B) For the second violation, a fine of not less than Fifty Dollars ($50.00) and not more than One Hundred Dollars ($100.00) and the completion of an approved smoking cessation program.

(C) For the third and subsequent violations, a fine of not less than One Hundred Dollars ($100.00) and not more than Three Hundred Dollars ($300.00), and the completion of an approved smoking cessation program, and not less than twenty (20) hours of community service.

7-13-20 NON-RETRALIATION. No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant or customer reported violations of any provisions of this Article.

The provisions of this Article shall be enforced by the City Attorney and the Police Department after its passage and approval by law. Enforcement in the form of compliance checks shall take place on at least three (3) occasions of each fiscal year.

(Ord. No. 1388-15; 10-13-15)
CITY OF CARTERVILLE

BUSINESS LICENSE APPLICATION

APPLICATION NO. __________ ANNUAL LICENSE FEE DUE MAY 1ST: $__________

(Please type or print)

1. Applicant's Name: ______________________ PHONE ( )_

2. Applicant's Address ____________________
   City________________________ State__________ ZIP____

3. Length of resident at above address ______ years _______ months

4. Applicant's Date of Birth _/__/_____ Social Security No.____________________

5. Marital Status __________________________ Name of Spouse___________________

6. Citizenship of Applicant_____________________

7. Business Name________________________ PHONE ( )_

8. Business Address________________________
   City________________________ State__________ ZIP____

9. Length of Employment _______ years ________ months

10. All residences and addresses for the last three (3) years if different than above:

11. Name and Address of employers during the last three (3) years if different than above:

12. List the last three (3) municipalities where applicant has carried on business immediately preceding the date of application:

13. A description of the subject matter that will be used in the applicant's business:

14. Has the applicant ever had a license in this municipality? [ ] Yes [ ] No
   If so, when _______________________________________

15. Has a license issued to this applicant ever been revoked? [ ] Yes [ ] No
   If "yes", explain: ____________________________________

16. Has the applicant ever been convicted of a violation of any of the provisions of this Code, etc.? [ ] Yes [ ] No
   If "yes", explain: ________________________________

17. Has the applicant ever been convicted of the commission of a felony? [ ] Yes [ ] No
   If "yes", explain: ________________________________

18. LICENSE DATA: Term of License__________________________
   Fee for License $__________________________
   Sales Tax Number __________________________
   License Classification ______________________

19. LIST ALL OWNERS IF LICENSE IS FOR LOCAL BUSINESS (PERMANENT):

________________________________________________________________________
OFFICIAL BUSINESS LICENSE

STATE OF ILLINOIS
COUNTY OF WILLIAMSON
CITY OF CARTERVILLE

) ) ss.

ILLINOIS SALES TAX NUMBER ______________

TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS:

WHEREAS

having complied with all the requirements of the laws of the State of Illinois and the ordinances of the City of Carterville, Illinois in this behalf made and required license is, by authority of the City of Carterville, Illinois given and granted to the _______ to ___________ at __________________________ in the City of Carterville, County of Williamson, and State of Illinois, from the _____ date hereof until the _______ day of __________________, ____, said _______________ ____________ to be subject to all laws of the State of Illinois and all ordinances of the City of Carterville, Illinois, not in conflict therewith, which are now or hereafter may be in force touching the premises.

(L.S.)

Given under the hand of the Mayor of the City of Carterville, County of Williamson, Illinois and the seal thereof, this __________ day of ________________ ____, ____. 

________________________
MAYOR
CITY OF CARTERVILLE

COUNTERSIGNED:

_____________________
CITY CLERK
CITY OF CARTERVILLE

(SEAL)
# Applicant/Field Check

## Information Card

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Location  Date  Time</td>
</tr>
<tr>
<td>Residence Address</td>
<td>D.L.#</td>
</tr>
<tr>
<td>Business Address Info</td>
<td>Vehicle Color Yr. Body License</td>
</tr>
<tr>
<td>Occupation</td>
<td>Vehicle Modifications:</td>
</tr>
<tr>
<td>Social Security Number</td>
<td>Action Leading to Check:</td>
</tr>
<tr>
<td>Race  Sex  Height</td>
<td></td>
</tr>
<tr>
<td>Weight  Eyes  Hair</td>
<td></td>
</tr>
<tr>
<td>Complexion  Date of Birth</td>
<td></td>
</tr>
<tr>
<td>Unusual Features:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Comments:</td>
</tr>
<tr>
<td>Hat  Coat</td>
<td>Associates:</td>
</tr>
<tr>
<td>Cap  Jacket</td>
<td></td>
</tr>
<tr>
<td>Blouse  Dress</td>
<td></td>
</tr>
<tr>
<td>Shirt  Sweater</td>
<td></td>
</tr>
<tr>
<td>Skirt  Trousers</td>
<td></td>
</tr>
</tbody>
</table>
[This page was left blank intentionally.]
EXHIBIT "A"

APPLICATION FOR AN OUTDOOR PYROTECHNIC DISPLAY PERMIT

PART A – DISPLAY SPONSOR INFORMATION

<table>
<thead>
<tr>
<th>Display Sponsor’s Name</th>
<th>Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Cell Phone</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PART B – PYROTECHNIC DISTRIBUTOR INFORMATION

<table>
<thead>
<tr>
<th>Pyrotechnic Distributor’s Name</th>
<th>OSFM License</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Telephone Number</td>
</tr>
<tr>
<td>Location Where Fireworks Stored</td>
<td>Storage Dates</td>
</tr>
<tr>
<td>Lead Pyrotechnic Operator’s Name</td>
<td>OSFM License</td>
</tr>
<tr>
<td>Assistant’s Names</td>
<td>Date of Birth</td>
</tr>
<tr>
<td></td>
<td>License No. (if any)</td>
</tr>
<tr>
<td>Liability Insurance: (not less than $1,000,000.00)</td>
<td></td>
</tr>
<tr>
<td>Name and Address of Insurer</td>
<td>Telephone Number</td>
</tr>
<tr>
<td>Policy Number</td>
<td>Coverage Dates</td>
</tr>
<tr>
<td>Type of Coverage</td>
<td></td>
</tr>
</tbody>
</table>

List Type, Size and Approximate Number of Fireworks to be Displayed:
(if you need more space, please attach a separate sheet of paper.)

PART C – DISPLAY INFORMATION

<table>
<thead>
<tr>
<th>Display Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner’s Name</td>
</tr>
<tr>
<td>Owner’s Address (if different than Display Location)</td>
</tr>
<tr>
<td>Date of Display</td>
</tr>
<tr>
<td>Alternative Date</td>
</tr>
</tbody>
</table>

By signing below, the Owner of the property on which the Outdoor Pyrotechnic Display will take place, hereby authorizes the Display Sponsor and the Pyrotechnic Distributor to perform the Outdoor Pyrotechnic Display on said property.

Signature:
### PART D - SITE INSPECTION INFORMATION

<table>
<thead>
<tr>
<th>Answer the following questions</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is distance to any fire hydrant or water supply greater than 600'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is display area clear from overhead obstructions?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have provisions been made to keep the public out of display area?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is a hospital, nursing home, or other institution within 600' of the display site?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have provisions been made for on-site fire protection during the display?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has a diagram of the display site been attached to this application?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Identify the largest mortar size (in inches) you intend to use.

Identify the minimum secured diameter of the display site (in feet) based on the largest mortar size.

### PART E - FIRE DEPARTMENT AUTHORIZATION

(Completed by Fire Department)

<table>
<thead>
<tr>
<th>Department Name</th>
<th>Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Address</td>
<td></td>
</tr>
</tbody>
</table>

Based on review of the Display Site, the provided Diagram, and this application:

Have you verified the answers the applicant has given to Part D of this application?

Will the performance of the described Outdoor Pyrotechnic Display at the planned display site be hazardous to property or endanger any person?

By signing below, the Fire Chief of the above-identified fire jurisdiction, or his or her designee, hereby acknowledges that he or she inspected the Display Site:

Signature:

Print Name: Date

Ex-2
PART F – DIAGRAM OF DISPLAY SITE (Completed by the Applicant)

In the space provided below, draw and identify the location of the following items: Streets, Discharge Site, Fallout Area, Parking Area, Spectator Area, Buildings, Overhead Obstructions, and Spotters. The associated separation distances must also be shown. Do not forget to identify the direction in your drawing:
PART A – DISPLAY INFORMATION

Name of Company: _____________________  License No. __________________

Name of Lead Operator: _____________________  License No. ____________

Location of Display: ________________________________

Venue Contact: (Name, Address and Telephone Number)

Date of Display: ____________________________  Alternative Display Date: ____________

Assistants Names  Date of Birth  License No. (If Any)

PART B – DISPLAY SITE SELECTION/MINIMUM DISTANCES

☐ Did the operator provide you a copy of the Display Site plan? The display site plan must include the dimensions and locations of the discharge site, the fallout area, and identify the spectator viewing area and parking areas which must be located outside of the display site. The associated separation distances must also be shown.

☐ Identify the largest mortar size in inches: ( )

☐ The minimum display site size required to conduct the display is based on the size of the largest mortar. To determine the minimum area for the display site, go to Table 1 and read the number next to size of the largest mortar identified above:

<table>
<thead>
<tr>
<th>Mortar Size (in inches)</th>
<th>Minimum Secured Diameter of the Site (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;3</td>
<td>280</td>
</tr>
<tr>
<td>3</td>
<td>420</td>
</tr>
<tr>
<td>4</td>
<td>560</td>
</tr>
<tr>
<td>5</td>
<td>700</td>
</tr>
<tr>
<td>6</td>
<td>840</td>
</tr>
<tr>
<td>7</td>
<td>980</td>
</tr>
<tr>
<td>8</td>
<td>1120</td>
</tr>
<tr>
<td>10</td>
<td>1400</td>
</tr>
<tr>
<td>12</td>
<td>1680</td>
</tr>
</tbody>
</table>

Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.

☐ Spectators and spectator parking areas must be located outside of the display site.
Dwellings, buildings, and structures are not permitted to be located within the display site without the approval of the authority having jurisdiction and the owner and the dwelling, building, or structure is unoccupied during the display. The building may remain occupied if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.

Fire protection personnel and their vehicles and other emergency response personnel and vehicles shall remain at or beyond the perimeter of the display site during the actual firing of the display.

Review sample Display Site Plan at end of this document.

PART C – LOCATION OF DISPLAY

Mortars shall be placed at the approximate center of the display site.

There shall not be any overhead object over the mortars or within 25 ft of the trajectory of any aerial shells.

Ground display pieces shall be located a minimum distance of 75 ft from spectator viewing areas and parking areas.

Exception: For ground pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large salutes) or all roman candles and multishot devices, the minimum separation distance shall be increased to 125 ft (38 m).

PART D - MORTARS

Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.

Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning. Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means.

PART E – GROUND DISPLAY

To the extent that it is practical, all ground display pieces shall be positioned outside the discharge area of aerial displays.

Exception: Where aerial shells have been preloaded, ground display pieces shall be permitted to be located in that discharge area.

Dry grass or combustible materials located beneath ground display pieces shall be wet down before the display if they are in sufficient quantity to be a fire hazard.

Poles for ground display pieces shall be securely placed and firmly braced so that they do not fall over during functioning of the fireworks device.

PART F – DISPLAY SITE SAFETY

The authority having jurisdiction and the operator shall meet and determine the level of fire protection required.

During the period before the display, where pyrotechnic materials are present, unescorted public access to the site shall not be permitted.

Are there enough monitors positioned around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site? The discharge site must be restricted throughout the display and until the discharge site has been inspected after the display. The authority having jurisdiction may approve delineators or barriers to be used in crowd control.
Does the display have at least two spotters, or preferably more, assigned to watch the flight and behavior of aerial shells and other aerial fireworks to verify that they are functioning as intended. If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected. The spotters shall be in direct communication with the shooter during the conduct of the display, with an effective means of informing the shooter of any hazardous condition.

PART G – DISCHARGE AREA SAFETY

During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing. Personal protective equipment, as necessary, shall be worn by the operator and assistants during the setup and cleanup of the display.

No person shall ever place any body part over the mortar during the loading and firing of a display until mortars have been checked for the absence of any shells following the display.

Smoking materials, matches, lighters or open flame devices shall not be allowed within 50 ft (15 m) of any area where fireworks or other pyrotechnic materials are present.

Exception: Devices such as fuses, portfires, and torches shall be permitted to be used to ignite fireworks.

No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.

The first shell fired shall be observed carefully to determine that its trajectory is such that the shell functions over the fallout area and that any hazardous debris or unexploded shells land in the fallout area. The display shall be interrupted and the mortars shall be reangled or repositioned as necessary for safety at any time during an outdoor fireworks display.

PART H – HALTING DISPLAY

Wherever, in the opinion of the authority having jurisdiction or the operator, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected. Such conditions include but are not limited to the following:

- The lack of crowd control,
- If high winds, precipitation, or other adverse weather conditions prevail, or
- If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected.

In the event of a condition arising requiring the entry of fire protection or other emergency response personnel into the fallout area or security perimeter, the display shall be halted until the situation is resolved and the area is once again clear.

PART I – POST DISPLAY INSPECTION

Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components. This inspection shall be conducted before any public access to the site shall be permitted.

Where fireworks are displayed at night, a search of the fallout area shall be made immediately after the display and at first light the following morning by the operator or designated personnel acceptable to the authority having jurisdiction.
DISPLAY SITE PLAN

MINIMUM SECURED DISTANCE

FALLOUT AREA

MORTAR DISCHARGE AREA
(Center of Display Site)

GROUND DISPLAY AREA

Minimum Distance

SPECTATOR VIEWING AREA

VEHICLE PARKING AREA
EXHIBIT "D"

Once the Fire Chief, or his or her designee, has signed this permit form, you must return to the local governmental authority issuing the permit to have it signed by the designated Officer in order for the permit to be valid.

OUTDOOR PYROTECHNIC DISPLAY PERMIT

Date ___________________________ Permit No. ___________________________

PERMITTEES:

Display Sponsor ________________________________

Pyrotechnic Distributor ________________________________

The above-identified permittees are hereby granted permission to conduct an Outdoor Pyrotechnic Display, using Display Fireworks, on ___________________________. (Month, Day, Year)
at _________ in _____________________________, Illinois. (City/Village/Township/Unincorporated County)

(Time)

In the event the display cannot be held on that date, the permittees are given permission to conduct said display at the above-identified location on ___________________________. (Month, Day, Year)

(Time)

The Lead Pyrotechnic Operator, ___________________________, (Name) is hereby designated as the supervisor of the display, and given overall responsibility for the safety, setup, discharge and supervision of the detonation, ignition, or deflagration of the Display Fireworks during the Outdoor Pyrotechnic Display.

Issuing Officer

I have reviewed the permit, inspected the site and approve this permit.

Fire Chief (or Designee)

This permit is non-transferable and must be in possession of the Lead Pyrotechnic Operator during the Outdoor Pyrotechnic Display.
# CHAPTER 8 - CABLE TELEVISION FRANCHISE

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>CABLE/VIDEO SERVICE PROVIDER FEE AND PEG ACCESS FEE</td>
<td></td>
</tr>
<tr>
<td>Section 8-1-1</td>
<td>Definitions</td>
<td>8-1</td>
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<td>Cable/Video Service Provider Fee Imposed</td>
<td>8-3</td>
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<td>PEG Access Support Fee Imposed</td>
<td>8-4</td>
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<td>8-4</td>
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<td>No Impact on Other Taxes Due From Holder</td>
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<td>Section 8-1-6</td>
<td>Audits of Cable/Video Service Provider</td>
<td>8-4</td>
</tr>
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<td>Section 8-1-7</td>
<td>Late Fees/Payments</td>
<td>8-5</td>
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<tr>
<td>II</td>
<td>CABLE AND VIDEO CUSTOMER PROTECTION LAW</td>
<td></td>
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<tr>
<td>Section 8-2-1</td>
<td>Customer Service and Privacy Protection Law</td>
<td>8-6</td>
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<td>Section 8-2-2</td>
<td>Enforcement</td>
<td>8-6</td>
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<td>Section 8-2-3</td>
<td>Customer Credits</td>
<td>8-6</td>
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<tr>
<td>Section 8-2-4</td>
<td>Penalties</td>
<td>8-6</td>
</tr>
<tr>
<td>III</td>
<td>CABLE FRANCHISE AGREEMENT</td>
<td></td>
</tr>
<tr>
<td>Section 8-3-1</td>
<td>Mediacom Illinois LLC Franchise</td>
<td>8-7</td>
</tr>
<tr>
<td>Exhibit &quot;A&quot;</td>
<td>Franchise Agreement</td>
<td>8-8</td>
</tr>
</tbody>
</table>
8-1-1  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).
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.

The service provider fee permitted by 220 ILCS 5/22-501.

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 5/22-501.

(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 5/22-501 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.
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 5/22-501 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 5/22-501.

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 5/22-501 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.

8-1-2 CABLE/VIDEO SERVICE PROVIDER FEE IMPOSED.

A) Fee Imposed. A fee is hereby imposed on any holder providing cable service or video service in the City.

B) Amount of Fee. The amount of the fee imposed hereby shall be five percent (5%) of the holder's gross revenues.

C) Notice to the City. The holder shall notify the City at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the City.

D) Holder's Liability. The holder shall be liable for and pay the service provider fee to the Village. 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 5/22-501 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 5/22-501 with credit to prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under the law.
8-1-3 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 8-1-2(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 8-1-2(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 5/22-501 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 8-1-3(B).

8-1-4 APPLICABLE PRINCIPLES. All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

8-1-5 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.

8-1-6 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.

8-1-7 **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 5/22-501)*
ARTICLE II - CABLE AND VIDEO CUSTOMER PROTECTION LAW

8-2-1 CUSTOMER SERVICE AND PRIVACY PROTECTION LAW.
(A) Adoption. The regulations of 220 ILCS 5/22-501 are hereby adopted by reference and may applicable to the cable or video providers offering services within the City's boundaries.

(B) Amendments. Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Article shall be incorporated into this Article by reference and shall be applicable to cable or video providers offering services within the City's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the City.

8-2-2 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.

8-2-3 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 5/22-501(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.

8-2-4 PENALTIES. The City, pursuant to 220 ILCS 5/22-501(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).
ARTICLE III – CABLE FRANCHISE AGREEMENT

8-3-1 MEDIACOM ILLINOIS LLC FRANCHISE. The cable franchise agreement between the City and Mediacom Illinois LLC is hereby included in this Chapter as Exhibit “A”.

(Ord. No. 1301-11; 07-12-11 and 1375-15; 05-12-15)

(220 ILCS 5/21-401 and 222 ILCS 5/21-801)
Cable Television Exhibit "A"

FRANCHISE AGREEMENT

This Franchise Agreement ("Franchise") is between the City of Carterville, Illinois hereafter referred to as "the Franchising Authority" and MCC Illinois LLC d/b/a Mediacom, a limited liability company duly organized and validly existing under the laws of the State of Delaware, hereinafter referred to as "the Grantee".

The Franchising Authority hereby acknowledges that the Grantee has substantially complied with the material terms of the current Franchise under applicable law, and that the financial, legal, and technical ability of the Grantee is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community, and having afforded the public adequate notice and opportunity for comment, desires to enter into this Franchise with the Grantee for the construction and operation of a cable system on the terms set forth herein.

Section 1 – Definition of Terms

1.1 Terms. For the purpose of this Franchise, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

(A) "Basic Cable Service" is the lowest priced tier of Cable Service that includes the retransmission of local broadcast television signals.

(B) "Cable Act" means Title VI of the Cable Act of 1934, as amended.

(C) "Cable Services" shall mean (1) the one-way transmission to Subscribers of (a) video programming, or (b) other programming service, and (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(D) "Cable System" shall mean the Grantee’s facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Subscribers within the Service Area.

(E) "FCC" means Federal Communications or successor governmental entity thereto.

(F) "Franchising Authority" means the City of Carterville, Illinois.

(G) "Grantee" means Mediacom Southeast LLC, or the lawful successor, transferee, or assignee thereof.

(H) "Gross Revenues" means revenues derived from the operation of the Cable System received by Grantee from Subscribers for Basic Cable Services in the Service Area; provided, however, that Gross Revenues shall not include franchise fees, the FCC User Fee or any tax, fee or assessment of general applicability collected by the Grantee from Subscribers for pass-through to a government agency.
(I) “Person” means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

(J) “Public Way” shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses now or hereafter held by the Franchising Authority in the Service Area which shall entitled the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System.

(K) “Service Area” means the present boundaries of the Franchising Authority, and shall include any additions thereto by annexation or other legal means, subject to the exceptions in subsection 3.9.

(L) “Standard Installation” is defined as one hundred twenty-five (125) feet from the nearest tap to the Subscriber’s terminal.

(M) “Subscriber” means a Person who lawfully receives Cable Service of the Cable System with the Grantee’s express permission.

Section 2 – Grant of Franchise

2.1 Grant. The Franchising Authority hereby grants to the Grantee a nonexclusive Franchise which authorizes the Grantee to construct and operate a Cable System in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Public Way such facilities and equipment as may be necessary or appurtenant to the Cable System for the transmission and distribution of Cable Services, data services, information and other communications services or for any other lawful purposes.

2.2 Other Ordinances. The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this Franchise. Neither party may unilaterally alter the material rights and obligations set forth in this Franchise. In the event of a conflict between any ordinance and this Franchise, the Franchise shall control.

2.3 Other Authorizations. The Franchising Authority shall not permit any person to provide services similar to those provided by the Grantee in the Service Area without first having secured a non-exclusive franchise from the Franchising Authority. The Franchising Authority agrees that any grant of additional franchises or other authorizations including OVS authorizations by the Franchising Authority to provide services similar to those provided by the Grantee pursuant to this Agreement to any other entity shall cover the entire Service Area and shall not be on terms and conditions more favorable or less burdensome to the grantee of any such additional franchise or other authorization than those which are set forth herein. In any renewal of this Franchise, the Franchising Authority, should it seek to impose increased obligations upon the Grantee, must take into account any additional franchise(s) or authorizations previously granted and find that the proposed increased obligations in the renewal, are not more burdensome and/or less favorable than those contained in any such additional franchise(s) or authorizations.
Section 3 – Standards of Service

3.1 Conditions of Occupancy. The Cable System installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such Public Ways.

3.2 Restoration of Public Ways. If during the course of the Grantee’s construction, operation, or maintenance of the Cable System there occurs a disturbance of any Public Way by the Grantee, Grantee shall replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to such disturbance.

3.3 Relocation for the Franchising Authority. Upon its receipt of reasonable advance written notice, to be not less than ten (10) business days, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way, any property of the Grantee when lawfully required by the Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of public structures or improvements which are not used to compete with the Grantee’s services. The Grantee shall in all cases have the right of abandonment of its property.

3.4 Relocation for a Third Party. The Grantee shall, on the request of any Person holding a lawful permit issued by the Franchising Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way as necessary any property of the Grantee, provided:

(A) the expense of such is paid by said Person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and

(B) the Grantee is given reasonable advance written notice to prepare for such changes.

For purposes of this subsection, “reasonable advance written notice” shall be no less than thirty (30) business days in the event of a temporary relocation, and no less than one hundred twenty (120) days for a permanent relocation.

3.5 Trimming of Trees and Shrubbery. The Grantee shall have the authority to trim tree or other natural growth in order to access and maintain the Cable System.

3.6 Safety Requirement. Construction, operation, and maintenance of the Cable System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable federal, state, and local regulations and the National Electric Safety Code.

3.7 Underground Construction. In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate, and maintain its Cable System underground. Nothing contained in this subsection shall require the Grantee to construct, operate, and maintain underground any ground-mounted appurtenances.

3.8 Access to Open Trenches. The Franchising Authority agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the Franchising Authority agrees to require as a condition of issuing a permit for open trenching to any utility or developer that (A) the utility or developer give the Grantee at least ten (10) days advance written notice of the availability of the open trench, and (B) that the utility or developer provide the Grantee with reasonable access to open trench.
Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench.

3.9 **Required Extensions of the Cable System.** Grantee agrees to provide Cable Service to all residences in the Service Area subject to the density requirements specified in this subsection. Whenever the Grantee receives a request for Cable Service from a potential Subscriber in an unserved area contiguous to Grantee's existing distribution facilities where there are at least ten (10) residences within one thousand three hundred twenty (1,320) cable-bearing strand feet (one-quarter cable mile) from the portion of the Grantee's trunk or distribution cable which is to be extended, it shall extend its Cable System to such Subscribers at no cost to said Subscribers for the Cable System extension, other than the published Standard/non-Standard Installation fees charges to all Subscribers. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the Cable Service into any annexed area which is not contiguous to the present Service Area of the Grantee, or into any area which is financially or technically infeasible due to extraordinary circumstances, such as a runway or freeway crossing.

3.10 **Subscriber Charges for Extensions of the Cable System.** No Subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of subsection 3.9 above, the Grantee shall only be required to extend the Cable System to Subscriber(s) in that area if the Subscriber(s) are willing to share the capital costs of extending the Cable System. Specifically, the Grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a fraction whose numerator equals the actual number of residences per 1320 cable-bearing strand feet from the Grantee's trunk or distribution cable, and whose denominator equals 10. Subscribers who request service hereunder shall bear the remaining cost to extend the Cable System on a pro rata basis. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance. Subscribers shall also be responsible for any Standard/non-Standard Installation charges to extend the Cable System from the tap to the residence.

3.11 **Cable Service to Public Buildings.** The Grantee, upon request, shall provide without charge, a Standard Installation and one outlet of Basic Cable Service to those administrative buildings owned and occupied by the Franchising Authority, fire station(s), police station(s), and K-12 public school(s) that are passed by its Cable System. The Cable Service provided shall not be distributed beyond the originally installed outlet without authorization from the Grantee. The Cable Service provided shall not be used for commercial purposes, and such outlets shall not be located in areas open to the public. The Franchising Authority shall take reasonable precautions to prevent any inappropriate use of the Grantee's Cable System or any loss or damage to Grantee's Cable System. The Franchising Authority shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of Cable Service required by this subsection. The Grantee shall not be required to provide an outlet to such buildings where a non-Standard Installation is required, unless the Franchising Authority or building owner/occupant agrees to pay the incremental cost of any necessary Cable System extension and/or non-Standard Installation. If additional outlets of Basic Cable Service are provided to such buildings, the building owner/occupant shall pay the usual installation and service fees associated therewith.

3.12 **Reimbursement of Costs.** If funds are available to any Person using the Public Way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall reimburse the Grantee in the same manner in which other Persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Franchising Authority shall make application for such funds on behalf of the Grantee.
Section 4 – Regulation by the Franchising Authority

4.1 Franchise Fee.
(A) The Grantee shall pay to the Franchising Authority a franchise fee of ______ percent (%) of annual Gross Revenues (as defined in subsection 1.1 of this Franchise). In accordance with the Cable Act, the twelve (12) month period applicable under the Franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due annually and payable within ninety (90) days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation.

(B) Limitation on Franchise Fee Actions. The period of limitation for recovery by the Franchising Authority of any franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee is due to the Franchising Authority.

4.2 Rates and Charges. The Franchising Authority may regulate rates for the provision of Basic Cable Service and equipment as expressly permitted by federal law.

4.3 Renewal of Franchise.
(A) The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the renewal provisions of federal law.

(B) In addition to the procedures set forth in the Cable Act, the Franchising Authority agrees to notify the Grantee of all of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current Franchise term. The Franchising Authority further agrees that such assessments shall be provided to the Grantee promptly so that the Grantee has adequate time to submit a proposal pursuant to the Cable Act and complete renewal of the Franchise prior to expiration of its term.

(C) Notwithstanding anything to the contrary set forth in this subsection 4.3, the Grantee and the Franchising Authority agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment in accordance with the provisions of federal law the Franchising Authority and the Grantee may agree to undertake and finalize informal negotiations regarding renewal of the then current Franchise and the Franchising Authority mayrant a renewal thereof.

(D) The Grantee and the Franchising Authority consider the terms set forth in this subsection 4.3 to be consistent with the express renewal provisions of the Cable Act.

4.4 Conditions of Sale. If a renewal or extension of the Grantee’s Franchise is denied or the Franchise is lawfully terminated, and the Franchising Authority either lawfully acquires ownership of the Cable System or by its actions lawfully effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act.

The Grantee and the Franchising Authority agree that in the case of a final determination of a lawful revocation of the Franchise, the Grantee shall be given at least twelve (12) months to effectuate a transfer of its Cable System to a qualified third
party. Furthermore, the Grantee shall be authorized to continue to operate pursuant to the terms of its prior Franchise during this period. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its Cable System which is reasonably acceptable to the Franchising Authority, the Grantee and the Franchising Authority may avail themselves of any rights they may have pursuant to federal or state law. It is further agreed that the Grantee's continued operation of the Cable System during the twelve (12) month period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either the Franchising Authority or the Grantee.

4.5 Transfer of Franchise. The Grantee's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the Grantee, without prior written notice to the Franchising Authority. No such notice shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or Cable System in order to secure indebtedness.

Section 5 – Books and Records

The Grantee agrees that the Franchising Authority, upon thirty (30) days written notice to the Grantee and no more than once annually may review such of its books and records at the Grantee's business office, during normal business hours and on a non-disruptive basis, as is reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the subsection of the Franchise that is under review so that the Grantee may organize the necessary books and records for easy access by the Franchising Authority. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the reasonable travel costs of the Franchising Authority's representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for Franchise compliance purposes longer than three (3) years. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing Cable Service in the Service Area. The Franchising Authority agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to employees, representative, and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act.

Section 6 – Insurance and Indemnification

6.1 Insurance Requirements. The Grantee shall maintain insurance in full force and effect, at its own cost and expense, during the term of the Franchise. The Franchising Authority shall be designated as an additional insured and such insurance shall be non-cancellable except upon thirty (30) days prior written notice to the Franchising Authority. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this subsection.
6.2 **Indemnification.** The Grantee agrees to indemnify, save and hold harmless, and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System in the Service Area provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within **ten (10) days** of receipt of a claim or action pursuant to this subsection. Notwithstanding the foregoing, the Grantee shall not indemnify the Franchising Authority for any damages, liability or claims resulting from the willful misconduct of negligence of the Franchising Authority.

**Section 7 – Enforcement and Termination of Franchise**

7.1 **Notice of Violation.** In the event that the Franchising Authority believes that the Grantee has not complied with any material term of the Franchise, the Franchising Authority shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Franchising Authority shall notify the Grantee in writing of the exact nature of such alleged noncompliance.

7.2 **The Grantee’s Right to Cure or Respond.** The Grantee shall have **thirty (30) days** from receipt of the notice described in subsection 7.1: (A) to respond to the Franchising Authority, contesting the assertion of such noncompliance, or (B) to cure such default, or (C) in the event that, by the nature of such default, it cannot be cured within the **thirty (30) day** period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date they will be completed.

7.3 **Public Hearing.** In the event that the Grantee fails to respond to the notice described in subsection 7.1 pursuant to the procedures set forth in subsection 7.2, or in the event that the alleged default is not remedied within **thirty (30) days** or the date projected pursuant to 7.2(C) above, if it intends to continue its investigation into the default, then the Franchising Authority shall schedule a public hearing. The Franchising Authority shall schedule a public hearing. The Franchising Authority shall provide the Grantee at least **ten (10) days** prior written notice of such hearing, which specifies the time, place and purpose of such hearing, and provide the Grantee the opportunity to be heard.

7.4 **Enforcement.** Subject to applicable federal and state law, in the event the Franchising Authority, after the hearing set forth in subsection 7.3, determines that the Grantee is in material default of any provision of the Franchise, the Franchising Authority may:
   (A) Commence an action for monetary damages or seek other equitable relief; or
   (B) In the case of repeated or ongoing substantial non-compliance with a material term or terms of the Franchise, seek to revoke the Franchise in accordance with subsection 7.5.

7.5 **Revocation.** Should the Franchising Authority seek to revoke the Franchise after following the procedures set forth in subsections 7.1-7.4 above, the Franchising Authority shall give written notice to the Grantee of its' intent. The notice shall set forth the exact nature of the repeated or ongoing substantial noncompliance with a material term of terms of the franchise. The Grantee shall have **ninety (90) days** from such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a satisfactory response from the Grantee, it may
then seek termination of the Franchise at a public hearing. The Franchising Authority shall cause to be served upon the Grantee, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise.

At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the Franchising Authority, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing.

Following the hearing, the Franchising Authority shall determine whether or not the Franchise shall be revoked. If the Franchising Authority determines that the Franchise shall be revoked, the Franchising Authority shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination of the Franchising Authority to an appropriate court which shall have the power to review the decision of the Franchising Authority de novo. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within sixty (60) days of Grantee's receipt of the determination of the Franchising Authority.

The Franchising Authority may, at its sole discretion, take any lawful action which it deems appropriate to enforce the Franchising Authority's rights under the Franchise in lieu of revocation of the Franchise.

7.6 Force Majeure. The Grantee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

Furthermore, the parties hereby agree that it is not the Franchising Authority's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Service Area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the Franchising Authority and/or subscribers.

Section 8 – Miscellaneous Provisions

8.1 Actions of Parties. In any action by the Franchising Authority or the Grantee that is mandated or permitted under the terms hereof, such party shall act in reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

8.2 Entire Agreement. This Franchise constitutes the entire agreement between the Grantee and the Franchising Authority and supersedes all other prior understandings and agreements oral or written. Any amendments to this Franchise shall be mutually agreed to in writing by the parties.
8.3 **Reservation of Rights.** Acceptance of the terms and conditions of this franchise will not constitute, or be deemed to constitute, a waiver, either expressly or impliedly, by Grantee of any constitutional or legal right which it may have or may be determined to have, either by subsequent legislation or court decisions. The Franchising Authority acknowledges that Grantee reserves all of its rights under applicable Federal and State Constitutions and laws.

8.4 **Notice.** Unless expressly otherwise agreed between the parties, every notice or response required by this Franchise to be served upon the Franchising Authority or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope: (A) upon receipt when hand delivered with receipt/acknowledgment, (B) upon receipt when sent certified, registered mail, (C) within five (5) business days after having been posted in the regular mail or (D) or the next business day if sent by express mail or overnight air courier.

The notices or responses to the Franchising Authority shall be addressed as follows:
City of Carterville
cityofcarterville1@frontier.com (email)

The notices or responses to the Grantee shall be addressed as follows:
Mediacom Southeast LLC
sbloom@mediacom.com

With a copy to:
Sally A. Bloom, Senior Manager

The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this subsection.

8.5 **Descriptive Headings.** The captions to Sections and subsections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.

8.6 **Severability.** If any Section, subsection, sentence, paragraph, term or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other Section, subsection, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise.

8.7 **Term and Effective Date.** The Effective Date of this Franchise is the date of final adoption by the Franchising Authority as set forth below subject to Grantee's acceptance by countersigning where indicated below. This Franchise shall be for a term of fifteen (15) years from such Effective Date and shall expire on ___________.

8.8 Mediacom Illinois LLC shall pay an annual service provider fee to the City in an amount equal to five percent (5%) of annual gross revenues derived from the provision of cable or video service to households located within the City. The twelve (12) month period for the computation of the service provider fee shall be a calendar year. (Ord. No. 1375-15)

8.9 The service provider fee payment shall be due quarterly and payable within forty-five (45) days after the close of the quarter. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation. If mailed, the fee shall be considered paid on the date it is postmarked. (Ord. No. 1375-15)
8.10 For purposes of the calculation of the service provider fee, "gross revenues" shall mean consideration of any kind or nature, including, without limitation, cash credits, property, and in-kind contributions received by Mediacom Illinois LLC for the operation of its cable system to provide cable or video service within the City, including the following: (1) recurring charges for cable service or video service; (2) event-based charges for cable service or video service, including, but not limited to pay-per-view and video-on-demand charges; (3) rental of set-top boxes and other cable service or video service equipment; (4) service charges related to the provision of cable service or video service, including, but not limited to, activation, installation and repair charges; (5) administrative charges related to the provision of cable service or video service, including, but not limited to, service order and service termination charges; and (6) late payment fees for charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments. (Ord. No. 1375-15)

8.11 For purposes of the calculation of the service provider fee, "gross revenues" shall not include: (1) revenues not actually received, even if billed, such as bad debt; (2) the service provider fee or any tax, fee or assessment of general applicability; (3) any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, voice over internet protocol (VoIP) services, information services, the provision of directory or Internet advertising, or any other revenues attributed by the holder to non-cable 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; (4) security deposits collected from subscribers; or (5) any 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. (Ord. No. 1375-15)

(Ord. No. 1301-11; 07-12-11)
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# Carterville City Code

## CHAPTER 9 - CEMETERIES

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*Illinois Codification Services*
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CHAPTER 9

CEMETERIES

ARTICLE I - DEPARTMENT ESTABLISHED

9-1-1 DESIGNATION OF CITY CEMETERIES. The cemeteries of the City shall be platted and the plats thereof shall be on file in the office of the City Clerk and shall not be changed except by order of the City Council.

9-1-2 Sexton - Appointment; Residence Qualifications; Term of Office. The Mayor, by and with the advice of the City Council, shall appoint some suitable person who shall be a resident of the City, to act as sexton of cemeteries. He shall hold his office during the fiscal year in which he was appointed, unless sooner removed by the Mayor and City Council.

9-1-3 Sexton - Duties Generally. The sexton appointed under the preceding section shall, under the direction of the Council, have charge of all municipal cemeteries and shall keep and preserve in good order and repair the grounds, buildings, avenues, walks and fences thereof, and shall also see that all the provisions of this Code and other ordinances relating to and all rules and regulations for the government of such cemeteries are enforced.

9-1-4 Sexton - Compensation. The salary of the sexton shall be established by the annual appropriation ordinance.

9-1-5 Grade of Lots. The grade of lots in the City cemeteries shall not be substantially changed from its position at the time of the sale without permission of the City Council.

9-1-6 Price of Lots. The sale price of lots of the City cemeteries shall be as follows:

(A) For an 8-grave lot in the original Oakwood or Hillcrest Section - $560.00
(B) For a 4-grave (1/2 lot) in the original Oakwood or Hillcrest Section - $280.00
(C) For an 8-grave lot in the Oakwood North Section - $560.00
(D) For a 7-grave lot in the Oakwood North Section - $490.00
(E) For a 4-grave half lot in Oakwood North Section - $280.00

No less than a half lot of 4-grave sites or a 3-grave partial lot will be sold in the Oakwood North Section, or in any other addition after April 1, 1980, except by order of the City Council.

9-1-7 Sales of Lots, Etc. - Applications; Payment. All applications for the purchase of cemetery lots shall be made to the City Clerk, who shall receive the price of the lots before deed is given.

9-1-8 Deeds and Deed Book. The Mayor and the City Clerk shall execute and deliver to the purchaser of a lot, a deed under the corporate seal of the City for such lot. The City Clerk shall provide a book of records in which shall be entered the number of the lot, the name of the grantee, the price of the same, and the date.
9-1-9  **Cemetery Operations Fund.** The Cemetery Operations fund is hereby created and established. The City Treasurer is required to keep a separate account thereof and enter to the credit of the same, from time to time, as required by him, except as provided in the following section, all moneys received from the sale of cemetery lots, all moneys derived from the digging of graves and all appropriations from the City Treasurer for cemetery purposes; except those donations given to the Perpetual Care Fund as provided for in Article III of this Chapter.

9-1-10  **Interment - Permit Required; Restricted to Lot Specified in Permit.** The sexton shall allow no interment without the delivery to him of a certificate of the City Clerk authorizing interment, nor shall any interment to be made in any other lot than the one named in the certificate.

9-1-11  **Interment - Application.** Any person desiring to make an interment in the cemetery shall apply to the City Clerk for a permit thereof.

9-1-12  **Interment - Contents of Permit.** The certificate issued under the preceding section shall state the name of the deceased and the number of the lot in which the deceased is to be interred, and the City Clerk shall make an entry in a suitable book of the name of the deceased, the date of death, and sex of the deceased. If the deceased shall be a stranger or pauper without means and no person is chargeable with the interment or liable therefor, the Clerk's certificate shall so state.

9-1-13  **Monthly Check of Interment Permits.** The sexton shall, by the first (1st) Monday of each month, return to the City Clerk, all the interment certificates received by him during the preceding month, and they shall be compared with the entries on the Clerk's books to see if they correspond thereto.

9-1-14  **Unlawful Interment.** It shall be unlawful to make interment or bury the dead body of any person at any place within the City limits, except in the City Cemeteries; provided, however, that only the remains of human beings shall be buried in the City Cemeteries.

9-1-15  **Injuring or Destroying Monuments, Etc.** No person shall remove or carry away, or willfully, maliciously or negligently break, deface, destroy or otherwise injure any monument, tombstone, tree, shrub, plant, vase, paling, fence, gate or any other property, article or thing belonging to or placed or erected in any cemetery within or under the control of the City Council, nor shall such person pluck any flowers therein, or trespass upon or maltreat any grave therein, or violate any of the established rules or regulations for the government thereof.

9-1-16  **Discharging Firearms or Fireworks.** No person shall hunt, discharge firearms, set off or explode fireworks, except as part of any burial or other service, or shall otherwise trespass upon any cemetery or buying ground within the City, or within or under the jurisdiction of the City Council.

9-1-17  **Markers.** No person shall remove or carry away, or willfully, maliciously or negligently break, deface, or otherwise injure any monument, tombstone, tree, vase or any other property or thing belonging to, or placed or erected in any cemetery within or under the control of the Cemetery Committee.
Carterville City Code

9-1-18 RIDING ON GRASS. No person shall ride any horse or drive upon any private lot in the cemeteries.

9-1-19 FENCES. It shall be unlawful for any person or lot owner in the cemeteries to erect or construct any enclosure or fence on or around any lot in the cemeteries; provided that this shall not be so construed as to prevent any person from erecting any concrete or stone coping flush with the ground.

9-1-20 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 cemeteries at any time.

9-1-21 BURNING IN CEMETERIES. It shall be unlawful to burn any refuse, such as papers, boxes, waste building materials or any other waste substances and materials in the cemeteries without first securing a permit from the City Clerk.

9-1-22 DONATIONS. Donations to the Cemetery Fund may be made in the office of the City Clerk. The City Council, if it wishes, may give permission to a local not-for-profit organization to conduct a fund-raising campaign for the benefit of the Cemetery; however, such donations shall be turned over to the City Treasurer within fifteen (15) days of the campaign’s completion; such funds shall be placed in a special fund called the Cemetery Maintenance Fund, which fund shall be under the control and custody of the City Treasurer and the City; further provided that the moneys in this special fund may be placed in guaranteed United States government investments by the City Treasurer with the advice and consent of the City Council. The earnings of such investment shall be used for cemetery maintenance.

9-1-23 PROHIBITED CONSTRUCTION. No person shall construct or maintain any copings, monuments, mausoleums, or other types of materials aboveground in the City Cemetery.

9-1-24 DOG REGULATIONS. Under no circumstances shall any type of dog be allowed in the municipal cemetery under any circumstances, with the exception that this does not apply to any service dog or any dog whose specific purpose is to be used for any other reason, such as service to a handicapped individual.

No one shall allow their dogs to roam free in the municipal cemetery and no one shall allow their dogs to be within the municipal cemetery located in the City of Carterville, for any reason, with the exception of the service dogs needed to assist handicapped individuals.

The owners of any service dog which is found in the municipal cemetery located in the City of Carterville, shall be responsible for the clean-up and removal of any waste from said animals. (See Chapter 3 – Article II)
ARTICLE II – NORTH OAKWOOD CEMETERY

9-2-1 RULES AND REGULATIONS. The following rules and regulations shall apply to the North Oakwood Cemetery:

(A) Lots will consist of either three (3), four (4), seven (7), or eight (8) graves and must be bought as a unit. Size of an eight (8) grave lot is 19.17 feet long by 16.5 feet wide.

(B) Both upright and flat (flush) head markers may be used.

(C) Only one (1) family upright monument is allowed on each grave lot and must be centered according to the accompanying plats on the attached page.

(D) Individual or double head markers must be flush with the ground and must be set at the head facing east and set with the contour of the ground. If set with the family stone, the same rule applies. No trowelled extension required on flat (flush) markers.

(E) Size of Monuments.

(F) Material. All monuments and markers must be made from granite, marble, or bronze.

(G) Monument Descriptions.

MONUMENT DESCRIPTIONS

CONCRETE BORDER 6"

(1) Both sides of monument can be lettered, marking grave spaces on either the east or west half of the lot.
Lot Descriptions.

LOT DESCRIPTIONS

WEST

4 GRAVE LOTS

8 GRAVE LOTS

7 GRAVE LOTS

3 OR 4 GRAVE LOTS

(1) * - Location for flat (flush) head markers (singles or doubles).

(2) - Location for upright monuments.

(3) 3 and 7 Grave Lots are all located on the curve of the roadway, at the beginning or end of a block of graves.

NOTE: Above rules do not require lot owners to purchase upright monuments. The lot owner has a choice of either flat (flush) markers or upright family monuments.

9-2-2 REGULATIONS. The following is prohibited in the North Oakwood Cemetery Section:

(A) No copings (lot borders) concrete, granite, or marble permitted.

(B) No corner markers permitted.

(C) No planting flower beds. No shrubs or trees.

(D) No hills or mounds allowed on graves after graves have settled.

(E) No lots to be filled in above lots joining the same.

(F) No mausoleums permitted.

(G) No lot shall be used for any purpose other than a place of burial for human beings.

(H) No burials permitted unless remains are buried in a vault of metal, concrete, concrete rough box or concrete grave liner. All wood boxes are prohibited.
ARTICLE III — WILLOWREST CEMETERY

9-3-1 RULES AND REGULATIONS. The following rules and regulations shall apply to the Willowrest Cemetery:

(A) Lots will consist of either one (1), two (2), seven (7) or eight (8) graves and must be bought as a unit. Size of an eight (8) grave lot is twenty (20) feet long by sixteen (16) feet wide.

(B) Both upright and flat (flush) head markers may be used.

(C) Only one (1) family upright monument is allowed on each grave lot and must be centered according to the accompanying plats on the attached page.

(D) Individual or double head markers must be flush with the ground and must be set at the head facing east and set with the contour of the ground. If set with the family stone, the same rule applies. No trowelled extension required on flat (flush) markers.

(E) Size of Monuments.

(1) One (1) and Two (2) Grave Lots. The base of the monument shall not be more than fifty-four (54) inches long with six (6) inch trowelled extension around the base. A foundation depth of six (6) inches below the frost line is the minimum.

(2) Seven (7) and Eight (8) Grave Lots. The base of a monument shall not be more than ninety-six (96) inches long with six (6) inch trowelled extension around the base. A foundation depth of six (6) inches below the frost line is the minimum, with twenty-four (24) inches considered frost line.

(F) Material. All monuments and markers must be made from granite, marble, or bronze.

(G) Monument Descriptions. See Attached.

(H) Lot Descriptions. See Attached.

9-3-2 REGULATIONS. The following is prohibited in the Willowrest Cemetery Section:

(A) No copings (lot borders) concrete, granite or marble permitted.

(B) No corner markers permitted.

(C) No planting flower beds. No shrubs or trees.

(D) No hills or mounds allowed on graves after graves have settled.

(E) No lots to be filled in above lots joining the same.

(F) No mausoleums permitted.

(G) No lot shall be used for any purpose other than a place of burial for human beings.

(H) No burials permitted unless remains are buried in a vault of metal, concrete, concrete rough box or concrete grave liner. All wood boxes are prohibited.

9-3-3 PRICES. Prices for grave sites in the Willowrest Cemetery are hereby established as follows:

(A) One (1) Grave Site - $150.00

(B) Two (2) Grave Sites - $300.00

(C) Four (4) Grave Sites - $600.00

(D) Seven (7) Grave Sites - $875.00

(E) Eight (8) Grave Sites - $1,000.00

One-third (1/3) of all money collected for lots is to be invested. The City is not to use the principal of the money invested but is allowed to use the interest thereon for maintenance and repairs necessary at Willowrest Cemetery.

(Ord. No. 764-94; 07-12-94)
ARTICLE IV – PERPETUAL CARE FUND

9-4-1 FUND ESTABLISHED. There is hereby authorized and created in accordance with the terms hereof, a special trust fund to be designated as the Cemetery Perpetual Care Fund and shall be under the control and custody of the City Treasurer.

9-4-2 DONATION TO FUND. Any person or persons who may desire to provide a fund, the income of which shall be used to care for the annual perpetual care of a grave lot or lots, may do so by depositing with the City Treasurer a fund in the amount hereinafter stated.

9-4-3 SEPARATION OF FUNDS. Any moneys deposited pursuant to this Article shall be kept separate from all other cemetery and municipal funds, and shall be designated as the Cemetery Perpetual Care Fund and held in trust for the purposes herein stated.

9-4-4 INVESTMENT OF FUNDS. The City Treasurer is hereby authorized to invest such funds in bonds issued by or guaranteed by the United States Government and yielding income as provided in such said bonds, such income to be used for Cemetery maintenance. The City Treasurer and City Clerk shall keep proper records designating the investment and the lots covered by such investments.
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CHAPTER 11

EMPLOYEE CODE

ARTICLE I – GENERAL EMPLOYMENT INFORMATION

11-1-1 WELCOME STATEMENT. Welcome to employment with the City of Carterville. The City relies upon its dedicated employees to provide the highest level of service to the citizens of Carterville.

This employee handbook contains many of the City's policies. It is impossible to address every issue that may occur at work in this manual. If an issue is not addressed in this handbook, please bring this issue to the attention of your supervisor, Human Resources or Mayor. We will do our best to resolve any questions or concerns.

11-1-2 HOW TO USE THIS HANDBOOK. You should use this employee handbook as a guide regarding the City of Carterville’s policies, hereinafter referred to as “the City”. As of February 1, 2016, the City’s policies that are included in this Handbook will supersede all previous policies and past treatment will have no bearing on the type of discipline which will be utilized to address policies or infraction moving forward. If you have any questions regarding the policies, please direct your questions to Human Resources.

11-1-3 AT-WILL EMPLOYMENT. This employee handbook (Code) and the individual policies contained herein do not create any contractual rights. Unless your employment is governed by a separate collective bargaining agreement or duly executed contract stating otherwise, you are an at-will employee. That means that the employment relationship is for no definite or determinable period of time, and regardless of salary, position or rate of pay may be terminated by either the City or by the employee at any time with or without cause or notice. Nothing in this handbook is meant to alter that relationship in any manner.

(A) Furthermore, no manager, supervisor, or representative of the City has the authority to enter into any agreement or contract for employment for any specified duration or to make any agreement, promise, guarantee or commitment that contradicts the above.

(B) Any agreement that contradicts your at-will status must be approved by the Mayor and the City Council and will not be enforceable unless it is in writing and signed by you and by the Mayor. The agreement must specifically state that the at-will relationship between you and the City has changed and a new standard is to be applied.

(C) Additionally, this handbook cannot address every circumstance that may occur while you are performing your duties. It cannot list every act you are permitted or not permitted to do while employed or answer every question you may have.

(D) Therefore, consult your supervisor or Human Resources if you have a question that this handbook does not address. If something is not addressed in this handbook, the City will act in its discretion and in accordance with the law.

(E) The City also reserves the right to modify, supplement, or rescind any provision of this employee handbook, without notice.

(F) Please note that only the Mayor and the City Council can approve changes to this handbook and that those changes must be in writing and signed by the Mayor.
11-1-4  **PUBLIC SERVICE.** Employees working in customer service have a special responsibility. To the customer, we are the City. The City believes that every person who registers a complaint deserves to be given serious consideration. Employees who routinely interact with the public will be expected to know as much as possible about City services. Guidelines can be provided to assist employees in most situations. However, there may be times when an employee must rely on his/her best judgment. Our goal is to satisfy the public that we serve. If there is a question about handling a complaint, management should be consulted.

11-1-5  **ETHICAL STANDARDS.** Employment by the City carries with it a responsibility to be constantly aware of the importance of ethical conduct. All employees must refrain from taking part in, or exerting influence in any transaction in which personal interests may conflict with the best interests of the City. Employees and/or elected officials should never discuss proprietary information (not including information otherwise subject to FOIA or public disclosure) with any person outside the City Government or with other City employees in any public place where it is possible to be overheard. Integrity and competence are essential ingredients of professional behavior. All employees are expected to become thoroughly familiar with the rules of conduct established by the City. The City must abide by regulations of multiple entities, including DOL, OSHA, EPA, ADA, and other agencies that are tasked with oversight and protection of employees from discrimination and harassment for any reason. It is important that City employees refrain from behavior that could call into question the City's commitment to the above principles.

The City recognizes and respects the individual employee's right to engage in business activities outside of his/her employment, which are private in nature and so not in any way conflict with the City's interests.

11-1-6  **FALSIFICATION OF RECORDS.**

(A) When an employee is hired, he/she must fill out a series of documents including, but not limited to an employment application affirming that all information furnished is true.

(B) The statement is signed by the employee and also warns that falsification of employment records is considered a serious offense and may lead to termination at any point with the City. If, at some later date, it is determined that employment records have been falsified, the employee may be subject to immediate dismissal.

(C) Appropriate discipline, up to and including termination, will be dispensed for falsification of any reports pertaining to absence from work, claims made about injuries while on the job or on City premises, claims made on benefits provided by the City or government agencies as well as any falsification of City communications or records.

11-1-7  **WORKER CLASSIFICATIONS.** All employees contribute different skills and experience to the workplace. Duties and work schedules may vary by employee.

The City reserves the right to change this handbook, including the employee classifications listed below, in its discretion and without notice.

Please also note that none of the classifications change the at-will relationship the City has with its employees.
**Classifications.** The classifications are:

1. Regular full-time employees are those employees who are not in a temporary or probationary status and who are regularly scheduled to work the City's full-time schedule of **forty (40) hours** per week. Generally, they are eligible for the City's benefit package, subject to the terms, conditions, and limitations of each benefit program.

2. Regular part-time employees are those who are not assigned to a temporary or probationary status and who are regularly scheduled to work less than the full-time schedule, but at least **twenty (20) hours** per week.

3. Seasonal/summer employees are those who generally work throughout the summer months and work for a specific amount of time.

4. Contract employees are those that are exempt from overtime and have a negotiated benefit package.

5. Temporary employees and high school/college interns are those that are hired for a specific period of time and are exempt from City benefits. This status remains until notification is made of a change.

**Non-Exempt or Exempt.** Employees will also be classified as exempt or non-exempt.

Non-exempt employees are paid a wage based on the amount of time spent working and are eligible to receive overtime.

Exempt employees are employees that are paid a pre-determined salary and are not eligible to receive overtime.
ARTICLE II - CITY POLICIES

DIVISION I - EQUAL EMPLOYMENT

11-2-1 THE CITY'S EQUAL EMPLOYMENT OPPORTUNITY POLICY.
(A) It is the policy of the City that an individual's race, color, religion, sex, disability, age, national origin, genetic predisposition, marital status, military status or less than honorable military discharge or protection order status (except where there is a bona fide occupational qualification.
(B) All personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, City sponsored training, educational tuition assistance, social and recreational programs, will be administered without regard to race, color, religion, sex, sexual orientation, age, disability, national origin, genetic predisposition, marital status, military status or less than honorable discharge status except where there is a bona fide occupational qualification.

DIVISION II - EMPLOYMENT POLICY

11-2-2 REGULATIONS.
(A) Job openings are publicly advertised if there are no qualified internal candidates that are already performing the majority of the responsibilities successfully.
(B) Applications are distributed either through the office or downloaded via the City's website.
(C) All applicants must complete an application prior to the interview process.
(D) Applications will remain on file for one (1) year.
(E) The City will not consider employment for applicants under the age of eighteen (18), with the exception of seasonal or high school students.
(F) Applications are only accepted when there is an open position – with the exception of part-time positions.

All employees will be on probation for one (1) year.

11-2-3 RESERVED.

DIVISION III - DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT

11-2-4 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 and the Water & Sewer Department, an apprentice, an applicant for apprenticeship, or an unpaid intern. The City has appointed Janice McConnaughy as its ethics officer to receive and oversee investigations of complaints made pursuant to this policy and she is referred to in this policy as the City's "Ethics Officer." She can be contacted by email or phone at jmconnaughy@cisitcarterville.com and (618) 985-2252. 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.

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:

(A) submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;
(B) submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
(C) 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.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

• 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.
• 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.
• The employee does not have to be the person harassed but could be anyone affected by the offensive conduct.
• Unlawful sexual harassment may occur without economic injury to or discharge of the employee.
• The harasser's conduct must be unwelcome.

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.


Carterville City Code

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).

11-2-5 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);
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.

Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.
EMPLOYEE CODE 11-2-6

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 to 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.

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.

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.

11-2-6  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 the Water & Sewer Department, 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 the 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;

[Supplement No. 1; 11-01-18]
(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;
(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;
   (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.

11-2-7 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.
11-2-8  **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 22-9-3(B)(5), above.

11-2-9  **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 Janice McConnaughy.

(Ord. No. 1431-18; 01-09-18)

11-2-10  **RESERVED.**

**DIVISION IV – BULLYING**

11-2-11  **PROHIBITED ACTIVITY.** Workplace bullying involves the repetitive, prolonged use of power, unwelcome, unreasonable, escalating behaviors that are aggressively directed at one or more workers in such a manner as to cause humiliation, offense, intimidation and distress. Bullying in any form is vindictive, cruel and malicious.

(A) Bullying behaviors can include aggressive behaviors such as:

1. Screaming
2. Blaming
3. Physical Threats
4. Punishing by criticism
5. Unreasonable heavy workload demands, and

(B) Passive behaviors such as:

1. Malicious rumors/gossip
2. Personal attacks
3. Social isolation
4. Silent treatment

(C) **Mandatory Bullying Reported.** The City does not tolerate bullying in any form. Any employee having knowledge of workplace bullying should report that behavior to his/her immediate supervisor, Human Resources or the Mayor. Individuals found to be out of compliance with the City’s policy on bullying will be subject to progressive discipline, up to and including discharge.

**DIVISION V – REQUESTS FOR DISABILITY ACCOMMODATION**

11-2-12  **CITY PROTOCOL.** It is the intent of the City to provide equal opportunity in its workplace for applicants and employees. Circumstances may arise where a reasonable accommodation for an applicant or employee is necessary to meet this objective.

11-2-13  **ACCOMMODATIONS FOR DISABILITY.** The City will provide reasonable accommodation to any qualified individual with a disability as required under federal, state or local law so long as doing so does not cause the City undue hardship.
11-2-14 OTHER ACCOMMODATIONS. In addition to providing reasonable accommodation to persons with a disability, the City will provide reasonable accommodation for disability relating to pregnancy and for employees needing a religious accommodation as required under federal, state or local law so long as doing so does not cause the City undue hardship.

11-2-15 TO MAKE AN ACCOMMODATION REQUEST. Direct your accommodation request in person or in writing to Human Resources. All requests for accommodation will be evaluated on a case-by-case basis taking into consideration all known circumstances.

11-2-16 RESERVED.

DIVISION VI – CONFLICT OF INTEREST

11-2-17 PROHIBITED ACTIVITY.

(A) Employees of the City should not allow personal or financial interests or activities to interfere with their duties on behalf of the City. The City expects employees to advance the City’s mission of serving the public. The City expects employees to apply their time and effort appropriately to the City business, and to use the City resources only for the City business.

(B) A conflict of interest is a situation in which an employee’s financial or other personal interests may directly or indirectly affect or have the appearance of affecting, his or her responsibilities or judgment on behalf of the City. It is the policy of the City to conduct the affairs of the City with the highest ethical and legal standards. The same is expected of every employee. As such, employees are directed to avoid any situation which may create a conflict, or the appearance of a conflict, between an employee’s personal or financial interests and his/her duties on behalf of the City.

(C) No employee should accept gifts of more than nominal value from any individual or business who does business or seeks to do business with the City. Also, no employee shall accept any travel, living or entertainment expenses from such persons or business organizations, either in-kind or as an expense allowance. (See Chapter 22)

(D) Employees who have questions or concerns with respect to this policy or with respect to a possible conflict of interest are to direct their questions or concerns to Human Resources.

11-2-18 RESERVED.
ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF POLICY AGAINST DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT

Effective January 9, 2018 the City of Carterville 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
EMPLOYEE AUTHORIZATION FOR MVR REVIEW

I acknowledge that the information contained in the City MVR policy has been reviewed with me, and a copy of the policy has been furnished to me. As a driver of a City vehicle or a private vehicle on the City business I understand that it is my responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage.

I also understand that my employer will periodically review my Motor Vehicle Record to determine continued eligibility. In accordance with the law, I have been informed that a MVR will be periodically obtained on me for continued qualification and employment purposes.

I acknowledge the receipt of the above disclosure and authorize my employer or its designated agent to obtain a MVR report. This authorization is valid as long as I am an employee or employee candidate and may only be rescinded in writing.

__________________________________________
Employee Name (printed)

__________________________________________
Employee Signature

__________________________________________
Date
DIVISION VII – EMPLOYMENT OF RELATIVES

11-2-19 RELATIVES AS EMPLOYEES. The City allows the employment of candidates related to other employees under limited circumstances.

(A) Relatives under this policy include:
   (1) Spouse/Partner, including common law spouse or civil union partner;
   (2) Parent;
   (3) Sibling;
   (4) Child;
   (5) Grandchild;
   (6) In-laws including parent, brother and sister in-laws;
   (7) Uncle/Aunt;
   (8) Nephews/Nieces;
   (9) First cousins;
   (10) Fiancé;

(B) Under no circumstance will one relative be allowed to hire or supervise another or be in a position to influence the other’s terms and conditions of employment.

(C) Under no circumstances are relatives allowed to work in the same department.

11-2-20 RESERVED.

DIVISION VIII – PERSONAL RELATIONSHIPS WITH OTHER EMPLOYEES

11-2-21 PERSONAL RELATIONSHIP POLICY. Working relationships can sometimes evolve into personal relationships. When employees are engaged in a personal relationship, a conflict of interest may arise in certain instances. In order to avoid conflicts of interest the City has implemented the following policy.

(A) For purposes of this policy personal relationship includes dating; engagement to be married; cohabitation within the same household and living in a romantic partnership (excludes platonic roommates sharing living expenses); having a romantic or sexual relationship.

(B) An employee may not supervise or hire a person with whom he or she is having a personal relationship. An employee may not work in a position where he or she has influence over the terms and conditions of the employment of a person with whom he or she has a personal relationship.

(C) Under no circumstances are employees engaged in a personal relationship allowed to work in the same department.

11-2-22 DISCLOSURE OF RELATIONSHIPS.

(A) Employees that are in a personal relationship must immediately report the relationship to their supervisor or Human Resources if either employee supervises the other,
Carterville City Code

EMPLOYEE CODE 11-2-23

is in a position to hire the other, or has any influence over the other employee's terms and conditions of employment.

(B) Employees who work in the same department are required to report the personal relationship to their supervisor or Human Resources.

(C) Failure to comply with this policy can lead to discipline, including termination.

11-2-23 RESERVED.

DIVISION IX – OUTSIDE EMPLOYMENT OR WORK

11-2-24 PROHIBITED. Employees are prohibited from holding outside employment if that employment poses a conflict of interest with the employee's work for the City or if the job duties or hours of the other position hinder the employee's ability to perform to the best of his or her ability in his or her position with the City. Employees are expected to notify their supervisor or Human Resources, of any outside employment.

11-2-25 RESERVED.

DIVISION X – DISCLOSURE OF CONFIDENTIAL INFORMATION

11-2-26 INFORMATION DISCLOSURE. In the course of your employment, you may have access to information, including but not limited to, private or personal information about other employees or citizens of the City that is confidential. Confidential information generally includes information that is exempt from disclosure under the Freedom of Information Act including but not limited to social security numbers, driver's license numbers, biometric identifiers, personal financial information, medical records, home and personal telephone numbers, personal email addresses, home addresses, personal license plate numbers, other information where the disclosure would constitute a clearly unwarranted invasion of privacy or information which is specifically exempted from disclosure by law. The disclosure of confidential information is strictly prohibited. (See Chapter 22 – Article II)

Any questions regarding whether information is confidential should be referred to Human Resources.

11-2-27 RESERVED.

DIVISION XI – SAFETY

11-2-28 WORKPLACE SAFETY. Safety is a priority at the City and the City is committed to providing a safe workplace for its employees and all visitors to the workplace.
Employees are required to do their part including wearing reasonably necessary safety equipment, following safety protocols, following manufacturer instructions for equipment and machinery, and using common sense.

11-2-29  REPORTING SAFETY INCIDENTS AND CONCERNS. Employees should report safety incidents and concerns, including any injury, near injury or unsafe condition, to your supervisor and Human Resources, immediately.

11-2-30  RESERVED.

DIVISION XII – PREVENTING AND REPORTING WORKPLACE VIOLENCE

11-2-31  VIOLENCE PROHIBITED. The City prohibits violence in the workplace. Violent behavior is strictly prohibited on the City property, on adjacent property, while working at any location on behalf of the City, in the City vehicles or during events sponsored by the City. This prohibition includes not only actual acts of violence, but also direct or implied threats of violence. Employees who exhibit or threaten violent behavior will be subject to criminal prosecution and disciplinary action up to and including termination. The City takes all reports of violent behavior seriously, and will take appropriate action to investigate complaints and/or report complaints of violent behavior to law enforcement as appropriate.

Any employee who becomes aware of violent behavior or the threat of violent behavior (whether by another employee or by any other person) is directed to inform his or her supervisor immediately. Supervisors are directed to report all reports of violent behavior or threats of violent behavior immediately to the Mayor or Human Resources who will conduct a prompt and thorough investigation. In the case of an imminent danger, an emergency situation, or actual or suspected criminal conduct, employees and supervisors are directed to immediately contact law enforcement.

11-2-32  LIST OF VIOLENT BEHAVIOR. The following is a non-exhaustive list of violent behavior that is prohibited by this policy:
(A) Fighting
(B) Physical restraint or confinement
(C) Assault
(D) Battery
(E) Horseplay
(F) Stalking
(G) Intentionally endangering the safety of another person
(H) Violent destruction of property
(I) Any other act that a reasonable person would perceive as a violent act

11-2-33  RESERVED.
DIVISION XIII – POLICY PROHIBITING CONCEALED FIREARMS IN THE WORKPLACE

11-2-34  PURPOSE. The City seeks to protect the safety of employees, visitors and citizens of the City. In recognition of the Illinois Firearm Concealed Carry Act (430 ILCS 66), the City adopts the following policy.

11-2-35  DEFINITION. Employee, for purposes of this policy, shall mean all persons performing work for the City in any job classification, including but not limited to, full-time employees, part-time employees, temporary employees, seasonal employees, probationary employees, contractual employees, elected or appointed officials, elected or appointed members of the committee or commission, volunteers working on behalf of the City or volunteers working on behalf of any elected or appointed official.

This definition shall not include, for purposes of this policy, law enforcement officers who are specifically authorized by law to carry a firearm or any other employee specifically authorized by law, other than pursuant to the Illinois Firearm Concealed Carry Act, to carry a firearm.

11-2-36  PROHIBITED CONDUCT. Pursuant to this policy, employees of the City are prohibited from carrying or possessing firearms in any of the following areas, regardless of any license or permit that an individual may have which would otherwise authorize the individual to carry firearms, and may be subject to discipline up to and including immediate termination for violating this policy.

Employees are prohibited from carrying on their person or otherwise possessing firearms:

(A) In any building, portion of a building or real property controlled by the City;

(B) At any work location controlled by the City;

(C) At any job site controlled by the City;

(D) In any vehicle owned, leased or under the control of the City;

(E) At any time or in any area other than the employee’s residence that is associated with the employee’s work with the City;

(F) At any time other than when the employee is working from home while the employee is acting within the scope and course of his/her employment with the City;

(G) In any area prohibited by state law;

(H) In any area where firearms are prohibited under federal law.

11-2-37  FIREARM STORAGE. Any employee who does not possess a valid license to carry a concealed firearm is prohibited from bringing a firearm onto a parking lot owned, leased or under the control of the City.

An employee of the City with a valid license to carry a concealed weapon who chooses to carry a concealed weapon while driving to and from work and park in a parking lot owned, leased or under the control of the City must store his or her firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. The Illinois Firearm Concealed Carry Act defines "case" to include a glove.
compartment or console that completely enclosed the concealed firearm and ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box or other container. An employee with a valid license to carry a concealed weapon may carry a concealed weapon within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. An employee with a valid license to carry a concealed firearm must make certain that the firearm is properly stored in accordance with this policy and Illinois law prior to acting in the course and scope of his or her employment.

11-2-38 POLICY VIOLATIONS. Any employee who violates this policy is subject to discipline up to and including termination of employment, and shall be considered as acting outside the scope and course of his or her duties and/or employment. The City will not defend or indemnify any employee for an act or omission in violation of this policy.

11-2-39 RESERVED.

DIVISION XIV – DRUG AND ALCOHOL USE/ABUSE POLICY

11-2-40 INTENT. The City is concerned about the ultimate effects of the use of illegal drugs and the use of alcohol upon the health and safety of its employees and the public. We recognize that studies show that alcohol abuse and the illegal use of drugs leads to increased accidents and medical claims. Employees who abuse drugs and alcohol present a danger to themselves, their fellow employees, the City and the public. In addition, the increased medical costs incurred by employees who use/abuse drugs and/or alcohol and the associated decreased productivity of these individuals, because of accidents, absenteeism and turnover adversely affect achievement of the City's mission and goals.

The City will not penalize an employee or applicant solely for his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Pilot Program Act, unless failing to do so would put the City in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules. The City prohibits the use and storage of medical cannabis on its property, at all workplaces and in any employer-owned vehicles.

No part of this policy, nor any of the procedures hereunder, guarantees employment, continued employment, or terms or conditions of employment or limits in any way the City's rights to manage its workplace or discipline employees.

11-2-41 DEFINITIONS. For purposes of this policy, the following terms shall have the following meanings:

(A) "Premises" shall include all worksites, work areas, property owned or leased by the City, or vehicles owned, operated, leased, or under the control of the City. Private-owned vehicles parked or operated on property owned, leased or managed by the City is also included under the definition.
(B) "The City time" shall include all times during which an employee is on the City premises, meal and break times on or off the City premises, or performing work off the premises for the benefit of the City, as a representative of the City.

(C) "Legal drug" means any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed for the employee and over-the-counter drugs.

(D) "Illegal drug" means any controlled substances the possession or sale of which is prohibited by law.

(E) "Under the influence" means the condition wherein any of the body's sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to substances. This also means the detectable presence of substances within the body, regardless of when or where they may have been consumed, having an alcohol concentration within the violation range specified by the laws of the State of Illinois, and/or having a positive test for other substances. With respect to employees subject to the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, under the influence is defined in accordance with FMCSA regulations as having an alcohol concentration of 0.04 or greater.

(F) "Substance" means any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his or her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; "synthetic or designer" drugs; illegal inhalants; "look-alike" drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).

(G) "Traceable in the employee's system" means that the results of a laboratory's analysis of the employee's urine or blood specimen is positive for the tested substance.

(H) "Reasonable suspicion" of impairment means that the City's representatives have observed and can describe specific symptoms of an employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, or detection of a prohibited substance in the area where an employee has/had been working. A registered qualifying user of medical cannabis under the Compassionate Use of Medical Cannabis Pilot Program Act must first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on a reasonable suspicion of impairment.

(I) "Safety sensitive function" includes any job function fraught with the risk of injury to others such that even a momentary lapse of attention can have disastrous consequences as well as any function described as safety sensitive by applicable FMCSA or other applicable regulations.

(J) "Work related cause" means the employee has: incurred a work-related injury requiring medical attention at a medical facility; caused the injury of another person on the City premises or during the City time; caused damage to any the City owned or leased property; or commits repeated and/or flagrant violations of safety standards.
11-2-42 APPLICABILITY.
(A) This policy applies to all employees and volunteers of the City as well as candidates for employment with the City who have been given conditional offers of employment. Such persons are responsible to be familiar with and comply with this policy.
(B) The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability, and testing for substances shall be conducted and in accordance with and limited by such laws, notwithstanding any terms of this policy to the contrary.

11-2-43 POLICY.
(A) Alcohol or Illegal Drugs or Substances. The possession, sale, purchase, use, distribution, delivery or transfer of alcohol or an illegal drug or substance while on the City's premises or while on the City's time is prohibited. In addition, employees may not report to work or be on the City premises or the City time under the influence of alcohol or with any traceable illegal drug or substance in their system. Employees who drive commercial motor vehicles, operate heavy or large mobile equipment or perform other safety-sensitive functions including police officers and firefighters, in addition to the prohibitions above must not consume alcohol for four (4) hours prior to duty time and to eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever comes first. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act will not be disqualified from employment based solely on the detected presence of cannabis on a drug test, unless failing to do so would put the City in violation of a federal law of cause it to lose a federal contract or funding. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act may not report to work under the influence of cannabis. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

(B) Legal Drugs. The City does not condone the abuse of legal drugs or working under the influence of legal drugs to the extent that job performance and/or safety is adversely affected. Employees using prescription and/or over-the-counter drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties.

(C) Pre-Employment Substance Testing. Upon receipt of a contingent offer of employment, candidates for safety-sensitive or security-sensitive positions may be subject to pre-employment substance testing. Individuals to whom a contingent offer is made whose pre-employment substance test returns positive (except with respect to legally prescribed drugs and over-the-counter medications) will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

(D) Random Selection Testing. The City is a drug-free workplace and reserves the right to conduct random testing on employees with safety-sensitive or security-sensitive job duties. The following positions include safety-sensitive or security-sensitive functions, and as such are subject to random testing: police officers, firefighters, heavy-equipment and equipment operators. Where random testing is prohibited or restricted by applicable federal, state or local statute or regulation, or other legally-binding agreement, the City will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions of this policy.

(E) Post-Accident Testing. Employees who have had/caused an on-the-job injury that resulted in damage or injury to a human or piece of equipment may require the
injured employee to undergo a post-accident substance test. The employee will also be required to undergo post-accident testing if required by FMCSA, DOT or other applicable regulation.

(F) **Fitness for Duty.** Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of substances may be subject to substance testing. Employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to a fitness for duty substance test before being permitted to return to work.

(G) A driver subject to FMCSA or DOT regulations, or any other employee who is required to perform a safety-sensitive function and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least twenty-four (24) hours.

(H) **Disciplinary Action.**

(1) Any employee who possesses, sells, purchases, uses, distributed, delivers or transfers alcohol or an illegal substance on the City’s premises will be removed from the work area, and may be subject to immediate discharge.

(2) Any employee who reports to work under the influence of alcohol or with an illegal drug or substance traceable in his/her system will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.

(3) An employee who refuses to sign a consent form or cooperate in providing a specimen for testing when required under this policy will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge. Refusal to submit to testing shall include, but may not be limited to: (1) failure to appear for any test within a reasonable amount of time, after being directed to do so by the City, consistent with this policy and/or applicable regulations, including, but not limited to FMCSA or DOT regulation; (2) failure to remain at the testing site until testing is complete; (3) failure to provide a sufficient breath, saliva, blood or urine specimen for any drug or alcohol test required by this policy or applicable FMCSA or DOT regulation; (4) in the case of directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen; (5) failure to provide a sufficient amount of saliva, breath, blood or urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; (6) failing or declining to take a second test that the City or the collector has directed the employee to take; (7) failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process or as directed by the Designated Employer Representative; (8) failure to cooperate with any part of the testing process; (9) having a verified adulterated or substituted test result as reported by the Medical Review Officer.

(4) Any employee who refuses to participate in rehabilitation/treatment as recommended as a result of a positive test and
evaluation by a substance abuse professional, will not be allowed to perform work for the City and may be subject to disciplinary action up to and including discharge.

11-2-44 TESTING PROCEDURES.

(A) Testing. The City may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by the City, immediately upon the request of authorized the City representatives or agents in accordance with this policy.

1. Where the City has reasonable suspicion that an employee is under the influence of a substance, he or she will be removed from the work area and provided with transportation to the place of testing. The City should call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.

2. Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to the City as permitted by law.

3. At the discretion of the City, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative, the employee will be reimbursed for any salary lost during administrative leave.

4. Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and may be grounds for immediate termination of employment or ineligibility for hire.

5. Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of the City. The candidate or employee will have the option of requesting testing of the split specimen within twenty-four (24) hours at the City's expense unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result or inability to contact the Medical Review Officer prevented a timely request. If the candidate fails to request testing of the split specimen within seventy-two (72) hours and the candidate or employee has not presented sufficient documentation to excuse the delay, the City will take appropriate action including, but not limited to discipline or discharge.

6. If the second test is also positive, the candidate or employee will have the opportunity to explain the results. The City retains the discretion to determine the appropriate disciplinary action, including discharge, following two positive drug tests.
(7) An employee who has been removed from the work area or barred from the working as a result of violating this policy, may be subject to immediate discharge. If an employee has not been terminated as a result of a violation, he or she may not commence or return to work unless he or she provides sufficient documentation that he or she tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; has received an evaluation from a Substance Abuse Professional, has successfully complied with the recommendations of the Substance Abuse Professional, and testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal and state regulation.

(8) The City will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.

(B) Consent. The employee may be required to sign a consent form authorizing the medical clinic or other location as designated by the City to perform the aforementioned tests and release the results of the testing to the City.

(C) Chain of Custody Procedures. At the time specimens are taken, standard "chain of custody" or "chain of possession" procedure will be followed and the employee shall be given a copy of these specimen collection procedures.

(D) Confidentiality and Privacy. The employee's right to privacy will be respected, and the results of any testing shall be kept strictly confidential by the City to the extent required and permitted by law. However, the City may use the results to decide upon an action to be taken towards an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.

(E) Treatment. An employee who voluntarily informs the City that he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a leave of absence, in accordance with the City's Family Medical Leave Act policy. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.

11-2-45 ADDITIONAL POLICIES.

(A) Searches. Upon reasonable suspicion, authorized the City representatives or agents may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, the City property or property of other employees, consumers, etc. Items discovered through such searches may be turned over to law enforcement authorities.

(B) Employees must notify the City within five (5) days of any criminal drug statute conviction.

(C) The City, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.
(D) The Designated Employer Representatives responsible for receipt of testing results and removal of employees from safety sensitive functions when they violate this policy are the Chief of Police or designee.

(E) Employees who have questions about this policy or who would like more information regarding the effects of alcohol misuse and controlled substances on an individual's health, work and personal life, signs and symptoms of an alcohol problem, and available methods of intervening when an alcohol and/or controlled substance problem is suspected should contact Human Resources.

11-2-46 - 1-2-47 RESERVED.

DIVISION XV - SMOKING

11-2-48 SMOKING PROHIBITED. In accordance with Illinois law, the City prohibits smoking inside any City owned or leased building, within fifteen (15) feet of any entrance or exit of the workplace, or while driving any vehicle owned or leased by the City.

11-2-49 RESERVED.

DIVISION XVI – SAFE DRIVING

11-2-50 VEHICLE SAFETY REQUIRED. Safe driving of the City vehicles or your own vehicle while conducting the City business is required at all times.

11-2-51 PROHIBITED ACTS. The City prohibits the following acts while driving the City vehicles or while driving another vehicle while performing your job duties.

(A) Driving under the influence of alcohol or drugs.
(B) Operating any vehicle without a license.
(C) Disobeying any traffic laws.
(D) Operating a vehicle carelessly or negligently.
(E) Driving a vehicle without the use of a seatbelt or safety restraint.
(F) Operating a vehicle while holding or manually operating a cellular phone or other electronic device with the exception of emergency services personnel.
(G) Disabling vehicle safety devices, like airbags.
(H) Driving while distracted.

11-2-52 VIOLATIONS. Violation of this policy may result in disciplinary action up to and including termination.

11-2-53 RESERVED.
DIVISION XVII – COMPUTER, INTERNET AND NETWORK USAGE

11-2-54 ELECTRONIC PROTOCOLS. The City has e-mail and internet access systems in place for the City business. We also have software and systems in place that can monitor and record all internet usage. The e-mail and internet access systems in place are the sole property of the City. The technology is in place for business related to the City. Employees may use the technology for limited personal purposes as long as that use does not interfere with the employee's work, or jeopardize the integrity of the City computer system, e-mail system or internet access. The technology may also not be used for any purpose which would violate the City policies or state or federal law. If an employee is found to be abusing the technology, his or her access may be limited or eliminated altogether. An employee is also subject to discipline, up to and including termination. Nothing on the internet system or any property of the City, including phones or voice mail, is or can become the private property of any employee. Employees must not delete e-mails used to conduct City business.

THERE CAN BE NO EXPECTATION OF PRIVACY OR ASSURANCE OF CONFIDENTIALITY FOR ANY MESSAGES OR FOR ANY USE OR PATTERN OF USAGE OF THE CITY INTERNET, PHONES OR ANY OTHER PROPERTY.

11-2-55 MANAGEMENT AND ADMINISTRATION OF THE INTERNET AND PHONE SYSTEM.

(A) We want you to be aware that our security systems are capable of recording for each and every user, each World Wide Web site visit, each chat, and each newsgroup or e-mail message accessed on each computer station within the City. The system is also capable of recording each file transfer into and out of our internal networks. We reserve at all times the right to monitor such activity. No employee should have any expectation of privacy as to any internet usage or telephone system. The management of the City may review internet activity, voice mail messages, and analyze usage patterns in an effort to maintain the highest levels of productivity. We reserve the right to inspect any and all files stored in private areas of our network in order to assure compliance with this policy.

(B) The system must never be used to create or access offensive or disruptive messages. The display or access of any kind of sexually explicit image or document on the City system is a violation of both this internet policy and the City’s nondiscrimination and harassment policy. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources. The City may use independently-supplied software and data to identify inappropriate or sexually-explicit internet sites. We may block access from within our networks to all such sites. If you find yourself inadvertently connected to a site that contains sexually explicit or offensive material, you must immediately disconnect from that site, regardless of whether that site has been previously deemed acceptable by any monitoring, screening or rating program.

(C) The City’s internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, the City, province or other local jurisdiction in any material way. Use of any the City resources for illegal activity is grounds for immediate dismissal, and we will cooperate with any legitimate law enforcement agency in the investigation of such activity.
(D) Any software or files downloaded via the internet into the City network become the property of the City. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.

(E) No employee may use the City facilities knowingly to download or distribute pirated software or data. No employee may use the City's internet facilities to deliberately propagate any virus, worm, "Trojan horse," or trap-door program code. No employee may use the City's internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

(F) Each employee using the internet facilities of the City shall identify himself or herself honestly, accurately and completely, including the City affiliation and function, when participating in the City related chat groups, newsgroups, message boards, or discussion lists, or when setting up accounts on outside computer systems on behalf of the City. Employees may not represent their statements as official the City policy or practice without proper authorization. Participating in non-City-related chat groups, newsgroups, message boards or discussion lists by use of the City hardware is prohibited.

(G) Any material posted to any forum, newsgroup, chat group, or internet site in the course of an employee's duties, remains the property of the City. Employees are reminded that chat groups and newsgroups are public forums where it is inappropriate to reveal confidential City information, personal data, trade secrets, and any other material covered by existing City confidentiality policies and procedures. Employees releasing protected information via any internet facility, whether intentional or inadvertent, may be subject to disciplinary actions, including termination.

(H) Use of the City internet facilities to commit infractions such as misuse of the City assets or resources, sexual harassment, unauthorized public speaking and misappropriation or theft of intellectual property are also prohibited by general City policy, and will be subject to discipline, including termination.

(I) It is a violation of the City's policy to store, view, print or redistribute any document or graphic file that is not directly related to the user's job or the City's business activities and which would constitute a violation of the City's policy against discrimination and harassment.

(J) Employees may from time to time use the City internet facilities for non-business research outside of work hours provided they request permission from their supervisor before engaging in such use, and provided all other usage policies are observed.

(K) The City will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on any individual employee's internet activities.

(L) Employees must take care to understand federal and state copyright, trademark, libel, slander and public speech control laws so that our use of the internet does not violate any laws which might be enforced against use.

(M) Employees with internet access may download only software with direct business use, and must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.

(N) Employees may not use the City internet facilities to download entertainment software or games, or to play games over the internet, including games against opponents.

(O) Employees with internet access may not use the City internet facilities to download images or videos unless there is an explicit business-related use for the material.
Employees with internet access may not download any software licensed to the City or data owned or licensed by the City without explicit authorization from the supervisor responsible for the software or data.

No employee may create or implement any password other than the password issued by the City for voice mail, network or internet access, without permission of the employee's department head.

11-2-56 SECURITY.
(A) The City has installed a variety of firewalls, proxies, address screening programs and other security systems to assure the safety and security of the City’s networks. Any employee who attempts to disable, defeat or circumvent any City security facility will be subject to discipline, including immediate termination.
(B) Computers that use their own modems to create independent data connections sidestep our network security mechanisms. An individual computer’s private connection to any outside computer can be used by an attacker to compromise any City network to which that computer is attached. That is why any computer used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from the City's internal networks. Only those internet services and functions with documented business purposes for the City will be enabled at the internet firewall.

EMPLOYEES WHO MISUSE THE CITY INTERNET/EMAIL SYSTEM MAY BE SUBJECT TO DISCIPLINE UP TO AN INCLUDING TERMINATION. REMEMBER THAT YOU HAVE NO EXPECTATION OF PRIVACY IN ANY OF THE CITY’S EQUIPMENT OR PROPERTY, INCLUDING BUT NOT LIMITED TO DESKS, COMPUTERS, INTERNET ACCESS, VOICE MAIL, OR E-MAIL.

11-2-57 - 11-2-58 RESERVED.

DIVISION XVIII – SECURITY OF PORTABLE DATA STORAGE DEVICES

11-2-59 REQUIRED PRECAUTIONS.
(A) The City requires that employees who have been issued City laptop or tablet computers, cell phones and other information storage devices take certain precautions to prevent theft or data breach.
(B) With all portable data storage devices such as laptop or tablet computers, cell phones or other information storage devices the City requires that:
   (1) Strong passwords are used to secure information on the device;
   (2) No unauthorized persons are allowed to access to the information storage device;
   (3) Usernames or passwords are not shared with any person, with the exception of authorized employees;
   (4) Only authorized hardware, software or information security programs are installed on the device with authorization and approval from management;
   (5) Care is taken to ensure the device is properly locked and secured when it is not in the immediate possession of the employee.
(C) In the event that a device is lost or stolen, or in the event that information security has been breached, employees are to advise Human Resources or Mayor immediately.

11-2-60 RESERVED.

DIVISION XIX – CELL PHONES

11-2-61 PROHIBITED USE. Employees are prohibited from using cell phones when engaged in the following activities:
(A) While driving or operating a moving vehicle unless a hands free device is used with the exception of emergency services personnel.
(B) While operating machinery.
(C) While in close proximity to moving equipment or machinery.
(D) At any time when the use of a cell phone might place you or others at risk.

Employees are discouraged from conducting personal business on portable electronic devices during work hours. Personal cell phone use during work hours should be limited to emergency situations. Employees are expected to mute or lower the ring tone volume on their personal cell phones during work hours so as not to disturb others. If cell phone use during work hours becomes necessary, employees are expected to exercise courtesy towards others in the workplace and to avoid being loud or disruptive.

11-2-62 RESERVED.

DIVISION XX – EQUIPMENT/SUPPLIES

11-2-63 EQUIPMENT AND SUPPLY REGULATIONS. The City provides equipment and supplies to assist employees in performing their work on behalf of the City. The City-provided equipment and supplies are solely to be used for work purposes.

11-2-64 SAFETY. Employees must use all equipment safely, for its intended use and in accordance with manufacturer specifications. Employees are asked to conserve resources and use only those supplies necessary to perform their job.

11-2-65 PERSONAL USE PROHIBITED. The City prohibits the use of equipment or supplies for personal use.

11-2-66 RESERVED.
11-2-67  **POLICY FOR SOCIAL MEDIA.** This is the official policy for social media use at the City and provides guidance for employees and elected officials on their professional and personal use of social media. All employees are responsible for knowing and understanding the policy.

11-2-68  **PROFESSIONAL USE OF SOCIAL MEDIA.**

(A) Before engaging in social media as a representative of the City, you must be authorized to comment by an elected official or department head. You may not comment as a representative of the City unless you are authorized to do so.

(B) Once authorized to comment, you must:

1. Disclose you are an employee or elected official of the City, and use only your own identity.
2. Disclose and comment only on non-confidential information.
3. Ensure that all content published is accurate and not misleading and complies with all the City policies.
4. Comment only on your area of expertise and authority.
5. Ensure comments are respectful and refrain from posting or responding to material that is offensive, obscene, defamatory, threatening, harassing, bullying, and discriminatory, infringes copyright, breaches a Court order, or is otherwise unlawful.
6. Refrain from making comments or posting material that might otherwise cause damage to the City's reputation or bring it into disrepute.

11-2-69  **PERSONAL USE OF SOCIAL MEDIA.** The City recognizes that you may wish to use social media in your own personal life. This policy does not intend to discourage or unduly limit your personal expression or online activities.

However, you should recognize the potential for damage caused (either directly or indirectly) to the City in certain circumstances via your personal use of social media when you can be identified as an employee of the City. Accordingly, you should comply with this policy to ensure that risk of such damage is minimized. You are personally responsible for the content you publish in a personal capacity on any form of social media platform. Remember that all posts are public and often permanent. When in doubt, you should seek guidance from your department head on how to comply with this policy. The City reserves the right to read what you write or say publicly and make a determination if it meets this policy.

(A) Represent yourself accurately. Unless the City has designated you to speak officially for the City, you should disclose that you do not write or speak on behalf of the City and that your viewpoints do not represent the City.

(B) Do not disclose private or confidential information about the City, employees, or about citizens that you obtained through your employment with the City. Confidential information is information that is exempt from disclosure under Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7.

(C) Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be construed as, vulgar, obscene, threatening,
intimidating, harassing, or a violation of the City's workplace policies against discrimination, harassment on account of age, race, religion, sex, sexual orientation, ethnicity, nationality, disability, or other protected class, status, or characteristic.

(D) If you chose to identify your work affiliation on a social network, you should regard all communication on that network as you would in a professional network. Ensure your profile, photographs and related content is consistent with how you wish to present yourself with colleagues and clients.

(E) Employees who access social media during work hours or on the City owned equipment should still comply with the City computer usage policy. There is no right to privacy on the City owned equipment.

(F) The City may discipline employees for making a comment or posting any material that might otherwise cause damage to [employer's] reputation or brings it into disrepute. When the employee’s comment is made as a citizen and not as an employee and is made on a matter of public concern, the City may discipline the employee in situations where the interests of the City in promoting efficient operations outweighs the interests of the employee in commenting on such matters of public concern.

Nothing in this policy shall be interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the Illinois Public Labor Relations Act. The City has and always will comply fully with the obligations under the Illinois Public Labor Relations Act. Likewise, nothing in this policy shall be interpreted in a manner that unlawfully restricts an employee's rights under the federal or state Constitution. The City has and always will comply with federal and state law.

A violation of this policy may subject an employee to discipline, up to and including termination.

11-2-70 RESERVED.

DIVISION XXII – WHISTLEBLOWER POLICY

11-2-71 CODE OF CONDUCT. The City requires employees to observe the highest standards of business and personal ethics in conducting their duties on behalf of the City. Compliance with all applicable federal, state and local laws, rules and regulations is required. All employees are expected to fulfill their duties honestly and with integrity.

11-2-72 REPORTING RESPONSIBILITY. Employees are encouraged and expected to report suspected violations of federal, state or local law, rules or regulations or suspected ethical violations.

11-2-73 RETALIATION PROHIBITED. The City prohibits retaliation against any employee who, in good faith, reports a suspected ethics violation or suspected unlawful conduct. Anyone who violates this policy against retaliation is subject to disciplinary action, including but not limited to, termination of employment.
11-2-74 REPORTING PROCEDURE. The City has an open door policy and expects and encourages employees to address questions, concerns and complaints with their supervisor. Supervisors are required to report complaints regarding suspected unethical or illegal conduct in writing to Human Resources or Mayor. If an employee is not comfortable speaking with his/her supervisor or is not satisfied with the supervisor's response, he/she may discuss the matter with Human Resources or Mayor. If a complaint involves suspected conduct of Human Resources, a complaint may be brought directly to the Mayor. If the complaint is about the Mayor, the complaint can be taken to the City Council. The Mayor is responsible for informing the City Council, of all complaints of unethical or unlawful conduct pursuant to this policy.

11-2-75 RESERVED.

DIVISION XXIII – ACCIDENT REPORTING POLICY

11-2-76 ACCIDENT REPORTING POLICY. Any employee who is injured while on duty (regardless of severity) shall report the injury to his/her supervisor immediately both verbally and in writing with a completed Incident Report. The Incident Report shall include the following: the date, time, place injury occurred, how the injury occurred, the type of injury, the identity of any witnesses, and whether medical assistance was obtained. The report shall be submitted by the end of the workday. Supervisors are required to accurately complete a Form 45 with respect to all on-the-job injuries and submit it as well the employee’s Incident Report to Human Resources.

Any employee witnessing or receiving a report of an injury to a visitor shall verbally report the injury to the employee’s supervisor immediately. The employee may also be required to complete a written Incident Report. Supervisors are required to submit all required information to Human Resources.

Any incident involving damage to the City’s property or vehicles or to a privately owned vehicle being operated the City business shall be reported immediately to the employee's supervisor both verbally and in writing with a completed Incident Report. The Incident Report shall include the following: the date, time, place incident occurred, how the incident occurred, the identity of any witnesses, and the extent and type of damage. The report shall be submitted by the end of the workday. Employees are also required to notify law enforcement when appropriate.
ARTICLE III – EMPLOYEE LEAVE BENEFITS

11-3-1 SICK LEAVE. There are times that an employee may need time away from work due to illness, injury or to attend to health needs that cannot be addressed during non-working hours. The City provides paid time off to qualified employees to address these needs.

(A) Eligible Employees. Sick leave is available to full-time, regular/ongoing employees.

Employees are eligible for sick leave, with pay, for personal illness or injury, or to care for members of their immediate family.

(1) Sick leave will accrue at the rate of ninety-six (96) hours per year.

(2) Unused sick leave may be carried up to a maximum of three hundred (300) hours.

To receive sick pay, the City may require that an employee see a physician and receive in writing a note explaining the absence.

Employees will be required to obtain a doctor’s release before they are able to return to work following physician’s order of absence from work.

General City employees who use sixteen (16) or less sick leave hours annually, will receive an extra personal day. General City employees who use zero hours sick leave annually, will receive two (2) extra personal days.

The City will purchase from an eligible employee twenty-five percent (25%) of his/her remaining sick time upon their departure from full-time employment with the City.

If an employee is absent from work due to illness and is found to be engaged in gainful employment elsewhere, that employee shall be considered to have voluntarily quit.

Abuse of sick leave may be the basis for disciplinary action up to and including termination.

If you have questions regarding the amount of sick leave to which you are entitled please contact Human Resources.

(B) Notification Requirements. Employees are required to provide notice to their supervisor at least one (1) hour prior to the start of their shift of their intent to take sick leave and the reason for the leave. In case of emergency, notice should be provided as soon as possible.

(C) Short-Term Disability. An employee who is injured or ill may qualify for short term disability. Please see Human Resources for questions regarding eligibility.

(D) Medical Certification. The City may require a signed, written statement from the employee’s physician to verify your illness or injury.

11-3-2 VACATION. The City provides paid vacation to eligible employees in accordance with the following policy:

(A) Eligible Employees. Employees eligible to take accrued vacation leave include the following: Full-time regular/ongoing employees who have worked one (1) year or more.

If you have questions regarding vacation time, please consult Human Resources.

(B) Amount of Vacation Available. The number of vacation hours available to eligible general City employees is determined by the following:
### Employee Code 11-3-3

<table>
<thead>
<tr>
<th>Years of Employment</th>
<th>Available Hours of Vacation Leave per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 3 years</td>
<td>40 hours</td>
</tr>
<tr>
<td>4 – 10 years</td>
<td>80 hours</td>
</tr>
<tr>
<td>11 – 19 years</td>
<td>120 hours</td>
</tr>
<tr>
<td>20+ years</td>
<td>160 hours</td>
</tr>
</tbody>
</table>

(C) **Requesting Vacation.** To request vacation, you will need to make a written request to your supervisor for approval, who will then forward the paperwork to Human Resources or the Mayor.

Reasonable efforts will be made to accommodate vacation requests. However, the City reserves the right to deny specific vacation dates or times requested in order to ensure that the City needs are met.

(D) **Vacation Time Not Used.** Employees are encouraged to take their vacation during the year it accrues.

Accrued vacation time can be submitted to the City for pay with the following stipulations:

1. The pay request cannot exceed **forty (40) hours** of accrued vacation time.
2. The employee must have taken **forty (40) hours** of vacation time within the calendar year, OR
3. Have **forty (40) hours** of accrued vacation time remaining after the pay request.
4. Only one request for accrued vacation pay can be submitted per calendar year.
5. The pay request must be submitted to City Hall **fourteen (14) days** prior to payday.

An employee’s accrued vacation time cannot exceed **three hundred (300) hours**. If an employee reaches **three hundred (300) vacation hours**, they will stop accruing vacation time.

At the time of termination of employment the City will pay employees for accrued but unused vacation days.

### 11-3-3 PERSONAL TIME OFF.

The City provides **two (2)** paid personal days to eligible employees in accordance with the following policy:

(A) **Eligible Employees.** Personal time off is available to the full-time, regular/ongoing employees. If you have questions regarding personal time off, please consult Human Resources.

(B) **Requesting Personal Time Off.** To request personal time off, you should provide as much notice in advance. Failure to provide ample notice may result in denial of personal leave requests. The City reserves the right to deny specific requests of certain dates or times requested for personal time off in order to ensure that the City needs are met.

(C) **Personal Time Not Used.** Personal time off not used during the fiscal year in which it was granted does not carry forward to the next fiscal year.

### 11-3-4 HOLIDAYS.

Eligible employees are provided with paid holidays in accordance with the following policy:
(A) **Eligible Employees.** Paid holidays are available to full-time, regular/ongoing employees. An employee who is required to work on a holiday will be paid at time and a half. Holiday pay cannot be accumulated as compensatory time.

For all full-time City employees outside of the Fire or Police Departments, if a holiday falls on a weekend, the holiday will be observed on the weekday that is closest to the actual holiday. Holidays for the Fire Department will be observed on the actual holiday. The Police Department holidays will be observed in accordance with the F.O.P. Agreement.

(B) **Holidays.** The City will provide paid time off to eligible employees for the following holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

11-3-5 **TIME OFF TO VOTE.** Employees are requested to vote before or after work if possible. However, if polls are open only during work hours or you are unable to vote before or after work (registered) voters may take time to vote during work so long as the time taken does not exceed two (2) hours. Employees must request time off to vote in advance of the election date, and the City reserves the right to specify the time frame during which the employee may be absent to vote.

11-3-6 **JURY AND WITNESS DUTY.** All employees are granted time off from work to perform jury duty or if summoned to testify as a witness. Any fees (with the exception of mileage) received by an employee for serving on a jury or providing testimony will be deducted from the employee's wage during paid time off.

(A) **Requesting Leave.** To request time off employees must provide a copy of the jury or witness summons to their supervisor and Human Resources within ten (10) days of receipt.

(B) **Return to Work.** While serving on a jury or testifying as a witness, employees are required to advise their supervisor about their availability for work each day. Employees who are released from jury duty or witness testimony during the work day are expected to report to work immediately.

11-3-7 **MILITARY LEAVE.** The City will comply with all applicable federal, state and local laws providing military leave and benefit protections to employees. Please direct any questions or requests for leave to Human Resources.

11-3-8 **FAMILY MEDICAL LEAVE AND MILITARY LEAVE POLICY.** This policy document supersedes any other existing policy or policy document governing the handling of leave taken pursuant to the Family and Medical Leave Act of 1993 ("FMLA"). It is intended to conform with the City's obligations under 29 C.F.R. §825.300.

(A) **Eligibility.** To be eligible for FMLA benefits, an employee must:

1. have worked for the City for a total of twelve (12) months; and
(2) have worked at least one thousand two hundred fifty (1,250) hours over the previous twelve (12) months.

(B) Leave Entitlement. A covered employee is entitled to up to a total of twelve (12) workweeks of unpaid leave in a twelve (12) month period for one or more of the following reasons:

(1) for the birth of a son or daughter, and to care for the newborn child;
(2) for the placement with the employee of a son or daughter for adoption or foster care;
(3) to care for the employee’s spouse, son or daughter or parent (but not parent-in-law) who has a serious health condition;
(4) when the employee is unable to perform the functions of the employee’s job because of a serious health condition, or because of incapacity due to pregnancy, prenatal medical care or child birth.

Leave to care for a newborn child or for a newly placed child must conclude within twelve (12) months after the birth or placement. Spouses employed by the same employer may be limited to a combined total of twelve (12) workweeks of family leave for the following reasons:

(1) birth and care of a child;
(2) for the placement of a child for adoption or foster care, and to care for the newly placed child; and,
(3) to care for an employee’s parent who has a serious health condition.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending counseling sessions, and attending post-deployment reintegration briefings.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty, is entitled to up to twenty-six (26) weeks of unpaid leave in a single twelve (12) month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is on the temporary disability retired list. An eligible employee is entitled to a combined total of twenty-six (26) workweeks of leave for any FMLA-qualifying reason during the single twelve (12) month period, but is entitled to no more than twelve (12) weeks of leave for:

(1) the birth of a son or daughter of the employee and in order to care for such son or daughter;
(2) because of the placement of a son or daughter with the employee for adoption or foster care;
(3) in order to care for the spouse, son, daughter or parent with a serious health condition;
(4) because of the employee’s own serious health condition;
(5) or because of a qualifying exigency.
Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

(1) If FMLA leave is for birth and care or placement for adoption or foster care of a son or daughter, use of intermittent leave is subject to the employer’s approval.

(2) FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or seriously ill or injured service member, or because the employee is seriously ill and unable to work.

The terms “son or daughter” are defined as biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability. An employee stands in loco parentis to a child when the employee intends to assume the responsibilities of a parent with regard to the child through either day-to-day care or financial support.

(C) **Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

(D) **Leave Availability Calculation.** The City has adopted the “annual twelve (12) month period” method of calculating available FMLA leave for all types of leave with the exception of leave to care for a seriously ill or injured service member. Under the annual twelve (12) month period, eligible full-time employees are entitled to up to four hundred eighty (480) hours of FMLA per year – calculated from January through December.

For FMLA leave requests made to care for a covered service member with a serious injury or illness, the single twelve (12) month period begins on the first day the eligible employee takes FMLA leave.

(E) **Substitution of Paid Leave.** Any employee taking FMLA leave is required to substitute and use any remaining paid “leave” benefits which are available or become available during the FMLA leave. This includes vacation, personal, and sick days. Such paid leave is substituted for the unpaid FMLA leave, and is not in addition to such FMLA leave. All other FMLA leave is unpaid.

(F) **Medical Insurance Benefits While on FMLA Leave.** During FMLA leave, the City will maintain the employee’s health coverage under any group health plan, under the same terms as if the employee had continued to work. If the employee was required to pay a portion of the premiums for coverage, that obligation continues while on leave. Payment is expected to be made in the same amounts, and at the same time (i.e. each payroll date) as was made while working. If any payment is more than thirty (30) days late, medical coverage may be canceled pursuant to the FMLA Rules and Regulations.

An employee can elect not to continue medical coverage while on leave. If this election is made, the City will immediately place the coverage into COBRA.
If the coverage is continued while on FMLA leave, and the employee does not return to work at the end of the FMLA leave period, the City will bill the employee for the amount of premiums paid by the City during the leave period unless the employee does not return to work due to a reason exempted from this provision by FMLA Rules and Regulations.

No other employment benefits provided by the City to employees are continued during FMLA leave. All such benefits are instead held in abeyance until the employee returns to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

(G) Procedure for Requesting FMLA Leave. An employee must provide the City with at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If thirty (30) days’ notice is not possible, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees will also be required to provide certification as specified below, and may be required to provide periodic recertification supporting the need for leave.

Any employee taking leave to care for the employee’s covered family member with a serious health condition, or due to the employee’s own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee’s position must be supported by a certification issued by the health care provider of the employee or the employee’s family member on the form attached to this policy. An employee taking leave because of a qualifying exigency or to care for a covered service member with a serious injury or illness must also be supported by a certification in the form attached to this policy except that an employee taking leave to care for a covered service member may provide an invitational travel order (ITO) or an invitational travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Additional copies of the certification forms can be obtained from your supervisor. Employees are required to furnish the above-referenced certifications at the time the employee gives notice of the need for leave or within five (5) business days thereafter. In the case of unforeseen leave, certification must be provided within five (5) business days after the leave commences. FMLA leave may be denied in accordance with the FMLA Rules and Regulations if appropriate certification is not provided.

(H) Consequences of Taking FMLA Leave. Any FMLA leave taken will be counted against the available leave allowed by statute. Any employee seeking to return to work after leave taken because of the employee’s own “serious health condition” must submit a medical certification of fitness to return to duty, signed by the attending health care provider, before the employee will be allowed to return to work. Failure to comply with this requirement does not extend the leave.

On return from FMLA leave, the employee will be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The City reserves the right to deny restoration to “key employees” as defined by the FMLA regulations where restoration will cause “substantial and grievous economic injury” to the operations of the City.
If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The employee may, however, fall under the Americans with Disabilities Act (ADA).

(I) **Employer Responsibilities.** The City must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility.

The City must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the employer must notify the employee.

(J) **Unlawful Acts by Employers.** The FMLA makes it unlawful for any employer to:

1. Interfere with, restrain, or deny the exercise of any right provided under FMLA;
2. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

(K) **Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

(L) **Reference to FMLA Notice Poster.** The City has posted in each location, a notice setting forth the relevant provisions of the FMLA. The terms of the notice are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing himself/herself with the contents of the notice concerning all applicable employee rights and obligations under the FMLA.

11-3-9 **WORKER'S COMPENSATION.** The safety and health of our employees is very important to the City. Despite our best efforts at prevention, accidents in the workplace can sometimes occur. When an employee is injured in his or her scope of employment, the employee may be eligible for workers' compensation benefits.

(A) **Reporting Injuries.** An employee is required to report any and all injuries that occur or may have occurred while performing his or her job duties as soon as he or she is aware of the injury to his/her supervisor and Human Resources.

(B) **Retaliation Prohibited.** The City prohibits retaliation against any employee for reporting a workplace injury or filing a workers' compensation claim. Any employee that retaliates against another employee for making a good faith request for workers' compensation is subject to discipline or termination.

11-3-10 **VICTIMS' ECONOMIC SECURITY AND SAFETY POLICY.**

(A) **Unpaid Leave for Employees Due to Domestic and Sexual Violence.** The Employer will provide up to twelve (12) weeks of unpaid leave from work to an employee who is a victim of domestic or sexual violence (or who has a family or household member who is a victim of domestic or sexual violence) to address domestic or sexual violence if the employee is:
(1) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

(2) obtaining services from a victim services organization for the employee or the employee's family or household member;

(3) obtaining psychological or other counseling for the employee or the employee's family or household member;

(4) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

(5) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

"Family or household member" means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic or sexual violence.

"Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen (18) years of age, or is eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

(B) Period of Leave. Employee shall be entitled to a total of twelve (12) workweeks (note that employers with less than fifty (50) employees can provide eight (8) weeks instead of twelve (12)) of unpaid leave during any twelve (12) month period. (This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act.) Leave may be taken intermittently or on a reduced work schedule.

(C) Existing Leave. The employee may use any available paid or unpaid leave (including family, medical, sick, annual, personal, etc.) from employment, pursuant to federal, State or local law, a collective bargaining agreement, or an employment benefits program or plan, in substitution for any period of such leave for an equivalent period of leave.

(D) Employee Notice Requirements. The employee shall provide the Employer with at least forty-eight (48) hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable.

When an unscheduled absence occurs, the Employer will not take any action against the employee if the employee, within a reasonable period after the absence (general defined herein as fifteen (15) days) provides certification as shown under the next section.

(E) Employee Certification. The Employer may require the employee to provide certification to the Employer that:

(1) the employee or the employee's family or household member is a victim of domestic or sexual violence; and

(2) the leave is for one of the purposes enumerated in the first paragraph above.
The employee shall provide such certification to the Employer within a reasonable period after the Employer requests certification.

An employee may satisfy the above certification requirement by providing to the Employer a signed and dated statement of the employee, and upon obtaining such documents the employee shall provide:

1. **Documentation** from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

2. A police or court record; or

3. Other corroborating evidence.

(F) **Confidentiality.** All information provided to the Employer, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be retained in the strictest confidence by the Employer, except to the extent that disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable Federal or State law.

(G) **Restoration to Position.** In general, an employee who takes leave under this policy shall be entitled, on return from such leave:

1. To be restored by the Employer to the position of employment held by the employee when the leave commenced; or

2. To be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(H) **Loss of Benefits.** The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. An employee may elect to substitute available paid leave any period of leave under this policy. An employee will not be required to substitute available paid leave for the leave provided under this policy.

An employee who takes leave under this policy for the intended purpose of the leave shall be entitled upon return from such leave to be restored to the same position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. However, the employee is not entitled to:

1. The accrual of any seniority or employment benefits during any period of leave; or

2. Any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(I) **Reporting to the Employer.** The Employer may require an employee on leave under this policy to report periodically to the Employer on the status and intention of the employee to return to work.

(J) **Maintenance of Health Benefits.** Except as provided under “Loss of Benefits,” during any period that an employee takes leave under this policy, the Employer shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would
have been provided if the employee had continued in employment continuously for the duration of such leave.

(K) **Failure to Return From Leave.** The Employer may recover the premium that the Employer paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this policy if:

1. the employee **fails to return** from leave under this policy after the period of leave to which the employee is entitled has expired; and
2. the employee **fails to return** to work for a reason other than:
   a. the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave; or
   b. other circumstances beyond the control of the employee.

The Employer may require an employee who claims that the employee is unable to return to work because of a reason described in (a) or (b) above to provide, within a reasonable period after making the claim, certification to the Employer that the employee is unable to return to work because of that reason.

An employee may satisfy the certification requirement above by providing to the Employer:

1. a sworn statement of the employee;
2. documentation from an employee agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;
3. a police or court record; or
4. other corroborating evidence.

The Employer will not fail to hire, refuse to hire, discharge, constructively discharge, or harass any individual exercising their rights under this policy or otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner for exercising their rights under this policy.

(L) **Leave Availability Calculation.** The Employer has adopted an "annual twelve (12) month" method of calculating available leave. Leave entitlement will be taken from January through December of each year and begin again the following year on January 1st.

(M) **Reference to Required Posting.** The Employer has posted in each department, a poster setting forth the relevant provisions of the Victims' Economic Security and Safety Act. The terms of that poster are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of that poster concerning all applicable employee rights and obligations under the Act.

11-3-11 **Bereavement Leave.** Full-time employees may take up to three (3) days of paid bereavement leave for the death of an immediate family member. For purposes of this policy, **immediate family member** is defined as a spouse, parent, child, brother, sister, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, step-parent, step-parent-in-law or legal guardian.
ARTICLE IV - EMPLOYEE INSURANCE BENEFITS

11-4-1 HEALTH CARE BENEFITS. Health care benefits are available to full-time, regular/ongoing employees on the first (1st) of the month following thirty (30) days of continuous employment in one (1) month. Employees will be advised at the time of hiring as to available benefits.

The City provides insurance coverage for all insurance for all applicable employees at no cost to the employee. The City also pays two-thirds (2/3) of dependent coverage with the remaining one-third (1/3) to be paid by the employee.

11-4-2 LIFE INSURANCE AND DISABILITY BENEFITS. The City provides a Twenty-Five Thousand Dollar ($25,000.00) life insurance policy free to regular/ongoing full-time employees, that is subject to reduction schedule based on age. Included with this benefit is a weekly disability income benefit that is sixty-six and two-thirds percent (66 2/3%) of your basic weekly income (not including overtime or bonuses), up to a maximum of One Thousand Dollars ($1,000.00) per week.

IMRF also provides total and permanent disability benefits, which are payable when a member has exhausted their temporary disability benefits and is unable to engage in any gainful activity whatsoever and will remain so for a long or continued duration.

11-4-3 RETIREMENT BENEFITS. All management and regular full-time as well as some regular part-time employees, must participate in the Illinois Municipal Retirement Fund (IMRF). Employees whose position requires them to work one thousand (1,000) hours or more annually must participate in IMRF. Police and Fire Personnel are members of the Downstate Pension System.
ARTICLE V – EMPLOYEE GENERAL INFORMATION

11-5-1 WORK HOURS. Your supervisor will advise you of your work schedule upon hiring. Work schedules are subject to change based on the City needs. Requests to alter your work schedule must be made to your manager, in writing. The City retains sole discretion to determine work hours and schedules.

11-5-2 ATTENDANCE (ABSENTEEISM AND TARDINESS). Regular and consistent attendance by all employees is critical to the operation of the City. Attendance during scheduled work hours is an essential aspect of every position at the City. Employees are expected to be present and ready to begin work at their work station at the scheduled start of their shift and are expected to diligently perform their work duties through the end of their shift, except during scheduled breaks or lunch periods. An employee who exhibits unsatisfactory attendance or repeated tardiness may be subject to discipline up to and including termination. Employees are expected to call their supervisors at least one (1) hour prior to the start of their shift (or as soon as possible in case of emergency) if they will be absent or late for work, advising the supervisor of the reason for the absence or late arrival, and (in the case of a late arrival) advising when the employee expects to arrive at work. Failure to properly report an absence or late arrival in accordance with this policy may result in disciplinary action up to and including termination.

11-5-3 OVERTIME. For most non-exempt employees, overtime is any time worked over forty (40) hours a workweek. Approved compensatory time hours, personal, vacation and bereavement leave hours are considered hours worked. Sick leave hours are not considered as hours worked. For all overtime worked, eligible employees will be paid one and one-half (1.5) times their regular pay rate or may be credited with compensatory time off at the rate of one and one-half (1.5) hours of time off for each hour of overtime worked. Law enforcement and fire protection employees will be paid overtime on a "work period" basis in accordance with the Fair Labor Standards Act.

Exempt employees are not eligible for overtime pay.

Please contact your supervisor or Human Resources if you have questions regarding your overtime eligibility.

Overtime hours are provided on an as-needed basis by the City and are not guaranteed. An employee may not work overtime unless the overtime has been approved in advance by your supervisor or the Mayor. Hours that an employee is asked to work that are not attached to scheduled work hours will be paid at a minimum of two (2) hours.

Your supervisor will try to provide reasonable notice to you if you are needed to work overtime. Advance notice is not always possible, however, based on the City needs.

11-5-4 COMPENSATORY TIME. Compensation for overtime work may be in the form of compensatory time off at the City's discretion. If compensatory time is taken, it shall be scheduled at the convenience of the City with due consideration of the employee's preference.

Compensatory time may be accumulated to a maximum of eighty (80) hours.
11-5-5  REST AND MEAL PERIODS. Each workday, full-time employees are provided two (2) rest periods of fifteen (15) minutes in length in an eight (8) hour work period. To the extent possible, rest periods will be provided in the middle of work periods. Rest periods shall not be added to meal periods or used at the end of the work day. Since this time is counted and paid as time worked, employees must not be absent from their work stations or work site beyond their allotted rest period time.

Full-time employees are provided one (1) twenty (20) – thirty (30) minute meal period each workday. This meal period is a part of the paid work day and the time away from work should be closely monitored.

11-5-6  PERSONNEL FILES. Personnel files will be maintained on each employee in accordance with the provisions of the Personnel Record Review Act. Employees may review their personnel files in accordance with the Personnel Record Review Act.

11-5-7  DRESS. Employees are expected to present themselves professionally. Good hygiene and grooming are expected. Appropriate work attire will be determined by your supervisor consistent with your job duties.

11-5-8  RECORD RETENTION POLICY. The Illinois Local Records Act prohibits a public entity from destroying public records without first receiving approval from the Local Records Commission. The Local Records Act defines a public record as “any book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein” 50 ILCS 205/2 A public record may take the form of an electronic record, including but not limited to, emails (and/or attachments thereto), text messages or other electronic data. In order to ensure compliance with the Local Records Act, employees are prohibited from altering, destroying or deleting public records unless and until appropriate approval has been received from the Local Records Commission. Any questions with respect to this policy should be directed to Human Resources or the Mayor.

11-5-9  MOTOR VEHICLE RECORD (MVR) CHECKS. (A) Introduction. The purpose of this policy is to ensure the safety of those individuals who drive the City vehicles or personal vehicles on the City business and to ensure the safety of their passengers and the public.

(B) Policy Statements.

(1) All drivers must be authorized to drive for work purposes.
(2) The City vehicles are not to be used for personal or non-work related purposes.
(3) The City reserves the right to review both the driver’s license and MVR of all authorized drivers at any time.
(4) MVR review will typically be run for authorized drivers a minimum of every six (6) months.
(5) For positions which require driving as an essential function, applicants will receive a conditional offer of employment, contingent upon the results of the MVR review.

(C) **Requirements to Become an Authorized Driver.**

(1) Must be a current employee or contracted individual.

(2) Must complete the Employee Authorization for MVR Review (attached).

(3) Must present and maintain a favorable MVR (see guidelines below).

(4) Must provide a current copy of a valid driver's license for the type of vehicle to be driven.

(D) **Driver Responsibilities.**

(1) It is the driver's responsibility to operate the vehicle in a safe manner to prevent injuries and property damage.

(2) Driver must verify that the vehicle is ready for operation by initiating a vehicle maintenance check (e.g. check oil, tire pressure, etc.).

(3) Drivers must have a valid driver's license for the type of vehicle to be operated, and must keep the license(s) with them at all times while driving. All CDL drivers must comply with all applicable D.O.T. regulations, including successful completion of medical, drug, and alcohol evaluations.

(4) All drivers and passengers must wear seat belts.

(5) Employees must report all accidents, regardless of severity, to the police and to the City. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, including termination.

(6) Authorized drivers are prohibited from reading or typing text messages, emails or posts of any type while driving. Phone use is also prohibited, unless a hands free device is used with the exception of emergency services personnel. Authorized drivers are prohibited from surfing the internet or reviewing websites or posting on social media or other websites while driving. Authorized drivers are prohibited from taking or posting photos while driving.

(7) Distracted driving of any type is prohibited.

(8) It is the responsibility of all authorized drivers to report the loss, bond issuance, suspension and/or revocation of his/her driver's license immediately to the City.

(9) All traffic violations (including parking tickets), citations and fines incurred when driving for work purposes are the sole responsibility of the authorized driver.

(10) Driving for work purposes while under the influence of intoxicants or other illicit drugs is forbidden and is sufficient cause for discipline, including termination.

(11) Authorized drivers must inform the City if taking any medications that may affect their ability to safely operate an automobile.

(12) Drivers are responsible for the security of vehicles being used by them. The vehicle engine must be shut off, ignition keys
removed, and vehicle doors locked whenever the vehicle is left unattended. If the vehicle is left with a parking attendant, only the ignition key is to be left.

(E) The following is a non-exhaustive list of conduct resulting in traffic convictions that may result in rescinding an offer of employment, terminating driving privileges, or other disciplinary action, up to and including termination.

1. Reckless or negligent driving.
2. Driving while impaired by or under the influence of alcohol or drugs.
3. Homicide, negligent homicide, or involuntary manslaughter by vehicle.
4. Fleeing or attempting to elude police officers.
5. Driving without a license or while license is suspended or revoked.
6. Hit and run or failure to stop after an accident.
7. Using a motor vehicle for the commission of a felony.
8. Operating a motor vehicle without the owner's authority (theft).
11. Any moving violation.

11-5-10 WORK PERFORMANCE EVALUATIONS. Employees will usually be evaluated after ninety (90) days of employment, and annually thereafter. Evaluations are an opportunity for both the City and the employee to reflect upon all areas of the employee's performance, to consider whether improvement is needed in any areas, and to recognize areas where an employee has met or exceeded performance expectations. Evaluations are also a time to update performance expectations and to set future goals. Performance evaluations are generally conducted by an employee's direct supervisor, with documentation placed in the employee's personnel file.

11-5-11 DISCIPLINE AND CORRECTIVE ACTION. The following procedures relating to employee discipline and termination are meant to be a guide only. The City reserves the right to bypass any or all steps in this progressive discipline policy. Employment with the City is at-will and may be terminated with or without cause and with or without notice. Employees who are in violation of the established policies, procedures, or practices of the City may be subject to corrective action. However, the City reserves the right to bypass any or all of these corrective action steps. The corrective action process may include any or all of the following:

(A) Corrective Action Process.

1. Verbal Counseling. This is typically an informal verbal counseling issued by the employee's supervisor which may be noted in the employee's file.

2. Written Warning. This is the first formal step in the Corrective Action Process. The written warning will normally identify three (3) areas:
   (a) Specific violation of policy, procedure, or practice.
(b) Corrective action required to resolve the identified breach of policy, procedure or practice.

(c) The time frame in which the noted violation must be satisfactorily resolved.

The employee will be required to sign verification of receipt of the written warning. Should the employee disagree with the basis for the warning, notation may be made by the employee directly on the written warning. The warning will normally be maintained in the employee's file. If satisfactory resolution is not noted in the identified time frame, the next step in the Corrective Action Process will be initiated.

(B) **Suspension or Final Written Warning.** Suspension without pay may be issued for an egregious or persistent violation of policy, procedure or accepted practice. There may be circumstances where an employee may be suspended even if the employee has not received a prior warning. The length of the suspension will be determined by the severity of the violation.

(C) **Dismissal.** Dismissal may also result from an egregious or persistent violation of policy, procedure, or accepted practice. An employee is subject to dismissal even if the employee has not received a prior warning.

(D) The following is a non-exhaustive list of reasons for which an employee may be disciplined:

1. Abusive or inconsiderate treatment of others, including but not limited to, co-workers, volunteers, other staff or members of the public.
2. Dishonesty, stealing, or falsification of records.
3. Disorderly conduct or fighting.
4. Insubordination.
5. Endangering your own safety or that of someone else.
6. Intoxication or use of alcohol or illegal controlled substances while on duty.
7. Unauthorized disclosure of confidential information.
8. Repeated absences or tardiness.
9. Violation of established safety policy, procedure, or practice.
10. Willful destruction of property.
11. Sleeping during scheduled work hours.
12. Violation of the policy against discrimination or harassment.
13. Failure to satisfactorily perform job duties.
14. Violation of any other City of Carterville policy.

11-5-12 **GRIEVANCE PROCEDURE.** It is the policy of the City that all employees have the right to voice their concerns or complaints. We recognize the value and importance of full discussion in resolving misunderstandings and preserving good relations between management and staff.

The following procedure should be followed for concerns or complaints:

(A) Employee communicates concern/complaint to immediate supervisor/department head. If concern/complaint is about supervisor, the next level of management or Human Resources/Mayor should be contacted.

(B) The person that is contacted will follow-up with the employee regarding the results of the research/investigation within **three (3) business days.**
(C) If the concern/complaint is not resolved to the satisfaction of the employee, the employee should submit the concern/complaint in writing to Human Resources/Mayor and the City Council. The Mayor and the City Council will review the concern/complaint and respond back to the employee within five (5) business days.

(D) Under no circumstances, will an employee be penalized for presenting his/her complaints/concerns to his/her supervisor, the Mayor or the City Council.

(E) Because the full responsibility of the City rests with the Mayor and the City Council, any decision rendered in a problem situation by them must be regarded as final and binding.

ARTICLE VI – FIRE DEPARTMENT

11-6-1 FIRE DEPARTMENT POLICIES. All Fire Department specific policies are covered in the Carterville Fire Department Operating Guidelines.

ARTICLE VII – POLICE DEPARTMENT

11-7-1 POLICE DEPARTMENT POLICIES: COVERAGES. All full-time police department personnel, excluding the Police Chief, are covered under the existing F.O.P. Agreement signed by each officer, the Mayor and the F.O.P. representative.

(Adopted by City Council 10/15)
ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF
THE EMPLOYEE HANDBOOK FOR THE CITY OF CARTERVILLE

If have read, reviewed, and understand the regulations and policies stated in the City employee handbook. I will comply with the policies contained in this handbook. I understand that neither this policy manual nor any of the individual policies contained in it is a contract for employment and that I am an at-will employee, which means that employment may be terminated at any time without cause or notice by either the City or me.

Printed Name ____________________________________________________________

Signature ______________________________________________________________

Date ____________________________
ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF POLICY AGAINST DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT

I have read and I understand the Policy against Discrimination, Harassment and Sexual Misconduct. I understand that if I ever have any questions or concerns I can speak to my supervisor, Human Resources or the Mayor. I have signed and dated this acknowledgement to confirm my receipt and understanding of 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, or sexual misconduct or if you see inappropriate behaviors at work?  Yes  No  Initials: 

If you ever have a problem or concern regarding discrimination, harassment or sexual misconduct in the workplace, please list who within our organization 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: 

Print 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: 

Print Name:  ________________________________
EMPLOYEE AUTHORIZATION FOR MVR REVIEW

I acknowledge that the information contained in the City MVR policy has been reviewed with me, and a copy of the policy has been furnished to me. As a driver of a City vehicle or a private vehicle on the City business I understand that it is my responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage.

I also understand that my employer will periodically review my Motor Vehicle Record to determine continued eligibility. In accordance with the law, I have been informed that a MVR will be periodically obtained on me for continued qualification and employment purposes.

I acknowledge the receipt of the above disclosure and authorize my employer or its designated agent to obtain a MVR report. This authorization is valid as long as I am an employee or employee candidate and may only be rescinded in writing.

________________________________________
Employee Name (printed)

________________________________________
Employee Signature

________________________________________
Date
# CARTERVILLE CITY CODE

## CHAPTER 12 - ENTERPRISE ZONE

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CHAPTER 12

ENTERPRISE ZONE

12-1-1 ZONE ESTABLISHED. The City hereby establishes an "Enterprise Zone", pursuant to authority granted by the Illinois Enterprise Zone Act (The "Act"; PA 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Community Affairs, and subject to the provisions of the Act.

12-1-2 TERM OF ESTABLISHMENT. The term of the zone shall commence with the date the Enterprise Zone is designated and certified by the Illinois Department of Commerce and Community Affairs pursuant to Section 5.3 of the Act, and shall terminate at midnight of December 31 of the twentieth (20th) year after the year in which the Enterprise Zone is certified, unless otherwise stated herein.

12-1-3 AREA OF ZONE. As amended by the units of government and approved by the Illinois Department of Commerce and Community Affairs (DCCA), the area of the Enterprise Zone shall be as described in Exhibit A and as outlined in the map in Exhibit B, which exhibits are attached to this Chapter and made a part hereof.

12-1-4 QUALIFICATION OF ZONE. The City hereby declares and affirms that the zone area is qualified for designation as an Enterprise Zone in accordance with the provisions of the Illinois Enterprise Zone Act, and further affirms that:

(A) the zone area is a contiguous area;

(B) the zone area comprises a minimum of one-half (1/2) square mile and not more than twelve (12) square miles in total area;

(C) the zone area is a depressed area;

(D) the zone area satisfies any additional criteria established by the Illinois Department of Commerce and Community Affairs; and,

(E) On December 17, 1990, a public hearing was conducted within the zone area on the question of whether to create the zone, what local plans, tax incentives and other programs should be established in connection with the zone, and what the boundaries of the zone should be, and that public notice was given in at least one newspaper of general circulation within the zone area, not more than twenty (20) days nor less than five (5) days before the hearing.

12-1-5 RETAILERS. Each retailer whose place of business is within the corporate limits of the City, and who makes a sale of building materials to be incorporated into real estate located in the Enterprise Zone by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed pursuant to the "Municipal (or County) Retailers' Occupation Tax Act"; provided, however, that such remodeling, rehabilitation, or new construction is of the nature and scope for which a building permit or certification of eligibility is required and has been obtained. The incentive provided by this Section shall commence the first day of the calendar month following the month in which the Enterprise Zone is designated and certified, and shall continue for the term of the Enterprise Zone.

12-1-6 ABATEMENT OF TAXES. The City authorizes and directs the County Clerk to abate ad valorem taxes imposed upon real property, located within the Enterprise Zone area, upon which new improvements have been constructed or upon which existing improvements have been renovated or rehabilitated, subject to the following conditions:
(A) Any abatement of taxes on any parcel shall not exceed the amount attributable to the construction of the improvements and the renovation or rehabilitation of existing improvements on such parcel.

(B) Such abatement shall be allowed for residential, commercial, industrial, or manufacturing property, located within the zone area.

(C) Such abatement shall be at the rate of: 100% of the value of the improvements, for the assessment year in which the improvements are made, and the four assessment years immediately following the year in which the improvements are made, and 50% of the value of the improvements for the succeeding five (5) years.

(D) The abatement is allowed only for improvements duly assessed at more than $10,000 market value, the nature and scope of which a building permit or certification of eligibility is required and has been obtained.

(E) Such abatement shall continue and be in full force as set forth in this Section for any improvements which are completed within the term of the Enterprise Zone as specified in Section 12-1-3 of this enactment.

(F) The abatement will apply to the assessed value at the time of approval at the then current taxing rate; if there would be increases in the taxing rate or reassessments done during the time of the abatement period which would increase the assessed value, the business or industry would be responsible for the taxes on the increases.

(G) No abatement shall be applicable to any such improvement located within the boundaries of a Tax Redevelop Project District.

12-1-7 WAIVER OF FEES. In the case of any and all permit fees required and charged by the City for the rehabilitation, expansion or new construction of any commercial, industrial, manufacturing or community development assisted projects within the Zone Area, such permit fees (but not the permits themselves) shall be waived in their entirety. The permit fee waiver herein provided shall include all fees charged for building, plumbing, electrical, zoning, and excavation permits where a building permit or certification of eligibility is otherwise required and has been obtained for such rehabilitation, expansion or new construction, but shall not include any such permit fees charged for the mere repair or replacement of electrical, plumbing or mechanical systems not undertaken in connection with such rehabilitation, expansion or new construction.

12-1-8 URBAN SHOPSTEADING PROGRAM. Pursuant to Section 10 of the Illinois Enterprise Zone Act, the City hereby establishes an urban shopstead program and an urban homestead program. Under the urban shopstead program, the City may sell to a Designated Zone Organization a structure or portion thereof it owns for a sum not to exceed One Hundred Dollars ($100.00). The Designated Zone Organization shall agree to renovate or remodel the property to meet the standards and level of maintenance stated in the agreement between the Designated Zone Organization and the City. The Designated Zone Organization may sell or lease such structure to commercial and industrial businesses pursuant to the procedures set forth in the sales agreement between it and the City. The Designated Zone Organization may retain the structure in whole or in part for its own use. Any proceeds derived from the use, lease or sale of such property shall accrue to the Designated Zone Organization.

Under the urban homestead program, the City may sell to an individual a residence or any portion thereof that the City owns within the zone area for a sum of One Hundred Dollars ($100.00). The individual must agree to renovate or remodel the property to meet the standards and level of maintenance stated in the sales agreement between the individual and the City, and the individual must live in the residence for seven (7) years. At the end of the seven (7) year period, the City shall assign title to the property over to the individual, provided satisfactory improvements to the property have been made pursuant to the agreement with the City.

The urban homestead program and the urban shopstead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the Council of the City, provided such rules and guidelines are not inconsistent with the act.
12-1-9  DESIGNATED ZONE ORGANIZATION. The Zone Administrator may recommend to the City Council one or more organizations that qualify as Designated Zone Organizations under the provisions of the Illinois Enterprise Zone Act. Upon approval of the City Council, for a term of years set by the City Council, the organization may:

(A) Provide or contract for provision of services including, but not limited to: crime watch patrols within zone neighborhoods; volunteer day care centers; or, other types of public services as provided by ordinance or regulation.

(B) Provide a forum for business, labor and government action on Enterprise Zone innovations.

(C) Receive title to publicly-owned land.

(D) Solicit and receive contributions to improve the quality of life in the zone area.

(E) Perform such other functions as the City Council may deem appropriate, not inconsistent with the Illinois Enterprise Zone Act.

12-1-10  ZONE ADMINISTRATOR ESTABLISHED. The position of "Zone Administrator" is hereby created. The Zone Administrator will be the Executive Director of the Greater Egypt Regional Planning and Development Commission. In its capacity as a regional planning and development organization, the Commission is an agency of the City. The duties of the Zone Administrator shall be performed in addition to the regular duties of the staff of the Commission.

It shall be the power and duty of the Zone Administrator to:

(A) Supervise the implementation of the provisions of this Code and the Illinois Enterprise Zone Act.

(B) Act as a liaison between the City, the Illinois Department of Commerce and Community Affairs, designated zone organization(s); and other state, federal, and local agencies, whether public or private.

(C) Conduct an ongoing evaluation of the Enterprise Zone program and submit such evaluation reports on at least a quarterly basis to the City Council and Illinois Department of Commerce and Community Affairs.

(D) Promote the coordination of other relevant programs, including, but not limited to, housing, community and economic development, small business, financial assistance and employment training with the Enterprise Zone.

(E) Recommend qualified designated zone organizations to the City Council.

(F) Have other such duties as specified by the City Council.

12-1-11  PREVIOUS ORDINANCES. This Ordinance supersedes any previous ordinances as it relates to establishing an Enterprise Zone in Williamson County and the Cities of Carterville, Herrin, Johnston City, and Marion, and the Villages of Cambria, Crainville, and Energy.

The Mayor of the City of Carterville is hereby authorized to execute an intergovernmental agreement with the Williamson County Board and the Cities of Herrin, Johnston City, and Marion, and the Villages of Cambria, Crainville, and Energy establish jointly an Enterprise Zone within the jurisdiction of the County, Cities and Villages. (Ord. No. 594-90; 12-20-90)
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# CARTERVILLE CITY CODE

## CHAPTER 14 - FLOOD PLAIN CODE

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CHAPTER 14

FLOOD PLAIN CODE

ARTICLE I

14-1-1 PURPOSE. This Code is enacted pursuant to the police powers granted to this City by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

(A) to prevent unwise developments from increasing flood or drainage hazards to others;

(B) to protect new buildings and major improvements to buildings from flood damage;

(C) to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

(D) to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) to maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(F) to make federally subsidized flood insurance available; and

(G) to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

14-1-2 DEFINITIONS. For the purposes of this Code, the following definitions are adopted:

"Base Flood": The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 14-1-3 of this Code.

"Base Flood Elevation" (BFE): The elevation in relation to mean sea level of the crest of the base flood.

"Basement": That portion of a building having its floor sub-grade (below ground level) on all sides.

"Building": A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

"Critical Facility": Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

"Development": Any man-made change to real estate including, but not necessarily limited to:

(A) demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

(B) substantial improvement of an existing building;
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;

installation of utilities, construction of roads, bridges, culverts or similar projects; construction or erection of levees, dams, walls, or fences;

drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

"Existing Manufactured Home Park or Subdivision": A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision": The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA": Federal Emergency Management Agency.

"Flood": A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

"Flood Fringe": That portion of the floodplain outside of the regulatory floodway.

"Flood Insurance Rate Map": 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 number(s) 040, 045, 175 of the countywide Flood Insurance Rate Map of Williamson County prepared by the Federal Emergency Management Agency and dated August 4, 2008. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Williamson 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 Williamson County by the Federal Emergency Management Agency and dated August 4, 2008.

"Floodproofing": Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

"Floodproofing Certificate": A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

"Flood Protection Elevation" or "FPE": The elevation of the base flood plus one (1) foot of freeboard at any given location in the floodplain.

"Floodway": That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the City shall be according to the best data available from Federal, State, or other sources.
"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 preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(B) Certified or preliminary 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 (2) or more lots for rent or sale.

"New Construction": Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

"New Manufactured Home Park or Subdivision": A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

"NFIP": National Flood Insurance Program.

"Recreational Vehicle or Travel Trailer": A vehicle which is:

(A) built on a single chassis;

(B) four hundred (400) square feet or less in size;

(C) designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Repetitive Loss": Flood related damages sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

"SHFA": 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,
(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 to any development of the site.

(A) The base flood elevation for the floodplains of Hurricane Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Williamson County prepared by the Federal Emergency Management Agency and dated August 4, 2008.

(B) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Williamson County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(C) The base flood elevation for the floodplains of those parts of unincorporated Williamson 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 Williamson County prepared by the Federal Emergency Management Agency and dated August 4, 2008.

14-1-4 DUTIES OF THE BUILDING OFFICIAL. The Building Official shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this Code. Specifically, the Building Official 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;
Assure that all subdivisions and annexations meet the requirements of Section 14-1-8;

Ensure that water supply and waste disposal systems meet the Public Health standards of Section 14-1-9;

If a variance is requested, ensure that the requirements of Section 14-1-11 are met and maintain documentation of any variances granted;

Inspect all development projects and take any and all actions outlined in Section 14-1-13 as necessary to ensure compliance with this Code;

Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code;

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;

Perform site inspections to ensure compliance with this Code and make substantial damage determinations for structures within the floodplain, and

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.

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 Building Official. The Building Official shall not issue a development permit if the proposed development does not meet the requirements of this Code.

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.

Upon receipt of an application for a development permit, the Building Official 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 Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The Building Official 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 Building Official shall not issue a permit unless all other federal, state, and local permits have been obtained.
FLOOD PLAIN CODE 14-1-6

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) of this Code, 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, and
   (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 floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.

(h) This permit does not authorize any other related construction activity such as shore protection or fill.

(i) Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.

(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:

(1) The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.

(2) The construction of light poles, sign posts, and similar structures.

(3) The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.

(4) The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports.

(5) 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.

(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, 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 revetments) may be utilized in rural areas provided all other conditions of this permit are met.

(c) The following materials shall not be used in any case: auto bodies, garbage of 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 Protection Act.

(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 be 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 linear 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.

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.

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.

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 linear foot.

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.

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 principal 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, and

(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.

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, and
(c) The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream 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 and 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 license 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 No. 9 (Minor Shoreline, Channel and Streambank Protection Activities) or
Statewide Permit No. 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 5 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 in a flood fringe area shall be exempt from State Floodway permit requirements.

Other development activities not listed in Section 14-1-6(A) may be permitted only if:

(1) a permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); 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 to be 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 subsequently 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 material; and
   (e) the fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.

2. The building may be elevated on solid walls in accordance with the following:
   (a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters;
   (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
   (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum or one (1) permanent opening on each wall no more.
than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the 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 the following conditions are met:

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and

(10) 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.
(D) 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. 

Manufactured homes or travel trailers 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.

Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of Section 14-1-7(D) unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.
2. The hitch must remain on the vehicle at all times.
3. The vehicle must not be attached to external structures such as decks and porches.
4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
5. The vehicle’s largest horizontal projections must be no larger than four hundred (400) square feet.
6. The vehicle’s wheels must remain on axles and inflated.
7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
8. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
10. must either:
   a. entirely be supported by jacks, or
   b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by 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 not more than one (1) foot above grade within one (1) square inch of opening for every one (1) 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 shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 14-1-6 and 14-1-7 of this Code. Any proposal for such development shall include the following data:

(1) the base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

(2) the boundary of the floodway when applicable; and

(3) a signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

14-1-9 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of Sections 14-1-6 and 14-1-7 of this Code the following standards shall 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 Building Official for a variance. The Building Official shall review the applicant's request for a variance and shall submit its recommendation to the City. The City 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 which are 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 Sections 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 proper reliance on this Code or any administrative decision made lawfully thereunder.

14-1-13 PENALTY. Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the Code Enforcement Officer may determine that a violation of the minimum standards of this Code exists. The Code Enforcement Officer shall notify the owner in writing of such violation.

(A) If such owner fails after ten (10) days notice to correct the violation:
(1) The City shall make application to the circuit court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with the Code;
(2) Any person who violates this Code shall upon conviction thereof be fined not less than Fifty Dollars ($50.00) nor more than Seven Hundred Fifty Dollars ($750.00) for each offense;
(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and
(4) The City shall record a notice of violation on the title of the property.

(B) The Code Enforcement Officer 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.

No site development permit shall be permanently suspended or revoked until a hearing is held by the City Council. 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 City Council 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 Ordinance 495-87 dated May 15, 1987. 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 ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 1213-08; 03-11-08)
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## CARTERVILLE CITY CODE

### CHAPTER 15 - FRANCHISES

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CHAPTER 15
FRANCHISES

ARTICLE I – ELECTRIC FRANCHISE

15-1-1 EGYPTIAN ELECTRIC FRANCHISE. The Egyptian Electric Cooperative Association electric franchise is hereby included as Appendix "A" to this Article. (Ord. No. 1302-11; 08-10-11)
APPENDIX "A"

ELECTRIC FRANCHISE

AN ORDINANCE GRANTING TO THE EGYPTIAN ELECTRIC COOPERATIVE ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, CERTAIN RIGHTS IN THE CITY OF CARTERVILLE, ILLINOIS

Section 1. That the Egyptian Electric Cooperative Association, a not for profit corporation of the State of Illinois, its successors and assigns, hereinafter referred to as "Company" is hereby granted the right to construct, erect, renew, maintain and operate in, upon, along, across, under and over the streets, alleys and public ways of the City of Carterville as the corporate limits now exist or may hereafter be extended except those areas therein allocated to AmerenCIPS Company by a Service Area Agreement between AmerenCIPS Company and Egyptian Cooperative Association originally dated February 5, 1969, and approved by the Illinois Commerce Commission by Order in Case Number ESA 98, dated April 9, 1969, which agreement by reference hereto is hereby incorporated herein together with any and all subsequent amendments to said Service Area Agreement as approved by the Illinois Commerce Commission, for the construction, maintenance and operation of a system for the distribution and sale of electric energy for lighting, heating and power purposes in the respective parts of said City of Carterville, hereinafter referred to as "Municipality", for a period of time ending on August 15, 2021 and thereafter until terminated by sixty (60) day's written notice, either by the City of Carterville, hereinafter referred to as the "Municipality", or by the Company. It is understood that on this date the corporate limits of the City may not include any area included by this grant.

Section 2. The location and height above or the depth below the public thoroughfares of the existing lines of poles, anchors, wires, cables, conduits, vaults, laterals and other fixtures and equipment of said Company within the Municipality, to the extent said equipment is in compliance with the law of the State of Illinois, and the City of Carterville, are hereby approved, and the same shall be maintained and operated under and subject to the provisions of this ordinance. Any change in or extension or any of said poles, anchors, wires, cables, conduits, vaults, laterals or other fixtures and equipment, hereinafter referred to as "structures", or the construction of any additional structures, in, upon, along, across, under or over the streets, alleys and public ways of the Municipality shall be made under the direction of the City Mayor, or his designee of the Municipality, who shall, if the proposed change, extension, or construction conforms to the provisions hereof, issue written permits therefore. The height above public thoroughfares of all aerial wires and cables hereafter constructed shall conform to the requirements of the Illinois Commerce Commission or the City of Carterville, or such other regulatory body having jurisdiction thereof. All structures hereafter installed shall be so placed, and all work in connection with such installation shall be so performed as not to interfere unreasonably, as determined by the City, with ordinary travel over the highways, streets and alleys of the Municipality, or with any municipal water or sewer pipes, and in case of bringing to grade or change of grade, or change of width of any highway, street or alley, said Company, upon due notice, which shall consist of not more than thirty (30) day's prior notice, shall change its structure so as to conform thereto. The tops of all vaults constructed by the Company within the Municipality shall present an even surface with the pavement at the point where laid, and shall be lowered or raised by said Company to conform to the top of paving or improvement as required by the City whenever the grade of the street or alley in which any such vault is located may be at any time hereafter lowered or raised, the Company agrees to install all distribution wires, cables, conduits and laterals underground, except when said equipment is used for the transmission, rather than distribution of electricity, and the lines carry a voltage in excess of 25,000 volts. The Company may request a variance from this requirement, which may be granted by the City Mayor of the City, or his designee of the Municipality, upon the showing of need therefore which is justifiable in the sole discretion of the City Mayor or his designee.

Section 3. Said Company, after doing any excavating, shall leave the surface of the ground in a neatly graded condition. All sidewalks, parkways or pavements disturbed by said Company shall be restored by it within thirty (30) working days after disturbance to as good a condition as it was before said sidewalk,
parkway or pavement was disturbed by it, and in the event that any such sidewalk, parkway or pavement shall become uneven, unsettled or otherwise require repairing because of such disturbance by the Company, then said Company shall, within thirty (30) working days, upon receipt of notice from the Municipality so to do, cause, such sidewalk, parkway or pavement to be repaired or restored to as good condition as before said sidewalk, parkway or pavement was disturbed by said Company. For the purpose of this paragraph a working day is defined as a normal week day, Sundays and holidays excluded, for which the maximum temperature of the day is above 38°F, and on which less than .05 of an inch of rain has fallen, and less than 1 inch of rain has fallen on the day previous to the day in question. Said Company shall keep all structures which it shall construct by virtue of this Ordinance, in a reasonably safe condition at all times, and shall maintain such barriers and danger signals during the construction, repair or renewal work performed hereunder as will reasonably avoid damage to life, limb and property.

Section 4. That said Company shall, at its own expense, defend all suits which may be brought against the Municipality on account of or in connection in any way with the grant of the rights contained in this franchise, or in any way resulting from the obligations hereby imposed upon or assumed by the Company, or by reason of or in connection with any damage to life, limb or property as a result of any of the structures constructed by it under or by virtue of this Ordinance, and shall save and hold harmless the Municipality from any and all damages, judgments, costs and expenses of every kind, and any kind, whatsoever, that may arise by reason thereof; provided that notice shall be given to the Company of any claim or suit against the Municipality which, by the terms hereof, said Company shall be obligated to defend or against which the Company has hereby agreed to save and hold harmless the Municipality and provided further that the Municipality shall furnish to said Company all information relating to said claim or suit, and cooperate with said Company in the defense of said claim or suit. Notwithstanding the above agreements, the City of Carterville may defend any such claim or suit or assist in same, at its discretion.

Section 5. As a consideration for the rights, privileges and authority hereby granted, while said Company is using any poles or poles erected or maintained hereunder, it will permit the Municipality the use of sufficient space of the poles or adequate facilities for the successful operation of the Municipality's police and fire alarm signal systems to be accomplished by two methods: (1) by means of one pole fixture to be placed, in accordance with the Company's specifications, by the Municipality at its expense at the top of the space available for the use of the Company of any of said poles, it being understood that the poles upon which space is permitted the Municipality shall be considered, for the purpose of this agreement, as personal property; provided that such wires shall be so placed and maintained by the Municipality that the use of the same will not interfere with the operation and maintenance of the Company's equipment or its use of said poles, and provided further that a thirty (30) inch climbing space shall be maintained between the pole pins on poles jointly used with another public utility. All such police and fire alarm signal wires shall be attached and maintained under the direction and supervision of said Company's authorized representatives, and only upon the following conditions: No such police and fire alarm signal wires shall be attached to any of said poles of said company if such wires shall carry a voltage of more than four hundred (400) volts, nor if the transmitted power exceeds one hundred fifty (150) watts, nor if, in any part of the circuit of such wire, it is supported upon a pole on which there is any wire carrying a constant potential alternating current exceeding five thousand (5,000) volts between conductors, or twenty-five hundred (2,500) volts or less normally to ground, or a direct current circuit of seven hundred fifty (750) volts or less to ground, or a constant current series are or incandescent light circuit carrying seven and five-tenths (7.5) amperes or less, then such police or fire alarm signal wire shall be attached to such pole at a point not less than four (4) feet below such wire used for the supply of electrical energy. (2) In the event there is Insufficient space on the poles, as is established by the Rules and Regulations of the Illinois Commerce Commission for the proper placement of lines, cables, or fixtures, the Company will permit the Municipality the use of other facilities furnished by it for the successful operation of the police and fire alarm systems. The Company reserves the right to designate the type of facilities to be furnished to the Municipality for the purposes as stated herein. All expenses of said facilities and installation of same shall be borne by the Municipality.

Section 6. The Company after five (5) day's written notice from the governing body of the Municipality to do so, shall remove or raise or lower its structures temporarily to permit the moving of a building or any other object along a highway provided the benefited party or parties shall agree to pay the Company an amount equal to the actual cost to effect such temporary changes in its structures; and provided further that, pending
the determination of such actual cost, the benefited party or parties shall have deposited with the Company an amount equal to the cost as estimated by the Company. Should any amount of such deposit remain unexpended, after deducting the actual cost involved, said amount shall be returned to the party making the deposit. Should the benefited party or parties object to the estimated cost, the City Mayor or his designee shall determine a reasonable cost which shall be binding upon both the Company and the benefited party or parties insofar as the sum to be deposited with the Company, but the benefited party or parties shall be liable for the actual cost, no more and no less.

Section 7. In case said Company shall fail or neglect to comply with any or all of the provisions of this Ordinance, the Municipality reserves the right to repeal this Ordinance or rescind this contract, and forfeit the rights hereby created or sought to be created, provided that no such repeal, rescission or forfeiture shall exist or be claimed because of such failure or neglect, until written notice of such failure or neglect so claimed shall have been given to said Company, and a reasonable opportunity afforded it to comply with the provisions hereof or to prove that such compliance already exists.

Section 8. That this Ordinance shall be in full force and effect thirty (30) days from the time of its passage by the Council of the Municipality and upon the filing with the Clerk thereof, by the Egyptian Electric Cooperative Association, of its written and unconditional acceptance of all the provisions of this Ordinance, executed by its proper officers thereunto duly authorized, under the corporate seal of said Company and attested by its Secretary or Assistant Secretary.

Section 9. That the Municipality shall have access, at all reasonable hours, to all the Company's plants, contracts and engineering, accounting, financial and statistical customer and service records relating to the property and the operation of the Company to all of the records required to be kept by this ordinance. The following records and reports shall be filed with the City Clerk within 60 days after written request:

A. Company rules and regulations, copies of such rules, regulations, terms and conditions adopted by the Company for the conduct of its business;
B. Gross revenue. An annual summary report showing gross revenues received by the Company from its operations within the City within the preceding year, and such other information as the Municipality shall request, with respect to properties and expenses related to the Company's service within the City.

Section 10. Nothing contained herein shall prohibit the City from imposing any type of tax, allowed by law, upon the company, or upon the customers of the Company, or any tax concerned with the operation of the Company, of any manner or nature whatsoever as allowed by law.

Section 11. Fair Employment. The Company agrees that it will not discriminate against any employee or applicant from employment, because of race, creed, sex, color, or national origin. The Company will take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, religion, sex or national origin. The Company will, in all solicitations or advertisements for employees placed by or on behalf of the Company, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin. The Company further will comply with all aspects of the Fair Employment Practices Act of the United States of America, the State of Illinois, or Ordinances of the City of Carterville pertaining thereto. The Company shall further cause the foregoing provision to be inserted in all contracts or subcontracts for work covered by this contract so that such provision will be binding upon each contractor or subcontractor, provided that this provision shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

Section 12. The Municipality has heretofore given a franchise to AmerenCIPS Company. During the term of this Ordinance, should the Municipality need or have use of electric energy in areas served by Company, it is understood that Company shall furnish on a pro-rata basis same free of charge or at the same cost as AmerenCIPS Company would likewise do under its franchise.

Section 13. That this ordinance shall be known as Ordinance No. 1302-11 of the Ordinances of the City of Carterville.

APPROVED: /s/ Charles W. Mausey
MAYOR

Illinois Codification Services
[2015]
# Carterville City Code

## CHAPTER 21 - LIQUOR

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CHAPTER 21
LIQUOR

ARTICLE I – SCOPE AND DEFINITIONS

21-1-1 CONSTRUCTION. This Chapter shall be liberally construed, to the end that the health, safety, and welfare of the residents of the City shall be protected. Temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the sale of alcoholic liquors.

21-1-2 DEFINITIONS. Unless the context otherwise requires, the following words and phrases as used in this Chapter shall be construed according to the definitions set forth below:

"ALCOHOL": The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and including synthetic ethyl alcohol. It does not include denatured or wood alcohol.

"ALCOHOLIC LIQUOR": Includes alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing more than one-half of one percent (0.5%) of alcohol by volume, and capable of being consumed as a beverage by a human being.

"BEER": 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.

"BEER GARDEN – OUTDOOR GARDEN/CAFÉ AREA": Any open air area both adjacent to and accessible to a business possessing a license pursuant to this Chapter to sell beer, wine, and/or any other alcoholic liquor, which contains a fence, wall, or other construction surrounding its perimeter, and in which beer, wine, and/or any other alcoholic liquor is sold, offered for sale, delivered, or consumed.

"BOWLING ALLEY": An establishment or premises, or part of an establishment or building, as the case may be wherein the game of bowling, played with composition balls and ten (10) wooden pins is played, with at least ten (10) lanes of bowling available.

"CATERER RETAILER": 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. (235 ILCS 5/1-3.34)

"CLOSE": To shut up so as to prevent entrance or access by any person; and the entire suspension of business.

"CLUB": An organization formed under the laws of the state, not for pecuniary profit, solely for the promotion of some common object other than the sale of 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 room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that the club shall file with the local liquor commission at the time of its application for a license under this Chapter two (2) copies of a list of names and residences of its board of directors, and similarly file within ten (10) days of the election of any officer, his or her 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 any officer, agent or
employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation,
any profits from the distribution or sale of alcoholic liquor to the members of the club, or the boné fide
guests of the members thereof, beyond the amount of such salary as may be fixed and voted on at the
annual meeting by the members or by its board of directors or other governing body out of the general
revenue of the club.

"CONTROL PREMISES": The total area of the premises which the Licensee controls or is responsible
for and shall include, but not be limited to, licensed premises, parking lots, or other areas adjacent to the
licensed premises.

"CORPORATION": 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))

"DELIVERY": The act of transforming or giving in any manner or by any means alcoholic liquor to
another by any person, whether as principal, proprietor, agent, servant or employee.

"DISTILLED SPIRITS": See "Spirits".

"ENTERTAINMENT": Any music, whether live, prerecorded, or broadcasted via radio or television, any
sporting contests including, but not limited to, volleyball and horseshoes, and any dance, play, comedy
presentation, or motion picture.

"EVENT": A single theme. (Rules and Regulations 100.10(a))

"FOOD": Any meat, poultry, fish, dairy product, vegetables, fruits, either alone or in combination with
each other or other material to produce an edible substance, which does not contain any alcoholic liquor
except trace amounts remaining from the cooking process.

"GROSS RETAIL SALES (OR REVENUE)": The amount of money collected from the establishment's
customers from the sale of beverages and food, less any money collected as tax on the items sold.

"HOTEL AND MOTEL": Every building or other structure kept, used, maintained, advertised and held
out to the public to be a place where 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.

"KEG": A container of two (2) gallons or more of beer of any brand.

"KITCHEN": An area containing all of the following restaurant equipment: a sink or other device for
dishwashing, stove or other device for cooking, refrigerator or other device for storage of food, cabinets
or shelves for storage of cooking equipment and utensils, and counter or table for food preparation.

"LICENSED PREMISES": That area as described in the application where alcoholic liquor is allowed to
be served, stored or sold and areas internally or externally connected thereto by doorways which areas
are integrally related to the operation of the licensed establishment.

"LICENSEE": Any person, corporation, or partnership holding a license under the terms and provisions
of this Chapter.

"LOCAL LIQUOR CONTROL COMMISSION": The Commission consisting of the Mayor and City
Council of the City of Carterville, Illinois.
"MANAGER" OR "AGENT": 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": 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": Food that is prepared and served on the licensed premises and excludes the serving of snacks. (Rules and Regulations 100.10(n))

"MENU": A list of the dishes to be served or available for a meal.

"MICROBREWERY": A commercial enterprise at a single location production malt beverage or beer in quantities no less than one hundred (100) barrels per year nor more than fifteen thousand (15,000) barrels per year.

"ORIGINAL PACKAGE": A bottle, flask, jug, can, cask, barrel, keg, or any other receptacle or container, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.

"PACKAGE LIQUOR STORE": Any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

"PARTNER": 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))

"PERSON": Includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" appears in any section of this Chapter prescribing a penalty or fine, as to partnerships or associates, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of this Chapter.

"PREMISES/PLACE OF BUSINESS": 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": A private party, function or event for a specific social or business occasion, either by invitation or reservation and not open to the general public.

"PUBLIC PLACE": 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": 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 and is a registered voter. (Rule 100.10(a))
"RESTAURANT": Any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, without sleeping accommodations; such space being provided with an 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 guests, and obtaining at least sixty percent (60%) of the annual gross revenue from the sale of nonalcoholic beverages and food. Alcohol may be served with or without the actual purchase of meals.

"RETAIL STORE": The sale for use or consumption and not for resale.

"RETAILER": A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. (235 ILCS 5/1-3.17)

"SALE": Any transfer or exchange in any manner or by any means whatsoever for consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant or employee.

"SELL AT RETAIL" and "SALE OF RETAIL": Refer to any mean sales for use or consumption and not for resale in any form. (235 ILCS 5/1-3.18)

"SPECIAL EVENT": An event conducted by an educational, fraternal, political, civic, religious or non-profit organization. (235 ILCS 5/1-3.30)

"SPECIAL EVENTS RETAILER": 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. (235 ILCS 5/1-3.17.1)

"SPIRITS": 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. (235 ILCS 5/1-3.02)

"TO SELL": Includes to keep or expose for sale and to keep with intent to sell. (235 ILCS 5/1-3.22)

"WINE": 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 defined herein.

[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 — ADMINISTRATION

21-2-1 LOCAL LIQUOR CONTROL COMMISSION. The Mayor and the City Council shall be the Local Liquor Commission for the City, and are charged with the administration of the applicable provisions of the Illinois Liquor Control Act, and ordinances, resolutions, rules, and regulations relating to alcoholic liquor as may be adopted by the Mayor and City Council. The Local Liquor Commission shall have the following powers and duties:

(A) Act on Applications. To receive applications, investigate applicants, and grant, renew, or deny liquor licenses.

(B) On-Site Inspection. To enter, or to authorize any law enforcing officer to enter, at any time, upon any premises licensed under this Chapter in order to enforce the ordinances of the City, laws of the State, or the Illinois Liquor Control Act, or any rules or regulations adopted by the Local Liquor Control Commission to determine whether any such laws are being violated and at such time to examine the premises of the Licensee in connection herewith.

(C) Respond to Complaints. To receive complaints from any citizen of the City that any of the provisions of this Chapter or any rules or regulations adopted pursuant thereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided.

(D) Collect Fees. To receive local license fees and pay the same forthwith to the City Treasurer.

(E) Examine All Pertinent Information. To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any Licensee under this Chapter upon whom notice of suspension or revocation of license has been served; to examine, or cause to be examined, the books and records of any applicant or Licensee under this Chapter; to authorize any law enforcing officer to require any applicant or Licensee to furnish said officer with a complete, current list of all employees of said applicant or Licensee including the names and addresses of all employees; and to hear testimony and take proof for their information in the performance of their duties and for such purposes to issue subpoenas. For the purpose of obtaining any of the information desired by the Local Liquor Control Commission under this Section, it may authorize its agent to act in its behalf.

(F) Impose Penalties. To impose penalties as provided in Article V of this Chapter.

21-2-2 RECORDS. The Local Liquor Control Commission shall maintain or cause to be maintained a complete record of all liquor licenses issued pursuant to this Chapter. A copy of each license shall be maintained in the office of the City Clerk. The City Clerk shall maintain all original documents pertaining to Carterville liquor licenses.

21-2-3 HEARINGS.

(A) Imposition of Penalties; Hearing to Precede Action. The Chairman of the Local Liquor Control Commission may issue a dismissal, a letter of reprimand, or levy a fine on a Licensee for the violation of any provision of this Chapter as provided in Section 21-5-2 of this Chapter. In addition, the Chairman may request that the Local Liquor Control Commission suspend or revoke a liquor license issued pursuant to this Chapter. Except as provided in subsection (B) of this Section, no Licensee shall receive a written reprimand or be fined and no license shall be suspended or revoked prior to an evidentiary hearing pursuant to this Section. The Licensee shall be given written notice of the charge or charges against it not less than three (3) days prior to such hearing. The Licensee may, if it so chooses, be represented at its own expense by legal counsel at the evidentiary hearing.

(B) Exceptions; Summary Action. A licensed premises may be closed for not more than seven (7) days without notice or hearing, upon the issuance of a written order stating the reason(s) for closing if the Chairman of the Local Liquor Control Commission has reason to believe that the continued operation of the specific licensed premises will or does threaten the welfare of the community. Upon being presented with reliable evidence of a violation of this Code which the Chairman of the Local Liquor Control Commission reasonably believes poses a danger or threat to the health, safety
or welfare of the community, the Chairman of the Local Liquor Control Commission may take action to summarily suspend a liquor license without full Local Liquor Control Commission action. An evidentiary hearing shall be held within seven (7) days from the date of suspension, giving the Licensee the opportunity to be heard on the matter.

(C) **Duty of Chairman.** The evidentiary hearing shall be presided over by the Chairman of the Local Liquor Control Commission. The Chairman shall have the right to issue subpoenas for witnesses, to place witnesses under oath, to rule on objections, to dismiss charges before a Local Liquor Control Commission, to conduct the evidentiary hearing in an efficient manner, and to issue a letter of reprimand or levy a fine as provided in Section 21-5-2 of this Chapter for any violation of this Chapter. The Chairman shall be responsible for securing the services of a certified court reporter at the evidentiary hearing. The initial costs and fees of the court reporter shall be paid by the City, subject to Section 21-5-2(A) of this Chapter.

(D) **Procedure.** The City shall have the burden of proving by a preponderance of the evidence the charges alleged against the Licensee. After the City has presented its evidence, the Licensee may present evidence in its defense. After the Licensee has presented its evidence, if any, the City shall have the right to present rebuttal evidence, if it so chooses. The evidentiary hearing shall be informal and strict rules of evidence shall not apply.

(E) **Order/Report and Recommendation by Chairman.** If the Chairman of the Local Liquor Control Commission determines that the Licensee should be found not guilty or found guilty but penalized in the manner of a letter of reprimand or a fine, or that charges against the Licensee should be dismissed, the Chairman, after the close of the evidentiary hearing, shall issue an order which shall include findings of fact, conclusions of law, and the penalty to be imposed against the Licensee, if any. That order shall be appealable to the Local Liquor Control Commission, at the cost of the Licensee. If the Chairman determines that the Licensee is guilty of the violation and that a suspension or revocation of a liquor license is appropriate, he shall prepare a report and recommendation to the Local Liquor Control Commission. The report and recommendation shall include the Chairman’s findings of fact and conclusions of law and shall include a recommended penalty for the violation. The Chairman shall also make available a copy of the transcript of the evidentiary hearing to the Local Liquor Control Commission. Attorneys for the City and the licensee shall receive a copy of the Chairman’s report and recommendation.

(F) **Decision of Commission.** The Local Liquor Control Commission shall consider the Chairman’s report and recommendation at a public meeting. The City and the Licensee shall have the opportunity to present any evidence in aggravation or mitigation of the recommended penalty. However, no new or additional evidence regarding the charges shall be presented to the Local Liquor Control Commission. After reviewing the report and recommendation and any objections, the Local Liquor Control Commission may, by majority vote, impose a penalty against the Licensee as provided in Section 21-5-2 of this Chapter.

(G) **Determination Criteria.** In making the determination regarding the appropriate penalty, the Chairman and Local Liquor Control Commission may consider the nature of the violation, past violations of the Licensee, and the facts and circumstances surrounding the violation as presented at the evidentiary hearing.

(H) **Order to be Served.** One (1) copy of the order shall be served upon the Licensee within seven (7) days of its signing by the Chairman of the Commission. Service may be made by placing the order in the United States mail, postage prepaid. The Chairman shall also send a copy of the order to each member of the Local Liquor Control Commission. If a fine is imposed, the Licensee shall pay the fine within thirty (30) days after the date of the order, unless the order specifically states otherwise in which case the Licensee shall pay the fine by the date provided in the order. If such fine and costs are not paid within the required time period, the Chairman of the Local Liquor Control Commission may summarily suspend the license until such time as the fine and costs are paid.

(I) **Review by State; Cost.** Any review by the State Liquor Control Commission of the proceedings before the Chairman or the Local Liquor Control Commission shall be limited to a review of the official record of the proceedings. No new or additional evidence shall be admitted or considered. All costs of preparing the transcribing an official record on appeal to the State Liquor Control Commission shall be borne by the Licensee requesting the review of the official proceedings.
(J) **Appeal from Commissioner's or Commission Decision.** Within three (3) days of receipt of the Commissioner's order, the Licensee may appeal the decision by written request to the Local Liquor Control Commission. A public hearing will then be held at a regularly scheduled City Council meeting, at the cost of the Licensee. At such time, the Liquor Control Commission will review the entire record of the previous hearing, no new evidence shall be reviewed. The Local Liquor Control Commission will then either affirm the Commissioner's order or impose a new penalty. In any case in which a Licensee appeals to the State Liquor Control Commission a suspension or revocation by the Local Liquor Control Commission that is the second or subsequent 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 Local Liquor Control Commission's decision has been issued by the State Liquor Control Commission and shall cease all activity otherwise authorized by the license.
ARTICLE III – LIQUOR ADVISORY BOARD

21-3-1 ESTABLISHMENT. There is hereby established a Liquor Advisory Board which shall have the powers and duties set forth in this Article.

21-3-2 MEMBERS, QUALIFICATIONS; TERMS.

(A) Voting Rights. The Liquor Advisory Board shall consist of five (5) voting members.

(B) Residency Requirements. All of the voting members shall reside within the corporate boundaries of the City.

(C) Composition of Membership; Appointment. The Mayor shall appoint, with the consent of the City Council, all members of the Liquor Advisory Board. Of the five (5) voting members, two (2) shall be members of the Carterville Ministerial Alliance or have personally been recommended by them, one (1) member shall be an educator, one (1) member shall be from the business sector, and one (1) member shall be at large. No voting member shall be employed by, own stock in, be a partner in, have an interest in or own personally any business entity which has a license for the sale or distribution of liquor by retail or wholesale.

(D) Term of Office. Except as provided herein; each member shall be appointed for a term of three (3) years.

21-3-3 POWERS AND DUTIES. The Liquor Advisory Board shall have the following powers and duties:

(A) To review all liquor license applications, both initial and renewal applications;

(B) To meet and discuss liquor license applications with all applicants;

(C) To render an advisory opinion to the local Liquor Control Commission as to the merits or demerits of each liquor license application it review;

(D) To receive and investigate complaints made by citizens of the City regarding liquor licenses; the Liquor Advisory Board shall inform the Local Liquor Control Commission of all complaints which warrant the attention of the Local Liquor Control Commission for further action;

(E) To monitor all liquor licensees to assure their compliance with the law of the City and the State;

(F) To review the provisions of this Code pertaining to alcoholic liquor and to make recommendations to the City Council and/or the Local Liquor Control Commission regarding those provisions;

(G) To perform such other functions and duties as requested by the Mayor and City Council, from time to time.
ARTICLE IV — APPLICATIONS AND LICENSING

21-4-1 LICENSE REQUIRED.
     (A) License Required. No person shall sell, or offer for sale, possess or display for sale within the corporate limits of the City, any alcoholic liquor without first obtaining a license from the Local Liquor Control Commission.
     (B) Exceptions. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes, except as specifically provided in this Article. This Article shall not prohibit nor prevent the possession and transportation of alcoholic liquor for the personal use of the possessor, his or her family and guests, nor prevent the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables or grains, or the products thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his or her family and guests; and provided further that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, or any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution; and provided further that any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions of duly licensed physicians; and provided further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this Article.
     (C) Penalties. Any person who violates this Section shall be subject to a fine of not less than Two Hundred Fifty Dollars ($250.00) and not more than Seven Hundred Fifty Dollars ($750.00).

21-4-2 NATURE AND EXTENT OF LICENSE.
     (A) Retail Sales. The license required by the preceding section shall be a retailer's license and shall permit the licensee to sell and offer for sale of alcoholic liquor at retail upon the licensed premises specified and described in the application. Any license granted shall be subject to the provisions of this Article, other applicable ordinances of the City, and applicable law of the State of Illinois including the Illinois Liquor Control Act.
     (B) Exemption From State Prohibition. All City real property acquired through City, State, or federal redevelopment acts and occupied by a holder of a liquor license at the time of acquisition and the Civic Center shall be exempt from the state prohibition against sale or delivery of alcoholic liquor in any building belonging to or under the control or political subdivision of the State and City may lease and license such premises for the sale of alcoholic liquor at retail in the premises.

21-4-3 APPLICATION.
     (A) Application Fee. There shall be a non-refundable application fee in the amount of One Hundred Dollars ($100.00). In addition, the applicant shall reimburse all expenses of investigation which shall also be non-refundable.
     (B) Form; Procedure. All applications for licenses under this Article shall be in writing, under oath, addressed to the Local Liquor Control Commission, and filed in the office of the City Clerk.
     (C) Area Specified. Each license application shall indicate the dimensions of the licensed premises, its location, its control premises, and all parking areas located on the property.
     (D) Signatures Required. Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. The information recited in the application shall be under oath or affirmation as to each person signing the application.
     (E) Content. Each application shall include the following information and statements:
(1) In the case of an individual, the name, birth date, social security number, driver's license number, and address of the applicant.

(2) In the case of a partnership, the names, birth dates, social security numbers, driver's license numbers, and addresses of all partners.

(3) In the case of a corporation or club, the names, birth dates, social security numbers, driver's license numbers, and addresses of the officers, directors, managers; and the names, birth dates, social security numbers, and addresses of all persons who own or have an interest in over five percent (5%) of the stock.

(4) The class of license for which application is submitted.

(5) The nature of the business which the applicant(s) intends to carry out, and the amount of applicant's anticipated gross revenue from other sources within the proposed licensed premises.

(6) The nature of entertainment, if any, proposed to be offered within the proposed licensed premises.

(7) The length of time the applicant has been a resident of the state, the county, and the city, or if a partnership, the length of time each partner has been a resident of the state, county and city; or if a corporation, the length of time each officer or director has been a resident of the state, county and city.

(8) The address and telephone number of the manager, premises, and business office if different.

(9) A list of governmental entities to which the applicant has submitted an application for a liquor license, the date of the application, the disposition of such application, amounts of and reasons for fines imposed, and the dates, reason and length of suspension or revocation of such license, if any.

(10) A completed criminal background for each person required to report conviction information.

(11) The name of any person who has been issued a federal wagering stamp for the current tax year.

(12) Evidence of dramshop liability insurance in the form of a certificate on insurance issued by an insurance company licensed to do business in the State of Illinois. The certificate shall insure the applicant and the Owner and Lessor of the premises in at least the amounts as set forth by the Illinois Comptroller’s Office as required by the Illinois Liquor Control Act of 1934 [235 ILCS 5/6-21(a)]

For the year of 2011, the applicant and the Owner and Lessor of the premises shall have insurance as stated above in the following amounts:

- $60,247.68 for general liability/personal injury per person
- $60,247.68 for general liability/property damage per person
- $73,636.05 for general liability for either loss of means of support or loss of society resulting from the death or injury of a person

(Ord. No. 1306-11; 09-13-11)

The insurance coverage shall be kept current at all times during the license year. Upon request of the Local Liquor Control Commission, or its agent, a Licensee shall provide evidence of coverage at times other than the initial application and renewal of a license.

(F) **Additional Information for Certain Licenses.** Each applicant for an A1 or A2 license shall include the following:

(1) A description of the kitchen facilities and equipment to be used in the preparation and serving of food; and
(2) The hours during which the kitchen will be used in the preparation of all food items included on the restaurant menu and the times that full menu service is available.

21-4-4

PERSONS INELIGIBLE TO HOLD LICENSE. No license shall be issued to:

An individual person:

(A) who is not a bona fide resident of the City.
(2) who is not of good character and reputation of the City.
(3) who is not a citizen of the United States of America.
(4) who has been convicted of a felony or who has been convicted of pandering or any other crime of morality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the state, or any other federal or state law, unless the Local Liquor Control Commission determines, within its sole discretion, that such person now warrants the public trust.
(5) whose license issued under this Chapter or the Illinois Liquor Control Act has been revoked for cause.
(6) who at the time of application for renewal of any license issued under this Chapter would not be eligible for such license upon a first application.
(7) whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
(8) who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
(9) club, association, or corporation not eligible for a state retail liquor dealer's license.
(10) who has been convicted of a gambling offense as prescribed by 720 ILCS 5/28-1(a)(3) through (a)(10), or as prescribed by Section 5/28-3 of the Criminal Code, as heretofore or hereafter amended or as proscribed by statute replaced by the aforesaid provisions.
(11) to whom a federal wagering stamp has been issued by the federal government for the current tax period.
(12) who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who has forfeited his or her bond to appear in court to answer charges for any such violation on or after the adoption date hereof.
(13) who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 of the Illinois Liquor Control Act.

(B) Any law enforcing public official, Mayor or any member of the City Council; and no such official shall be interested, in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to a member of the City Council (excluding the Mayor) in relation to a premises or to an establishment in which the Council member has a direct or indirect interest if:

(1) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food (Class A license only);
(2) the issuance of the license is approved by the Illinois Liquor Control Commission;
(3) the issuance of the license is in accordance with all applicable ordinances of this Code; and
the official granted the license does not vote on alcoholic liquor issues pending before the Local Liquor Control Commission or the City Council.

A Corporation:

(1) 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 hereunder for any reason other than citizenship or residence within the political subdivision. Provided, however, that the manager of a corporation shall be required to comply with the residency requirement or the corporation shall appoint an agent who complies with the residency requirement.

(2) Unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in Illinois.

(3) If the corporation or any officer, manager or director thereof or any stockholder owning in the aggregate more than five percent (5%) of the stock of said corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

A Partnership:

(1) unless all of the members of such partnership shall be qualified to obtain a license.

(2) 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 wagering stamp by the federal government for the current tax period.

21-4-5 ISSUANCE OF LICENSE; FINDINGS. The Commission shall not issue a new liquor license, renew a liquor license, approve a change of classification or transfer of location or the transfer of the license to a new owner unless it has previously been determined that there is no reason to refuse to issue, renew or approve such license. In determining whether there is reason to refuse to issue, renew, or approve a license, the Commission shall consider the following criteria:

(A) The class of the liquor license applied for and the availability of a license in the class.

(B) Compliance with all applicable state and city regulations and laws.

(C) The potential impact on and demand for City services.

(D) The location of the proposed establishment and probable impact of a liquor establishment at the location upon the surrounding neighborhood or the City as a whole. Factors to be considered include, but are not limited to:

(1) Proximity to residential property,
(2) Proximity to schools, churches or synagogues,
(3) Proximity to gasoline stations or convenience stores which offer gasoline for sale,
(4) Potential impact on traffic safety,
(5) Potential adverse impacts on surrounding property values,
(6) Proximity to other liquor establishments,
(7) Adequate street lighting and lighting on the proposed property,
(8) Availability of on street and off street parking in the area,
(9) Availability of sidewalks in the area if significant pedestrian traffic is anticipated.

(E) The character and nature of the proposed establishment.

(F) Whether live entertainment will be provided and, if so, the nature of the entertainment.
The proposed operation of the establishment, including staffing levels, the ability and commitment to abide by laws and regulations, and the ability to effectively monitor activities both within the establishment and on the property.

The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales or services.

The advisory recommendation of the liquor advisory board and city staff.

Whether the issuance (or renewal) of said license would be in the "best interests" of the City (for example, would there be an adverse impact on public health, safety, or welfare; would the issuance of the license adversely affect the character of the surrounding neighborhood; would the license adversely impact the City's orderly growth and development, etc.).

Whether the applicant or licensee has been delinquent on payment for services, loans or other contractual agreements received by the licensed establishment from the City. For the purpose of this subsection, a licensee shall be considered delinquent on payments if the licensee is currently in arrears on an outstanding debt owed to the City, or has been in arrears for more than fifteen (15) days on a payment to the City for services, loans or other contractual agreements, two (2) or more times within a two (2) year period.

For class A1 and A2 licenses:

(1) the kitchen facilities and equipment to be used in the preparation and serving of food;

(2) the hours during which the kitchen will be used in the preparation of all food items included on the restaurant menu; and

(3) the existence of game rooms, dance floors, etc., that are commonly found in bar type establishments.

21-4-6 LIMITATIONS ON AREA OF SALE. No alcoholic liquor may be sold within the City except within the following areas, subject to the terms, conditions and restrictions of this and other pertinent sections to be determined of this Code: Areas excluded from residential are both sides of Route 13, both sides of Division Street between Grand Avenue and Virginia Avenue, both sides of Division Street from Route 13 to Tippy Road, and the area known as Crab Orchard Golf Course. (Ord. No. 1311-11; 12-13-11)

21-4-7 PAYMENT OF FEE.

(A) All fees payable pursuant to this Chapter shall be paid in full by cash, certified check, or money order and submitted at the time the application is made for new licenses or prior to the issuance of the license for renewal licenses. There shall be no refund of any fee paid hereunder except as set forth in this Section.

(B) The application fee shall be credited toward the payment of the license or transfer fee due for the license. In the event the license applied for is denied, the license fee deposited, but not the application fee, shall be returned to the applicant.

(C) In the event the licensee shall cease the sale of alcoholic beverages and return its liquor license to the City Clerk, the licensee shall be entitled to a refund of the license fee less that percentage of the original fee which has been utilized due to the expiration of full calendar months and less twenty percent (20%) for administrative costs.

(D) Prior to making any refund, the City Clerk shall determine whether the licensee owes the City any money and withhold payment of any refund until all monies due the City have been paid in full.

(E) In the event a license issued under this Chapter is revoked, all fees shall be forfeited.

21-4-8 FEE SCHEDULE.

(A) Annual Fee. The annual fees for the license issued under this Chapter shall be as follows:
(1) Class A2. All class A2 licensees shall pay a fee of One Thousand Two Hundred Dollars ($1,200.00).

(2) Class C. All class C licensees shall pay a fee of One Thousand Two Hundred Dollars ($1,200.00).

(3) Class G. All class G licensees shall pay a fee of One Thousand Two Hundred Dollars ($1,200.00).

(B) Beer Garden Area Included. The occupancy permit number for each licensee's establishment shall be calculated in such a manner as to include any area that is used or intended for use as a "beer garden" as that term is defined in this Chapter.

(C) Application and Transfer Fee. The application fee and transfer fee provided for in this Chapter shall be One Hundred Dollars ($100.00), unless a greater amount is otherwise provided in this Chapter.

(D) Background Investigation: Costs. A background investigation shall be conducted by the City in regard to the applicant to determine the accuracy of the application and the character and fitness of the applicant, and, if applicable, corporate officers and directors, partners, individual proprietors and managers. All costs associated with such investigation shall be paid by the applicant in full at the time the application is submitted to the City Clerk and are nonrefundable.

(E) Fee Forfeited. Upon revocation of any license issued under this Chapter, the fee shall be forfeited.

21-4-9

CLASSIFICATION. Licensees issued under this Article shall be of the following classes:

(A) Class A1 Licenses.

(1) Class A1 licenses, which shall authorize the retail sale on the premises of specified alcoholic liquor for consumption on the premises as well as other retail sales of liquor which are open to the public. The annual fee for such license shall be One Thousand Two Hundred Dollars ($1,200.00). No more than three (3) license(s) shall be issued at any time.

(2) Location Restrictions. Class A1 licenses shall not be used on any premises that are:
   (a) located within one thousand (1,000) feet of a horse racing or riverboat gambling facility, or
   (b) located within one hundred (100) feet of a school or place of worship (to be measured according to state law).
   (c) located within the City TIF #2 business district as it existed on January 1, 2019 (which is approximately between Virginia Avenue and Brown Street and Olive Street and Pennsylvania Avenue).

(B) Class A2 Licenses.

(1) Class A2 licenses shall authorize the retail sale of all alcoholic liquor, by the drink and not by the package, and wine where it may be sold in its original package, with food for consumption on the premises only subject to the conditions of subsections A2a through A2f, inclusive, of this Section and to the terms, conditions, and restrictions of this and all other pertinent sections of this Code. The annual fee for such license shall be One Thousand Two Hundred Dollars ($1,200.00).
   (a) The class A2 licensee shall offer for sale all restaurant menu items for consumption on the premises during the hours the kitchen is open as approved per the license.
   (b) A class A2 license shall not be issued to the applicant unless the premises for which the application is made is operated as a business which collects at least sixty percent (60%) of its
should be borne by the applicant. The audit shall be prepared by a certified public accountant and shall cover the time period as ordered by the Local Liquor Control Commission. The cost of producing any documentation, including the audit, shall be borne by the applicant.

(f) Any class A2 licensee, upon application to and approval by the Local Liquor Control Commission, may make retail sales of beer and wine in their original package only, with food only, for consumption off the premises, subject to the following conditions:

(i) No beer or wine may be sold by any class A2 licensee without the simultaneous sale of any item listed in the entrée section of its menu for consumption off the premises. The class A2 licensee shall not sell beer or wine with the simultaneous purchase of an item listed in the appetizer, dessert, or side order section of its menu for consumption off the premises; and

(ii) The class A2 licensee shall submit a fee of One Hundred Dollars ($100.00) in addition to the fee required pursuant to this Chapter.

(g) Upon application to and approval by the Local Liquor Control Commission, a class A2 licensee may manufacture and sell at retail micro brewed beer by the drink for consumption on the premises and by the package for consumption off the premises, provided that the beer is brewed on the premises and the licensee submits a fee of One Hundred Dollars ($100.00) in addition to all fees as required pursuant to this Chapter.

(h) The total number of class A2 license including all sub classifications issued by the Local Liquor Control Commission will not exceed three (3).

(C) Class C Licenses.

(1) Class C licenses shall authorize the retail sale of all alcoholic liquors, in their original package only, for consumption off the premises only, subject to the terms, conditions, and restrictions of this and all other

**Illinois Codification Services** [Supplement No. 2; 01-01-20]
pertinent sections of this Code. Any applicant who also possesses a Class A1 license shall only pay the sum of Two Hundred Dollars ($200.00) for their Class C license so long as their Class A1 license remains in good standing. If the entity's Class A1 license fails to be maintained in good standing, then the normal Class C license fee shall apply and be prorated for the remainder of the license year.

(2) No Class C license shall be issued to an applicant whose principal business in the premises described in the application is a retail sale of groceries or drugs, unless a permanent, opaque wall separates the area of sale of the groceries and drugs and the area of sale of packaged alcoholic liquor and unless each area has a separate entrance and separate checkout facility. The total number of Class C licenses issued by the Local Liquor Control Commission shall not exceed five (5).

(D) Class G Licenses. Class G licenses shall authorize the retail sale by any person who operates a conventional golf course consisting of at least nine (9) holes and having fairways, greens and other attributes common to the sport of golf, of all alcoholic liquor by the drink only, for consumption upon any part of the golf course, subject to the terms, conditions and restrictions of this and all other pertinent sections of this Code. The annual fee for such license shall be One Thousand Two Hundred Dollars ($1,200.00). The number of Class G licenses shall not exceed five (5).

(E) Class F Licenses. Class F licenses shall authorize the sale and serving of alcohol for consumption off the licensed premises while catering any event.

(1) Qualifications: Restrictions. A catering option is available as an addition to any classification of alcoholic liquor license available under this title or to any business who holds a valid State of Illinois Liquor License in good standing from another local jurisdiction. The option allows licensees to serve and sell alcohol for consumption off the licensed premises while catering any event.

(2) Compliance. No licensee shall serve or sell alcoholic liquor at off-premises, catered event within the corporate limits of the City, except upon application to and approval by the Local Liquor Control Commission, or its designee. Approval is subject to the terms, conditions, and restrictions of this and all other pertinent sections of this Code.

(3) Types of Catering Options Available.

(a) Community Center and John A. Logan College Option. Licensees who wish to cater alcohol at the Carterville Community Center or at John A. Logan Community College properties may do so upon application to and approval by the Local Liquor Control Commission, or its designee. Functions being held at the Community Center or at the campus of John A. Logan Community College may be by invitation only or may be open to the public. The sale of alcohol is permitted at Community Center functions and events on the John A. Logan Community College campus for consumption on the premises only. Packaged beer or wine may be sold when the sale is in conjunction with a preapproved beer or wine tasting event except, however, the seal of said packaged beer or wine may not be broken while on the premises. To obtain a catering license for events at John A. Logan Community College campus, the licensee must be approved by JALC and provide proof of such approval prior to the application to the Local Liquor Control Commission.

(b) Private Function Catering Option. Licensees who wish to cater alcohol at private functions may do so upon application to and approval by the Local Liquor Control Commission, or its
designee. The private function must be by invitation only and not open to the public.

(4) **Sought in Conjunction with Liquor License Application.** An application for the catering option may be filed in the City Clerk's office at the time of application for a liquor license, at the time of renewal of a liquor license, or any time during the license year. There is no additional fee required if the applicant is seeking or already possesses a City liquor license.

(5) **Dramshop Insurance.** Licensees applying for either the private function catering option or the civic center catering option shall obtain dramshop liability insurance in the amounts required as set forth in this Chapter. A certificate of insurance must be filed with the City Clerk's office at the time of application for the catering option. The certificate must document that the licensee is covered by dramshop liability insurance at all catered events to be held off the licensed premises. In addition, if the licensee is applying for the community center catering option, the certificate of insurance must also name the City as an additional insured. Further, if the licensee is applying for a license to cater on the campus of John A. Logan Community College, the certificate of insurance must also name John A. Logan Community College as an additional insured.

(6) **Designee of the Local Liquor Control Commission.** For purposes of this Section, the Mayor and/or City Clerk are hereby named the designee of the Local Liquor Control Commission.

(Ord. No. 1505-19; 06-18-19)

**21-4-10 BEER GARDENS OR OUTDOOR GARDEN/CAFÉ AREA.**

(A) **Approval Required.** No licensee shall operate a beer garden or outdoor garden/café area except upon application to and approval by the Local Liquor Control Commission, subject to the terms, conditions and restrictions of this and all other pertinent sections of this Code.

(B) **Application; Fee.** Any licensee desiring to operate a “beer garden or outdoor garden/café area” as defined in Section 21-1-2 of this Chapter, pursuant to this Chapter, shall submit an application and the following fees with said application to the Local Liquor Control Commission in addition to the fees required under this Article, as follows:

1. **One Hundred Dollars ($100.00),** if there will be no entertainment offered to the patrons of the licensee in the beer garden.
2. **Four Hundred Dollars ($400.00),** if any entertainment is offered to the patrons of the licensee in the beer garden. Any person(s) using or operating sound amplifying devices as a part of a beer garden, shall be exempt from restrictions contained herein for use of sound amplifying devices.

(C) **Sought in Conjunction with Liquor License Fee.** The application for a beer garden or any outdoor garden/café area shall be filed with the Local Liquor Control Commission at the time of application for a liquor license, the time for renewal of a liquor license at any time during the license year. A drawing identifying the designated area and its proposed use shall accompany the application. All applications shall be subject to the conditions as set forth in this Section and other pertinent sections of this Chapter, as follows:

1. The application, drawing and proposal shall be forwarded to the planning services division for a determination of whether a site plan is necessary and recommendation as to lighting and/or fencing requirements.
2. The area designated as the beer garden or outdoor garden/café area shall be reviewed by the building and neighborhood services division and the fire and police departments for health and safety purposes. An
occupancy rate shall be established. The occupancy rate shall be considered in calculating the license fee.

(3) Any licensee, who operates a beer garden or outdoor garden/cafeteria area pursuant to this Chapter, shall implement any and all conditions which the Local Liquor Control Commission may impose upon the operation of said beer garden or outdoor garden/cafeteria area.

(4) The boundaries of the beer garden or outdoor garden/cafeteria area shall be clearly delineated so that there is no question as to whether alcoholic liquor may be sold, delivered or consumed in the area.

(5) At the time of application or any time during the license year, after consideration of the location of the beer garden or outdoor garden/cafeteria area, the nature of the business operations, the record of prior violations of the liquor code, if any, and public safety, health and welfare, the Local Liquor Control Commission may impose specific requirements upon the beer garden or outdoor garden/cafeteria area, which may include, but are not limited to, lighting, fencing and prohibition of entertainment.

(D) **Compliance.** Any beer garden or outdoor garden/cafeteria area shall be subject to all provisions of this Chapter, and all other applicable ordinances and state statutes.

(E) **Violation; Consequences.** A violation of this Chapter or any other applicable ordinance or state statute may result in the closing of the beer garden or outdoor garden/cafeteria area in addition to the penalties as otherwise provided in this Chapter.

21-4-11  **DURATION.**

(A) **Maximum Term.** All licenses shall be issued for a term not to exceed one (1) year.

(B) **Expiration Date.** All licenses shall expire on June 30 following the effective date of such license, unless otherwise stated.

(C) **Fee Prorated.** When a license is issued at some time other than July 1, the fee shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of a license.

21-4-12  **TRANSFER OF LICENSE.**

(A) **Not Transferable by Holder.** A license shall be a purely personal privilege and shall not constitute property. Nothing in this Chapter shall be construed to grant a right to transfer or accept the transfer of any license. Applicants for the transfer of an existing liquor license shall follow the procedures for issuance of a new liquor license as contained in this Article.

(B) **Commission Discretion.** Notwithstanding subsection (A) of this Section, the Local Liquor Control Commission, upon receipt of written application and a transfer fee in the amount of One Hundred Dollars ($100.00), may authorize the transfer of any license issued under this Article.

(C) **Relocation of Business.** If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, city ordinances and state statutes applicable to the operation and maintenance of a licensed premises.

(D) **New Ownership.** The transfer of a license issued hereunder from one person to another may only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the Local Liquor Control Commission that the purchased possess the qualifications as required of an applicant.

(E) **Old License Returned to City.** No transfer shall be effective, and no new license shall be issued until the former license is submitted to the office of the City Clerk and all monies due the City have been paid.
21-4-13  CESSATION OF BUSINESS.

(A) Death; Insolvency; Bankruptcy. A license issued under the provisions of this Chapter shall not be subject to attachment, garnishment, or execution, nor shall it be subject to being encumbered. The license shall not descend by the laws of estate or interstate devolution but shall cease upon the death of the licensee except that the administrator or executor of the estate of any deceased licensee or the trustee of any insolvent or bankrupt licensee may continue the business of the sale of alcoholic liquor upon the entry of the appropriate court order and submission of the order to the City Clerk until the expiration of the license but no longer than six (6) months after the death, bankruptcy or insolvency of the licensee. Upon the death of the licensee, if the administrator or executor does not continue the business, there shall be a refund as provided in this Chapter.

(B) Written Notice Required. A licensee who ceases to do business or who closes its place of business for more than ten (10) days shall give the Local Liquor Control Commission written notice of such cessation or closing as soon as practical after the decision to close or cease business is made, but in any event before the cessation or closing. Such notice shall state the reason therefor and the date of closing or cessation. Any licensee who ceases to do business or closes its place of business for a period of more than thirty (30) successive days, and who fails to show good cause, shall be subject to having the license suspended, revoked or a fine imposed.

(C) Timely Commencement of Business. Any licensee who obtains a transfer of an existing license pursuant to this Chapter, and who fails to commence business operations before the date specified in the application for transfer, shall give the Local Liquor Control Commission written notice specifying the reasons for the failure to commence business operations. Any licensee who fails to show good cause shall be subject to having the license suspended or revoked.

21-4-14  CHANGES IN INTEREST OR OWNERSHIP. Changes in the interest or ownership of any licensed premises are subject to the following requirements:

(A) Any changes in partners, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the Local Liquor Control Commission within ten (10) days of the change; provided, however, that changes in stock ownership need not be reported where the stock is publicly traded if the stock transfer is less than twenty-five percent (25%) of the stock. All such persons shall meet all the requirements of this Chapter and must otherwise qualify to hold a license.

(B) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate effective on the date of said change.

(C) When a license has been issued to a corporation and a change has taken place in the officers, directors, managers or shareholders of more than five percent (5%) of the stock resulting in the holding of office or such shares by one who is not eligible for a license, said license shall terminate, effective on the date of said change.

21-4-15  CHANGES IN OPERATION. A license issued under the provisions of this Chapter shall permit the sale of alcoholic liquor only within the licensed premises described in the application and only under the conditions imposed in this Chapter on the particular class of license described therein. Any change or alteration in the operation of the licensed premises which varies in any manner from that on the date of the issuance of the license shall be reported in writing to the Local Liquor Control Commission within ten (10) days. Failure to report the change in operation may result in a suspension or revocation of the license.

21-4-16  HEALTH AND SAFETY LAWS.

(A) All premises licensed pursuant to this Chapter shall be in compliance at all times with the City building, fire and zoning ordinances, and all state statutes pertaining to health, sanitation and public safety.
(B) Licenses shall comply at all times with all other applicable ordinances of the City and statutes of the State.

21-4-17 DISPLAY AUTHORIZATION. Every licensee under this Article shall cause its license to be framed under glass and posted without obstruction in a conspicuous place within the premises licensed, so that any person entering such premises may easily locate and read the license.

21-4-18 RENEWALS.
(A) The Local Liquor Control Commission may renew a license at the expiration thereof; provided, that the applicant meets the eligibility requirements as specified in this Chapter; the licensed premises complies with all ordinances of the City and specifically health, building, maintenance, zoning and fire safety ordinances.
(B) The renewal privilege provided in this Section shall not be construed as a right which shall preclude the denial of a renewal request or preclude the Local Liquor Control Commission from decreasing the number of licenses in the City.

21-4-19 LOCATION RESTRICTIONS. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church or 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, civic centers, 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 shall it apply to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established 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 the property boundaries.

21-4-20 PERMITS FOR LICENSES.
(A) Postponement of Approval Date. Whenever an applicant is not ready to begin immediate operation, the application shall be considered in the manner set forth in this Chapter. Upon approval by the Local Liquor Control Commission, there shall be created a permit for a license which shall entitle the holder to a liquor license when the holder is ready to begin operations subject to all other requirements of this Chapter.
(B) Expiration. Permits for licenses shall expire one hundred eighty (180) days from the date of approval or when exchanged for a license.
(C) Failure to Obtain. In the event holder fails to obtain the license prior to the expiration of the permit, the permit shall expire.
ARTICLE V – REGULATION OF OPERATION

21-5-1 **ADOPTION OF STATE LAW BY REFERENCE.** Each and every part of "an act relating to alcoholic liquors", enacted by the general assembly of the State of Illinois, approved January 31, 1934, as amended, and regulations promulgated thereunder, which relate in any manner to the sale at retail of alcoholic liquors, is hereby adopted by reference and made a part of this Article. In any case where a conflict exists between the laws of the State of Illinois and the ordinances of the City of Carterville, this Code shall prevail unless specifically preempted by state statute. Any violation of such applicable and adopted provisions of said act shall be deemed a violation of this Chapter and be subject to penalties as herein provided.

21-5-2 **PENALTIES.**
(A) **Imposed by Local Liquor Control Commission.** Any licensee violating any provision of this Chapter or any applicable provision of this Code or the state statute may be ordered to pay all costs of the City in holding the hearing and shall be subject to any or all of the following penalties by the Local Liquor Control Commission unless otherwise provided pursuant to the provisions of this Chapter:

(1) A letter of reprimand;
(2) A fine of not more than **One Thousand Dollars ($1,000.00)** for a first violation within a **twelve (12) month period**;
(3) A fine of not more than **One Thousand Five Hundred Dollars ($1,500.00)** for a second violation within a **twelve (12) month period**;
(4) A fine of not more than **Two Thousand Five Hundred Dollars ($2,500.00)** for a third or subsequent violation within a **twelve (12) month period**; and/or
(5) Suspension of license;
(6) Revocation of license.

(B) **Imposed by Court.** Any licensee found violating any provision of this Chapter or any applicable provision of this Code or the state statute by a court of competent jurisdiction, shall be subject to a fine of not less than **Two Hundred Fifty Dollars ($250.00)** and not more than **Two Thousand Five Hundred Dollars ($2,500.00)**, unless otherwise provided pursuant to the provisions of this Chapter.

(C) **Violations; Penalty.** Any individual person violating any provision of this Chapter or any applicable provision of this Code or the state statute shall be subject to a minimum fine of not less than **Fifty Dollars ($50.00)** and not more than **Seven Hundred Fifty Dollars ($750.00)** unless otherwise provided.

21-5-3 **RESPONSIBILITY FOR VIOLATIONS.**
(A) **Responsibility of Licensee for Acts of Employees.** Every act or omission of whatsoever nature constituting a violation of any provisions of this Chapter or the Illinois Liquor Control Act by any officer, director, manager, or other agent or employee of the licensee, shall be deemed to be the act of the licensee or employer. The licensee or employer shall be punishable in the same manner as if the act or omission has been done or omitted by the licensee personally.

(B) **Responsibility of Owner of Property 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 Chapter or the Illinois Liquor Control Act, said owner, agent, or other person shall be deemed guilty of a violation of this Chapter or the Illinois Liquor Control Act to the same extent as said licensee and be subject to the same penalty.
Responsibility of Persons in Control of Premises. It shall be unlawful for any person in control of a premises located within the City to knowingly allow any person under the age of twenty-one (21) years to possess or consume alcoholic liquor on the premises or to knowingly allow any person under the age of twenty-one (21) years to remain on such premises while possessing or consuming alcoholic liquor in violation of this Chapter or state law.

1. Obligation to Verify Age. The person in control of a premises has the affirmative obligation to verify that all persons on the premises in possession of or consuming alcoholic liquor are above the age of twenty-one (21) years or otherwise doing so legally.

2. Validity of License. It shall be unlawful for any person in control of a premises to sell alcoholic liquor on the premises without a valid liquor license or to knowingly allow any other person to sell alcoholic liquor on the premises without a valid liquor license.

3. Persons in Control of a Premises. “Persons in control of a premises” for the purpose of this Section includes, but is not limited to, the following persons:

   a. In the case of an owner-occupied premises, the person in control is the owner(s). In the event the owner is not a natural person, but a corporation, partnership, trust, or similar entity, the person in charge shall be that natural person(s) who is authorized to control and occupy the premises.

   b. In the case of a leased or rented premises, the person in control is that person or those persons who have a lease, a rental agreement, or other form of control of the premises which has been conveyed by the owner or owner’s agent. In the event the lessee or renter is not a natural person, but a corporation, partnership, trust, or similar entity, the person in charge shall be that natural person who is in the day to day control of the premises, such as a manager.

   c. In the case of property such as a fraternity or sorority house, the person in control shall be the person who has been designated in charge of the day to day operation of the local organization. In the absence of a designation of another responsible person, the president of the local chapter shall be considered to be the person in control of the premises.

4. Exceptions. The provisions of this subsection do not apply to the following circumstances:

   a. Possessing, dispensing, or consuming small quantities of alcoholic liquor by persons under the age of twenty-one (21) years in the performance of a religious service or ceremony by a religious group.

   b. The consumption of small quantities of alcoholic liquor by persons under the age of twenty-one (21) years under the direct supervision and approval of the parent(s) or guardian(s) of such under twenty-one (21) year persons in the privacy of the parent’s or guardian’s home.

   c. Subsection (C)(1) of this Section shall not apply to premises which are owned or otherwise controlled by a governmental or private entity when said premises is usually open to use by the general public such as rights of way, parks, and nature preserves or to situations of trespass or unauthorized entry onto a premises.

D. Penalties. Any person who violates this Section shall be subject to a fine of not less than Two Hundred Fifty Dollars ($250.00) and not more than Seven Hundred Fifty Dollars ($750.00).
21-5-4

**HOURS OF OPERATION.**

**(A) Specific Days, License Classification.** It shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premises, any alcoholic liquor except during the following hours:

1. From **eight o'clock (8:00) A.M.** on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until **one fifty-nine o'clock (1:59) A.M.** of the next day; and

2. From **eleven o'clock (11:00) A.M.** on Sunday until **one fifty-nine o'clock (1:59) A.M.** on Monday; and

3. Except and provided that on New Year’s Day, the closing time may be **three o'clock (3:00) A.M.** regardless of the day on which it may fall; and

**(B) Thirty (30) Minute Time Margin.** It shall be unlawful to keep open for business, to admit the public or permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premises in which alcoholic liquor is sold at retail, **thirty (30) minutes** after the required closing time. No person except the licensee and its employees shall enter the licensed premises between the closing hour as set forth in this Section and **six o'clock (6:00) A.M.** The licensee and its employees may be on the licensed premises for business related purposes between the closing hour set forth in this Section and six o'clock (6:00) A.M. but may not consume alcoholic beverages on the licensed premises during this period.

**(C) Arrest of Unauthorized Persons.** Any individual, other than the licensee or employee who is actually on duty for business related purposes only, who remains in a licensed premises after the closing time specified in this Section, shall be subject to arrest and fine.

**(D) Modification of Hourly Restrictions.** The hourly restrictions set forth in subsection (A) of this Section may be temporarily modified on special occasions, by resolution, adopted by the City Council, which shall set forth the conditions of the modification. Such modification of the hourly restrictions may be permitted only after compliance with the following stated conditions:

1. The proposed activity shall be sponsored by a civic, service, charitable, educational, or other not for profit organization.

2. Applications for modification of hours shall be available in the City Clerk’s office. The sponsor of the proposed activity and the licensee of the premises where the proposed activity is to occur shall jointly apply for the modification **thirty (30) days** prior to the date of the proposed activity.

3. The application shall be submitted in the office of the City Clerk and shall include:
   - The name, address and telephone number of the sponsor, and the name, address and telephone number of the authorized agent of the sponsor.
   - The name, address and telephone number of the licensee.
   - The name of the licensed premises upon which the proposed activity is to occur.
   - A detailed description of the proposed activity.
   - The date and hours the proposed activity is to occur.
   - The approximate number of persons expected to attend the proposed activity.
   - Failure to include any of the requested information will result in denial of the request.

4. The sponsor and the liquor licensee shall certify that no alcoholic liquor will be sold, delivered and/or consumed by any person upon the licensed premises during the hours of the proposed activity.

5. The licensed premises shall be closed to the public during the hours of the proposed activity, and no one will be permitted to enter or exit the premises during the stated hours except in case of emergency.
(6) Any modification of hours permitted in accordance with the terms of this subsection shall only apply to the licensed premises specified in the resolution.

(7) Any violation of the restrictions set forth in this subsection will result in the immediate closing of the licensed premises and the termination of the activity.

(E) After Hours Package Sales Prohibited. No licensee shall allow the pick-up of alcoholic liquor by the package for consumption off the premises after the hours for sale set forth in this Section.

21-5-5 POSSESSION OR CONSUMPTION ON PUBLIC PROPERTY.
(A) Prohibited. No person shall possess any open container of or consume alcoholic liquor upon any public property, public street, alley, sidewalk, or public way within the corporate limits of the City.
(B) Exceptions. Exceptions are made for the following events:
(1) Events allowed in the City Hall/Civic Center as otherwise provided in this Article.
(C) Removal from Premises. No licensee shall allow or permit any individual to transport or carry any alcoholic liquor out of the premises of the licensee. This Section shall not apply to liquor licenses which allow for the sale of alcoholic liquor in the original package and with the seal unbroken, pursuant to Article IV of the Chapter.

(D) Penalties.
(1) Any person, other than licensee, who violates any of the provisions of this Section shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Seven Hundred Fifty Dollars ($750.00).
(2) Any licensee who violates any of the provisions of this Section shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Seven Hundred Fifty Dollars ($750.00) in addition to any penalties which may be imposed by the Local Liquor Control Commission as allowed pursuant to this Chapter.

21-5-6 POSSESSION OR CONSUMPTION IN UNLICENSED ESTABLISHMENTS.
It is hereby declared unlawful for any person or any person owning, maintaining, or operating any business or restaurant which does not possess a liquor license issued pursuant to this Chapter to permit persons to bring alcoholic liquor upon the premises and there possess and consume the same. This provision shall not apply to "private functions" as defined in Section 21-1-2 of this Chapter, or during events where no entry fee, admission fee, or ticket is required to go upon the premises.

21-5-7 CLOSING ENTRANCES TO ILLEGAL ACTIVITIES. No licensee shall suffer or permit, upon any premises described in the license, any door, window, aperture to remain open, or any other means of ingress or egress to any room, cellar, basement, structure, building, or other premises, where there is conducted at any time any business or activity prohibited by the ordinances of the City or the law of the State of Illinois, including, but not limited to, games of chance, gambling, brothels, or houses of ill fame.

21-5-8 GAMBLING.
(A) Definitions.
(1) "Video Gaming Terminal" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video
display and microprocessors in which the play may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only. (230 ILCS 40/5)

(2) "Video Gaming Act" means the Illinois Video Gaming Act (230 ILCS 40)

(B) Conflict. In the case of any conflict or inconsistency between this Section and the Video Gaming Act, the Video Gaming Act shall control.

(C) Jurisdiction. The Illinois Gaming Board shall have jurisdiction over and shall supervise all gaming operations governed by the Video Gaming Act (230 ILCS 40/78(a))

(D) Where Video Gaming Terminals May be Placed.

(1) Licensed retail establishments where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises.

(2) Licensed truck stop establishment pursuant to the Illinois Video Gaming Act.

(E) Restrictions on Operation.

(1) Location Restrictions. Video gaming terminals may not be operated on any premises that are:

(a) located within one thousand (1,000) feet of a horse racing or riverboat gambling facility, or

(b) located within one hundred (100) feet of a school or place of worship.

(c) located within the "business district" between Virginia Avenue and Brown Street and Olive Street and Pennsylvania Avenue.

These distances will be determined by measuring the distance from a proposed or existing Licensed Video Gaming location to a pre-existing facility by drawing a straight line between the closest part of any building used for the proposed or existing licensed video gaming location and the closest part of any building used for the facility. When located within a subsection of property (e.g., a tenant in a shopping center or commercial condominium), measurement shall be from the boundaries of the establishment's leased building premises.

(2) Number of Location(s) within the City Limits. No more than five (5) locations within the City limits shall be permitted to have video gaming terminals in operation.

(3) Number of Machines. There may not be more machines on any premises than what is allowed per Illinois statute (230 ILCS 40/25).

(4) Location of Machines. Video gaming terminals must be located in an area that is restricted to persons over twenty-one (21) years of age. The entrance to that area must be within the view of at least one (1) employee.

(5) Age Restrictions. No licensee may cause or permit any person under the age of twenty-one (21) years to use or play a video gaming terminal.

(6) Hours of Operation. Those premises that are licensed establishments may operate video gaming terminals only during the hours of operation, except NO operation of terminals between the hours of 2:00 A.M. through 7:00 A.M. Any establishment classified and licensed as a Truck Stop Establishment may operate video gaming terminals only during the hours of operation, up to and including twenty-four (24) hours a day.

(7) Additional Regulations. The Illinois Gaming Board has adopted rules that clarify some of the restrictions or conditions found in the Video Gaming Act. Those rules can be found at 1 Ill. Adm. Code 1800.

(F) Compliance with Law. All establishments shall comply with the Illinois Video Gaming Act, together with all other applicable laws, rules, regulations, and ordinances.
City License.

License Required.
(1) The owner of a video gaming terminal shall obtain a license for such device issued by the City.
(2) It shall be unlawful for any person to install, keep, maintain, or use, or permit the installation, keeping, maintenance, or use upon his premises of any video gaming terminal unless a valid license issued under this Section for the video gaming terminal is in effect.
(3) It shall be unlawful for any person to deliver video gaming terminals within the City for use by any other person for gain or profit from the operation thereof unless a license therefor has been issued by the City and the license fee has been paid for the current year.

Application. Applications for the license required by this Section shall be filed with the City Clerk and shall contain the following information:
(a) The name, address, age, and date of birth of the owner of the video gaming terminal and of the owner of the establishment where the video gaming terminal shall be located.
(b) Prior convictions of the owner of the video gaming terminal and the owner of the establishment, if any.
(c) The place where the video gaming terminal is to be displayed or operated and the business conducted at that place.
(d) A description of the video gaming terminal to be covered by the license.
(e) Evidence that licenses have been issued by the Illinois Gaming Board to the owner of the video gaming terminal and the owner of the establishment.

Fee. The annual fee for the license required by this Section shall be One Hundred Twenty-Five Dollars ($125.00) per machine.

Expiration. Licenses issued pursuant to this Section shall terminate at the end of the City's fiscal year.

Display. The license required by this Section shall be prominently displayed next to the video gaming terminal.

Revocation. The Mayor, at any time, may notify any licensee under this Section within five (5) business days of any charge of a violation of any of the provisions of this Section in connection with the operation of any video gaming terminal. After a hearing presided over by the Mayor, the Mayor may order the revocation of the license upon a finding that the violation has occurred, and the license shall thereupon be terminated. The licensee may appeal the revocation as prescribed in this Section to the full Council.

Penalty.
(1) Any person violating any of the provisions of this Section shall, upon conviction, be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Seven Hundred Fifty Dollars ($750.00) for each violation, with each day such violation continues constituting a separate fineable offense. Fines may be assessed in administrative adjudication, through a local ordinance violation brought in circuit court or by the Mayor following a hearing set forth below.
(2) Licenses issued under this Section may be revoked or suspended after notice and hearing as provided in paragraph (G) of this Section for any of the following causes:
(a) Any fraud, misrepresentation or false statement contained in the application for the license.
Any violation by the licensee of ordinance provisions relating to the license, the subject matter of the license, or the premises occupied.

Failure of the licensee to pay any amount, fine, fee or penalty owing to the City or other State or Federal agency with regulatory jurisdiction.

The occurrence of two (2) or more disturbances at the premises occupied within a ninety (90) day period, or two (2) or more incidents involving injury or bodily harm to patrons, bystanders or police officers within ninety (90) day period, provided that the Mayor finds, upon the recommendation of the Police Chief, that as a result of the disturbances or incidents involving injury or bodily harm a public nuisance exists therein or thereafter endangering the health, safety and welfare of the citizens of the City.

Revocation, if ordered shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances.

Notice of the hearing before the Mayor for revocation or suspension of a license or fine imposition 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 at the last known address at least twenty (20) days prior to the date set for the hearing.

At the hearing the City Attorney shall present the complaint and shall represent the City. An audio tape or verbatim transcript shall be made. The licensee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render a written decision within five (5) business days of the hearing's conclusion, which decision shall be final.

For the purpose of this Section, "bottomless" means naked or substantially without clothing or covering on an area of the body from the waist downward to an area on the body which area would cover the buttocks or the genital area of the body; and "topless" means being naked or without clothing or covering of the breast area at or below the areola.

Except as provided below, no licensee, or any agent, representative, or employee of such licensee, shall permit or allow any person under the age of nineteen (19) years to enter or remain upon any premises licensed pursuant to this Chapter. The following additional restrictions shall apply to licensees and any person under the age of twenty-one (21) years:
Carterville City Code

LIQUOR 21-5-10

(1) No licensee, or any agent, servant, representative 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; and

(2) No licensee, or any agent, servant, representative, or employee of such licensee shall permit or allow any person under the age of twenty-one (21) to remain on the licensed premises while in the possession of or consuming alcoholic liquor. This Section does not apply to possession by a person under the age of twenty-one (21) making a delivery of alcoholic liquor in pursuance of his or her employment; and

(3) In an action for any violation of this Section, evidence may be presented, which will be considered in mitigation, that the licensee, or agent, representative or employee of such licensee, demanded and was presented identification of the type as specified in this Article.

(B) Patron Liability. Except as provided below, no person under the age of nineteen (19) years shall enter or remain upon any premises licensed pursuant to this Chapter. The following additional restrictions shall apply to any person under the age of twenty-one (21):

(1) No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver alcoholic liquor to any person under the age of twenty-one (21) years.

(2) No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept as a gift, consume, or possess in any manner, including by consumption, alcoholic liquor.

(3) It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing, accepting, or receiving alcoholic liquor.

(4) Any person upon whom such demand is made shall display at least one (1) photo identification card of the type as specified in this Article which contains a birth date. If any person fails to produce evidence of age upon request, he or she shall be considered to be a person who is not entitled to be served alcoholic liquor.

(C) Penalties. The penalties for a violation of this Section shall be as follows:

(1) A fine of not less than Five Hundred Dollars ($500.00) and not more than Seven Hundred Fifty Dollars ($750.00) for a violation of subsection (A) of this Section; and

(2) A fine of not less than Two Hundred Fifty Dollars ($250.00) and not more than Seven Hundred Fifty Dollars ($750.00) for a violation of subsection (B) of this Section.

(D) Exceptions. The legal entry age requirement under this Section for persons to enter and/or remain upon a premises licensed pursuant to this Chapter shall not apply under the following circumstances:

(1) The licensed premises is operating as a bowling alley, hotel or motel, conventional golf course, indoor athletic facility, or package liquor store. "Indoor athletic facility" shall be defined as a facility in operation for the main purpose of providing an indoor arena for the performance of sporting or athletic events (and related practices) including, but not limited to, one or more of the following activities: soccer, basketball, tennis, volleyball, golf, baseball, softball and/or football. The licensed premises shall be exempt from the entry age requirement during the periods in which the licensed premises is actually in use as a bowling alley, hotel or motel, conventional golf course, indoor athletic facility, or package liquor store. At all other times, the licensed premises shall be subject to the entry age requirement of this Section.

(2) The person is accompanied by a parent or legal guardian.

(3) The licensed premises obtains sixty percent (60%) of the annual gross revenue from the sale of nonalcoholic beverages and food, and only during the period of time when the kitchen facilities are fully
operational and full menu service is available as indicated on the licensee's application and on the license; provided, however, that those individuals on the premises at the time the kitchen ceases operation shall be allowed to remain on the premises only for the purpose of consuming food up to one (1) hour following the kitchen closing, and except those premises licensed under Article IV of this Chapter; for the purpose of this subsection, the licensee shall submit to the Local Liquor Control Commission documentation sufficient to prove that sixty percent (60%) of the annual gross revenue is derived from the sale of food. The Local Liquor Control Commission, at its discretion, may request additional documentation or an audit of any establishment's records conducted in accordance with generally accepted accounting procedures, by a certified public accountant, in order to prove compliance with this subsection. The cost of the audit shall be borne by the licensee.

(4) Persons employed by a licensee under this Chapter that are at least eighteen (18) years of age while the employee is actively engaged in employment duties, including, but not limited to, employees hired for delivery, building maintenance and independent contractors.

(5) Persons employed by a licensee under this Chapter for live entertainment who are under the immediate supervision of a parent or legal guardian of at least one (1) member or agent of the entertainment band at all times. Upon completion of the live entertainment and loading of band equipment, any person(s) under the legal entry age shall no longer be allowed to remain upon the licensed premises.

The person(s) charged with a violation of this Section in any court or administrative hearing who claims an exception under the provisions of this subsection (D), shall have the burden of proving that said person(s) or business(es) met the above stated exception(s) at the time of the offense.

(E) Temporary Modification. The age restrictions set forth in subsections (A) and (B) of this Section may be temporarily modified by resolution, adopted by the City Council, which shall set forth the conditions of the modification. Such modification is conditioned upon the following requirements:

(1) The licensee shall submit an application for permission to sponsor an "alcohol free night" to the City Clerk's office thirty (30) days prior to the date(s) of the proposed "alcohol free night".

(2) The application shall include:
   (a) The name, address, and telephone number of the licensee;
   (b) The name of the licensed premises;
   (c) A detailed description of the proposed activity;
   (d) the date and hours the proposed activity is to occur.

(3) The licensee shall certify that the bar shall be closed during the activity and that no alcoholic liquor will be possessed, sold, delivered, and/or consumed by any person upon the licensed premises during the hours of the proposed activity. All beer dispensers shall be disconnected and the liquor displayed behind the bar shall be screened from view or removed during the activity.

(4) The licensee shall not permit any person, other than employees and chaperones of the event, to enter the licensed premises on "alcohol free night" except those persons between the ages of thirteen (13) and twenty (20), unless otherwise set by the Council upon review of the application.

(5) Any violation of the requirements set forth in this subsection will result in the immediate closing of the licensed premises and the termination of this activity.
Verify Age. The person and/or licensee in control of a premises has the affirmative obligation to verify that all persons on the premises are of the legal age to be upon the premises and, if in possession of alcoholic liquor, are twenty-one (21) years of age or older, or are otherwise acting legally.

Employee Age. No licensee under this Chapter shall employ any person under the age of nineteen (19) years.

Acceptable Identification. Only the following types of identification shall be accepted for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; state photo identification card for non-drivers; visa or passport; and military identification card.

WARNING POSTED IN LICENSED PREMISES. Every licensed establishment within the City where alcoholic liquor is sold shall display in a prominent place a printed warning, framed and under glass, which shall read as follows:

WARNING TO PERSONS UNDER LEGAL DRINKING AGE

You are subject to a fine of up to One Thousand Dollars ($1,000.00) under the ordinances of the City of Carterville, Illinois, if you consume or possess alcoholic liquor or misrepresent your age for the purpose of obtaining or purchasing alcoholic liquor.

HAPPY HOUR PROHIBITED.

Price Schedules Required. 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 that establishment.

Certain Types of Sales or Promotions Prohibited. 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, except 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 (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 subsection (B)(1) through (B)(5) of this Section.

(C) Lawful Practices. Nothing in subsection (B) of this Section 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) Violation; Consequences. A violation of this Section shall be grounds for fine, suspension, or revocation of the license as provided herein.

21-5-14 FEES. There shall be no cost, fee, or charge assessed by the building and neighborhood services division or the fire department for inspection of any liquor establishment pursuant to this Chapter and the first re-inspection of the liquor establishment should violations of the standards and regulations of this Code be found. However, should such violations not be corrected by the time of the first re-inspection, the licensee shall be subject to a fee of Fifty Dollars ($50.00) for the second re-inspection and each subsequent re-inspection until such violation is corrected. Any re-inspection fees remaining unpaid after two (2) weeks shall be a debt due and owing the City and, as such, may be collected in accordance with applicable law. Upon failure to pay, the Local Liquor Control Commission may take action to suspend, revoke, or not renew any license.

21-5-15 EDUCATION FOR LICENSEES AND EMPLOYEES.

(A) Proof of Completion. All original or renewal applications for all classes of liquor licenses shall be accompanied with proof of completion of an Illinois Liquor Control Commission (ILCC) approved beverage alcohol sellers and servers educational training (BASSET) program. Verification of training shall be in the form of an affidavit which will be accompanied by a list of employees with specific certification information for each trained employee.

(B) Employee Education Required. All licensees and not less than fifty percent (50%) of their employees who serve alcoholic beverages or otherwise come into contact with patrons of their establishment shall attend and complete a LOG approved BASSET program.

21-5-16 MOTOR VEHICLE FUEL SOLD ON LICENSED PREMISES. No liquor license shall be issued to any person for the purpose of selling alcoholic liquor within the same business that offers for sale fuel (including gasoline, diesel fuel, ethanol, or any other fuel) for motor vehicles. In a planned business development established pursuant to this Code or any other location within the City limits, the sale of liquor at a location on the same premises where the sale of motor fuel occurs shall be permitted on the same premises or site if the portion of the business selling alcohol has a separate entrance and cannot be accessed by the public from inside the adjoining fuel station. There shall not be a prohibition of liquor applicant or licensees being related to, controlled by, commonly owned, or otherwise affiliated with the person selling or offering motor fuel for sale. (Ord. No. 1505-19; 06-18-19)
21-5-17  Use of Premises After Revocation. A license may be granted within
one (1) year after a license was revoked at a premises if the revocation order is vacated or if the
revocation is entered as to the licensee only. If a license is revoked, a new license, for the same location,
may not be issued for one (1) year after the revocation. However, a new licensee, who is not related to
the revoked licensee, may petition the Local Liquor Control Commission for a liquor license for the same
location before the required one (1) year revocation period ends.

21-5-18  Delinquent Payment of City Debt. No licensee shall become
delinquent on payments for any services, loans, or other contractual agreements received by the licensee
or the licensed establishment from the City. For the purpose of this Section, a licensee shall be
considered to be delinquent if the licensee is currently in arrears for more than fifteen (15) days on an
outstanding debt owed to the City, or has been in arrears for more than fifteen (15) days on a
payment to the City for services, loans or other contractual agreements, two (2) or more times within a
two (2) year period. For the purpose of this Section, "licensee" shall refer to the liquor license
applicant, its officers, directors, registered agents, and any stockholders owning five percent (5%) or
more of the corporate stock and any individual or partner as listed on the application currently in effect.
ARTICLE VI – SALE OF LIQUOR IN TERRITORY ANNEXED TO CITY

21-6-1 CHANGE OF STATUS. Upon the filing of any verified petition with the City Council, the Council, by ordinance may, after consideration of the criteria in this Article, provide that the status of the area annexed into the City shall be changed so as to allow the sale of alcoholic liquor within said annexed area, subject to the same restrictions, rules, regulations, and laws in effect on all other land within the City. Said verified petition must contain the following information:

(A) The legal description of the annexed property;
(B) The date of said annexation;
(C) A statement that there are no legal voters residing within the described area;
(D) Proof that said area is zoned for retail or commercial purposes;
(E) A request for an ordinance authorizing the change in status for said territory.

21-6-2 ORDINANCE CHANGING STATUS.

(A) Council Discretion. In the event the Council finds that the statements contained in said petition are true, the City Council may enact an ordinance authorizing the sale of alcoholic liquor within said annexed area. Said change in status shall allow the sale of alcoholic liquor within said annexed area, subject to the rules, regulations, ordinances and laws of the City affecting all other land within the City.

(B) Consider All Provisions. In determining whether to enact an ordinance, the City Council shall consider all applicable criteria as listed in this Chapter.

(C) License from City Required. No sale of alcoholic liquor shall be authorized unless a license therefor has been issued by the City.

(Unless Otherwise Noted; Ord. No. 1175-06; 03-27-06)
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CITY OF CARTERVILLE

APPLICATION FOR CITY LIQUOR RETAILER’S LICENSE

TO: Mayor
City of Carterville

The undersigned hereby make(s) application for the issuance of a city retailer’s license for the sale of alcoholic liquor for the term beginning ____, 20__, and ending _____ ____, 20__, and hereby certify(ies) to the following facts:

1) Applicant’s full name ________________________________
   (If a partnership or corporation give names of all owners of more than 5%)
   Name under which business is to be conducted:

2) Location of place of business for which license is sought _____________________
   A) Exact address by street and number/zip code
   B) (Full description of location, place or premises, specifying floor, room, etc.)

3) State principal kind of business ________________________________

4) Class of license applied for ________________________________

5) Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant? ________________________________
   If so, are premises:
   A) Maintained and held out to the public as a place where meals are actually and regularly served?
   B) Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food?

6) Does applicant own premises for which this license is sought? _______________

7) Has applicant a lease on such premises covering the full period for which the license is sought? _______________
   If so, attach copy.

8) Is applicant licensed as a food dispenser? _______________

9) Is the location of applicant’s business for which license is sought within 100 feet property line to property line, of any school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station, or 100 feet building to building from a church? _______________

10) Is any law enforcing public official, mayor, alderman, member of the city council or commission, or any president or member of a county board directly interested in the business for which this license is sought? _______________

11) Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business? _______________
12) Is the applicant or any affiliate, associate, subsidiary, officer, director or other agent engaged in the manufacture of alcoholic liquors? 

If so, at what location or locations?

13) Is the applicant engaged in the business of an importing distributor or distributor of alcoholic liquors? 

If so, at what location or locations?

14) Will the business be conducted by a manager or agent? 

If so, give name and residence address of such manager or agent: 
Name 
Address 

15) Do you hold any other current business licenses issued by the City? If so, what type of license do you currently hold and what is the address of the licensed premises? 

(Type) 
(Address) 

Individual Applicant: 

16) A) Name 

Date of birth Month/Day/Year 

B) Residence address 
(give street and number) 

C) Telephone number 

D) Place of birth 

E) Are you a citizen of the United States? 

If a naturalized citizen, when naturalized? Month/Day/Year 

Where naturalized? (City and State) 

Court in which (or law under which) naturalized

F) Have you ever been convicted of any felony under any Federal or State law? 

If so, give date and state offense 

G) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? 

If so, give dates and state offense 

H) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? 

If so, give dates and state offense 

I) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? 

If so, give date, location of premises and disposition of application
J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? ____________________________
If so, state reasons therefor and date(s) ____________________________

Co-partnership/Corporate Applicant:

17) A) Name of partner, or corporate officers and directors and shareholders, if any: (attached separate sheet if necessary)
Date of birth ____________________________
                      Month/Day/Year

B) Residence address ____________________________
                      (City and State)

C) Telephone number ____________________________

D) Place of birth ____________________________
                      Month/Day/Year

E) Are you a citizen of the United States? ____________________________
If a naturalized citizen, when naturalized?
                      Month/Day/Year
Where naturalized? ____________________________
                      (City and State)
Court in which (or law under which) naturalized ____________________________

F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? ____________________________
If so, give dates and state offense ____________________________

G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? ____________________________
If so, give dates and state offense ____________________________

H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? ____________________________

I) Have you made application for other similar license for premises other than described in this application? ____________________________
If so, give date, location of premises and disposition of application ____________________________

J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? ____________________________
If so, state reasons therefor and date(s) ____________________________
I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the City of Carterville or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and Sworn to before me this __________ day of ________, 20__. 

________________________
(Signature of Applicant)
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CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT

22-1-1 PROGRAM ADOPTION. The City developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission's Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C.F.R. § 681.2. This Program was developed with oversight and approval of the City. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the City Council determined that this Program was appropriate for the City, and therefore approved this Program on February 9, 2009.

22-1-2 PROGRAM PURPOSE AND DEFINITIONS. Under the Red Flag Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

(A) Fulfilling Requirements of the Red Flags Rule. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;

(B) Red Flags Rule Definitions Used in this Program. The Red Flags Rule defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” as “a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

(1) Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

(2) Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.
"Identifying information" is defined under the Rules as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

22-1-3 IDENTIFICATION OF RED FLAGS. In order to identify relevant Red Flags, the Utility considers 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. The Utility identifies the following red flags, in each of the listed categories:

(A) Notifications and Warnings From Credit Reporting Agencies: Red Flags.
(1) Report of fraud accompanying a credit report;
(2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
(3) Notice or report from a credit agency of an active duty alert for an applicant; and
(4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

(B) Suspicious Documents: Red Flags.
(1) Identification document or card that appears to be forged, altered or inauthentic;
(2) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
(3) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
(4) Application for service that appears to have been altered or forged.

(C) Suspicious Personal Identifying Information: Red Flags.
(1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
(2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
(3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
(4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
(5) Social security number presented that is the same as one given by another customer;
(6) An address or phone number presented that is the same as that of another person;
(7) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and

(8) A person’s identifying information is not consistent with the information that is on file for the customer.

**Suspicious Account Activity or Unusual Use of Account: Red Flags.**

(1) Change of address for an account followed by a request to change the account holder’s name;

(2) Payments stop on an otherwise consistently up-to-date account;

(3) Account used in a way that is not consistent with prior use (example: very high activity);

(4) Mail sent to the account holder is repeatedly returned as undeliverable;

(5) Notice to the Utility that a customer is not receiving mail sent by the Utility;

(6) Notice to the Utility that an account has unauthorized activity;

(7) Breach in the Utility’s computer system security; and

(8) Unauthorized access to or use of customer account information.

**Alerts From Others: Red Flag.**

(1) Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

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**22-1-4 DETECTING RED FLAGS.**

**(A) New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a new account, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

(1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver’s license or other identification;

(2) Verify the customer’s identity (for instance, review a driver’s license or other identification card);

(3) Review documentation showing the existence of a business entity; and

(4) Independently contact the customer.

**(B) Existing Accounts.** In order to detect any of the Red Flags identified above for an existing account, Utility personnel will take the following steps to monitor transactions with an account:

(1) Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);

(2) Verify the validity of requests to change billing addresses; and

(3) Verify changes in banking information given for billing and payment purposes.
22-1-5  **PREVENTING AND MITIGATING IDENTITY THEFT.**
(A) **Prevent and Mitigate.** In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

(B) **Protect Customer Identifying Information.** In order to further prevent the likelihood of Identity Theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for utility purposes.

22-1-6  **PROGRAM UPDATES.** The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. In doing so, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Utility's business arrangements with other entities. 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) **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or
more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

(B) **Staff Training and Reports.** Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

(C) **Service Provider Arrangements.** In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

(D) **Non-Disclosure of Specific Practices.** For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered “security information” as defined in Minnesota Statutes Section 13.37 and are unavailable to the public because disclosure of them would be likely to substantially jeopardize the security of information against improper use, that use being to circumvent the Utility’s Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.
ARTICLE II - USE OF SOCIAL SECURITY NUMBERS

22-2-1 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).

22-2-2 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) The prohibitions in subsection (B) do not apply in the following circumstances:

(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.

22-2-3 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.

22-2-4 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.

22-2-5 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.

22-2-6 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 on 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.

22-2-7 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.
22-2-8 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.

22-2-9 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.

22-2-10 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 III - FREEDOM OF INFORMATION POLICY

22-3-1  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.

22-3-2  DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.

(A) The City Administrative Assistant 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.

22-3-3  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
22-3-4 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 Mayor. If neither the City Clerk nor the Mayor 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 hereinafter 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 day's 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.

22-3-5 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.

22-3-6 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.

22-3-7 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.

22-3-8 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.
22-3-9 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.

22-3-10 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 IV - FAIR HOUSING CODE

22-4-1 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.

22-4-2 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.
"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.

22-4-3 PROHIBITED ACTS. It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the City:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the City or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability.

(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.

22-4-4 PENALTY. Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00). 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.

(65 ILCS 5/11-11.1-1)
ARTICLE V – INVESTMENT POLICY

22-5-1 INVESTMENT POLICY. It is the policy of the City to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all State and local statutes governing the investment of public funds.

22-5-2 SCOPE. This policy includes all public funds of the City.

22-5-3 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.

22-5-4 OBJECTIVE. The primary objective, in order of priority, shall be:

(A) Legality. Conformance with federal, state and other legal requirements.

(B) Safety. Preservation of capital and protection of investment principal.

(C) Liquidity. Maintenance of sufficient liquidity to meet operating requirements.

(D) Yield. Attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the City’s needs for safety, liquidity, rate of return, diversification and its general performance.

22-5-5 DELEGATION OF AUTHORITY. Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who may establish written procedures for the operation of the investment program.

22-5-6 ETHICS AND CONFLICTS OF INTEREST. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

22-5-7 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS. The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by creditworthiness.
22-5-8 **AUTHORIZED AND SUITABLE INVESTMENTS.** Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

22-5-9 **COLLATERALIZATION.** Collateralization may be required, at the discretion of the City, on all funds held in banks or savings and loans above the insured limits provided by the FDIC or FSLIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be a minimum of one hundred two percent (102%) of market value of principal and accrued interest.

22-5-10 **SAFEKEEPING AND CUSTODY.** All security transactions, including collateral for repurchase agreements, entered into by the City, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

22-5-11 **DIVERSIFICATION.** The City shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

22-5-12 **MAXIMUM MATURITIES.** To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five (5) years from the date of purchase.

Reserve funds may be invested in securities exceeding five (5) years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

22-5-13 **INTERNAL CONTROL.** The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

(A) Control of collusion.
(B) Separation of transaction authority from accounting.
(C) Custodial safekeeping.
(D) Written confirmation of telephone transactions for investments and wire transfers.
22-5-14 PERFORMANCE STANDARDS. The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio maintained by the Illinois Public Treasurer's Investment Pool (IPTIP).

22-5-15 REPORTING. The Treasurer shall prepare an investment report at least monthly. The report should be provided to the City Council and available upon request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the City Council. A statement of the market value of the portfolio shall be issued to the City Council quarterly.

22-5-16 INVESTMENT POLICY ADOPTION AND MODIFICATION. The investment policy has been adopted by ordinance. The policy shall be reviewed on an annual basis by the Treasurer, and any modifications made thereto shall be made by ordinance.

(Ord. No. 966-99; 04-14-99)
ARTICLE VI – ETHICS CODE

22-6-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.
(A) The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by 5 ILCS 430/70-5.
(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.
(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the City, is hereby prohibited.
(D) The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.
(E) For the purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).
(F) The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
(H) Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.
(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.
(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City.
ARTICLE VII - EQUAL EMPLOYMENT POLICY

22-7-1 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.


(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 188 of WIA 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.

(K) Illinois Human Rights Act (775 ILCS 5) which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

22-7-2 NON-DISCRIMINATORY PRACTICES. The City will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.
22-7-3 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 race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

(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) In the event of the contractor’s noncompliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

(a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.

(b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department’s Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.

(c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.

(d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor’s obligations under the Act.
and the Department’s Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.

(e) That he or she will submit reports as required by the Department’s Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department’s Rules and Regulations.

(f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Act and the Department’s Rules and Regulations.

(g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

22-7-4 OUTREACH TO ALL. The City assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

22-7-5 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.

22-7-6 ACCOMMODATIONS FOR DISABLED. The City will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.
22-7-7 **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.

22-7-8 **DESIGNATED ENFORCERS.** The City designates the Mayor and the City Council to carry out the EEO/AA plan.

(2012)
ARTICLE VIII - DRUG FREE WORKPLACE

22-8-1 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 570/100 et seq. (1992 State Bar Edition) or Cannabis as defined in the Cannabis Control Act, 720 ILCS 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.

22-8-2 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.
# Chapter 23 - Manufactured Housing Code

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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 manufactured 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": 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 one thousand two hundred (1,200) 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". (210 ILCS 115/2.10)

"MANUFACTURED HOME, DEPENDENT" means a manufactured home which does not have a toilet and bath or shower facilities. (210 ILCS 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. (210 ILCS 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. (210 ILCS 115/2.5)

"MANUFACTURED HOME PARK LICENSE": A permit issued by the Administrator authorizing the operation of a manufactured home park in accordance with all applicable regulations.

"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 (IBC). 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": A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation. In addition, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation.

"PERMANENT HABITATION" means a period of two (2) or more months.

"PERMIT" means a certificate issued by the City Clerk, 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. (210 ILCS 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.
**Carterville City Code**

**MANUFACTURED HOUSING CODE 23-1-3**

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. *(430 ILCS 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. *(425 ILCS 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.

23-1-10 **CARBON MONOXIDE ALARM DETECTORS.** Each unit shall be equipped with a carbon monoxide alarm detector as prescribed by state statute. *(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.

23-1-12 SKIRTING. Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all mobile housing units within sixty (60) days of the placement of the unit.

23-1-13 UTILITY SERVICES. All mobile housing units shall be connected to all City utilities. The City reserves the right not to connect a unit to the applicable units if they are not in compliance with the requirements of this Chapter and the City Code.

23-1-14 REGISTRATION WITH CITY. All owners of mobile housing units shall present their certificate of ownership or titles when requesting a location permit or utility services from the City.
ARTICLE II - IMMOBILIZED MANUFACTURED HOUSING

23-2-1 IMMOBILIZED MANUFACTURED HOUSING. All immobilized manufactured housing units 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 housing units, when replaced, shall comply with the immobilization provisions of this Code.

(A) It shall be unlawful for a manufactured housing unit to locate in the City unless the unit has been inspected as provided in Section 23-1-7.

(B) It shall be unlawful for a person to use a manufactured housing unit as a storage building or as a commercial building from and after August 1, 2013.

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 Permit from the City Council. 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 Twenty-Five Dollars ($25.00).

23-2-3 LOT SIZE. The minimum lot size for the location of a manufactured housing unit shall be at least eight thousand (8,000) square feet. All immobilized manufactured homes shall be located in the City, according to the requirements and restrictions of this Code. No manufactured housing unit shall be located within fifteen (15) feet of any lot line, nor closer than twenty-five (25) feet of an existing dwelling.

23-2-4 CONCRETE PADS. All immobilized manufactured housing units shall be placed on either a reinforced concrete pad at least fourteen feet wide by sixty feet in length (14' x 60'), two (2) reinforced concrete runners four feet wide and sixty feet in length (4' x 60'), or on concrete piers approved by the City Council. The concrete pads shall consist of four (4) inches of reinforced concrete or six (6) inches of concrete. A concrete footing is optional. All piers and footings for immobilized manufactured homes shall comply with this Code. Expandable units shall be provided with approved piers or their equivalent at each corner of the units.

23-2-5 LIMIT OF UNITS. There shall be only one (1) immobilized manufactured housing unit 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 or City Council for approval prior to the granting of a permit.)

23-3-3 LOCAL GOVERNMENT REQUIREMENTS. A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto.

23-3-4 PERMITS. The Plan Commission or the City Council 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 Permit from the City. All future locations on the same lot shall be exempt from the fee.

23-3-8 - 23-3-9 RESERVED.

**DIVISION II - DESIGN AND CONSTRUCTION REQUIREMENTS**

23-3-10 PLAN DOCUMENT. In order to obtain a permit to construct or an original license to operate a 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.

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 Code, 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 of the City Code.

(B) All streets in parks constructed shall have a minimum right-of-way of fifty (50) feet and a minimum road width of thirty-two (32) feet for the purpose of this Code, and shall be considered private streets to be maintained by the park owner or operator.

If a 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 eight thousand (8,000) square feet, with a minimum frontage of sixty (60) 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.

23-3-19 SKIRTING. Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all manufactured housing units within sixty (60) days of the placement of the unit.

23-3-20 RESERVED.

DIVISION IV - FEES

23-3-21 LICENSE FEE. The annual license fee per manufactured home park shall be One Hundred Dollars ($100.00), 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

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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. (65 ILCS 5/1-3-2)

ARTICLE II - GENERAL REGULATIONS

24-2-1 OBEDIENCE TO POLICE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fireman, or school crossing guard invested by law with authority to direct, control, or regulate traffic. Any person convicted of violating this Section is guilty of a petty offense and shall be subject to a mandatory fine of One Hundred Fifty Dollars ($150.00). (625 ILCS 5/1-203)

24-2-2 OBEDIENCE TO AND REQUIRED TRAFFIC-CONTROL DEVICES. (A) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed or held in accordance with the provisions of this Act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act. 
(B) It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic control device. 
(C) No provision of this Act for which official traffic-control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic-control devices are required, such Section shall be effective even though no devices are erected or in place. 
(D) Whenever any official traffic-control device is placed or held in position approximately conforming to the requirements of this Act and purports to conform to the lawful requirements pertaining to such device, such device shall be presumed to have been so placed or held by the official Act or direction of lawful authority, and comply with the requirements of this Act, unless the contrary shall be established by competent evidence. 
(E) The driver of a vehicle approaching a traffic control signal on which no signal light facing such vehicle is illuminated shall stop before entering the intersection in accordance with rules applicable in making a stop at a stop sign. 
(65 ILCS 5/11-305)
24-2-3 PEDESTRIAN-CONTROL SIGNALS. Whenever special pedestrian-control signals exhibiting the words “Walk” or “Don’t Walk” or the illuminated symbols of a walking person or an upraised palm are in place, such signals shall indicate as follows:

(A) **Walk or Walking Person Symbol.** Pedestrians facing such signal may proceed across the roadway in the direction of the signal, and shall be given the right of way by the drivers of all vehicles.

(B) **Don’t Walk or Upraised Palm Symbol.** No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partly completed his crossing on the Walk signal or walking person symbol shall proceed to a sidewalk or safety island while the “Don’t Walk” signal or upraised palm symbol is illuminated, steady, or flashing. (625 ILCS 5/11-307)

24-2-4 LANE-CONTROL SIGNALS. Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

(A) **Downward-Pointing Green Arrow.** A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise, he shall obey all other traffic controls present and follow normal safe driving practices.

(B) **Red X Symbol.** A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise, he shall obey all other traffic controls and follow normal safe driving practices.

(C) **Yellow X (Steady).** A driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed.

(D) **Flashing Yellow Arrow.** A driver facing this indication may use the lane only for the purpose of approaching and making a left turn. (625 ILCS 5/11-307)

24-2-5 FLASHING SIGNALS. Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic control device, it shall require obedience by vehicular traffic as follows:

(A) **Flashing Red (Stop Signal).** When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles 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 a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) **Flashing Yellow (Caution Signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(C) This Section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Section 11-1201 of this Act (625 ILCS 5/11-1201)
24-2-6  DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.  

(A)  No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the movement of traffic or the effectiveness of an official traffic-control device or any railroad sign or signal. 

(B)  No person shall place or maintain nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising.  

(C)  Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.  

(D)  No person shall sell or offer for sale any traffic control device to be used on any street or highway in this State which does not conform to the requirements of this Chapter.  

(E)  This Section shall not be deemed to prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.  

(F)  This Section shall not be deemed to prohibit the erection of Illinois Adopt-A-Highway signs by municipalities, townships, or counties as provided in the Illinois Adopt-A-Highway Act.  

(625 ILCS 5/11-310)  

24-2-7  INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.  No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.  

24-2-8  UNLAWFUL USE OR DAMAGE TO HIGHWAYS, APPURTENANCES AND STRUCTURES.  It shall be unlawful for any person to willfully injure or damage any public highway or street or any bridge or culvert, or to willfully damage, injure or remove any sign, signpost, or structure upon or used or constructed in connection with any public highway or street for the protection thereof or for protection or regulation of traffic thereon by any willfully unusual, improper or unreasonable use thereof, or by willfully careless driving or use of any vehicle thereon, or by the willful mutilation, defacing, destruction or removal thereof.  

(625 ILCS 5/11-312)  

24-2-9  UNLAWFUL POSSESSION OF HIGHWAY SIGN OR MARKER.  The Department and local authorities, with reference to traffic control signs, signals, or markers owned by the Department or local authority, are authorized to indicate the ownership of the signs, signals, or markers in letters not less than three-eighths (3/8) inch or more than three-fourths (3/4) inch in height, by use of a metal stamp, etching, or other permanent means and, except for employees of the Department or local authorities, police officers, contractors and their employees engaged in a highway construction contract, or work on the highway approved by the Department or local authority, it is unlawful for any person to possess such sign, signal, or marker so identified.
24-2-10 **VIOLATION.** Any violation of any provision of this Article shall subject the violator to a fine of at least **One Dollar ($1.00)** and up to **Five Hundred Dollars ($500.00)**. Any person charged with a subsequent violation of any provision of this Article shall subject the violator to a minimum fine of **One Hundred Dollars ($100.00)** and up to **One Thousand Dollars ($1,000.00)**.

24-2-11 **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.

24-2-12 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the City any sign, signal, marking or device other than a traffic sign or signal authorized by the City Council or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. *(See Chapters 27 and 33) *(Also See Chapter 40 – Zoning Code)*

24-2-13 **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. *(625 ILCS 5/11-206)*

24-2-14 **BICYCLE LAMPS, REFLECTORS, AND EQUIPMENT.** When used at nighttime, every bicycle shall be equipped with the following:

- **A lamp upon the front which emits a white light visible from a distance of at least five hundred (500) feet to the front.**

- **A red reflector on the rear which shall be visible to a distance of six hundred (600) feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.**

- **A reflex reflector on each pedal visible from the front and rear of the bicycle from a distance up to two hundred (200) feet when viewed within the lawful lower beams of headlights on a motor vehicle.**

- **Side reflectors upon each side of the bicycle which shall be visible up to a distance of five hundred (500) feet when viewed directly in front of a lawful lower beam of motor vehicle headlights.** The requirements of this subparagraph may be met by reflective materials which shall be at least three-sixteenths (3/16) of an inch wide on each side of each tire or rim which may indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim.
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. (625 ILCS 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. (625 ILCS 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. (625 ILCS 5/11-304)
ARTICLE IV - DRIVING RULES

24-4-1  ILLINOIS VEHICLE CODE RULES OF THE ROAD ADOPTED. The Illinois Vehicle Code of the Illinois Compiled Statutes, as passed, approved and amended by the Illinois General Assembly is hereby adopted in its entirety by the City and the provision shall be controlling within the corporate limits of the City with the following exception and all such statutes specifically excluded by Statute from the enforcement by the City:
   (A) Omit Section 65 ILCS 5/11-501 through 625 ILCS 5/11-501.8

24-4-2  DUTY TO REPORT ACCIDENT. The driver of a vehicle which is in any manner involved in an accident within the City shall, without unnecessary delay, notify the Police Department and shall make a report of such action. Failure to report an accident within the City within twenty-four (24) hours shall result in arrest of the person or persons involved. (625 ILCS 5/11-415)

24-4-3  TRANSPORTATION OR POSSESSION OF ALCOHOLIC LIQUOR IN A MOTOR VEHICLE.
   (A) Except as provided in paragraph (C), no driver may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway in this State except in the original container and with the seal unbroken.
   (B) Except as provided in paragraph (C), no passenger may carry, possess, or have any alcoholic liquor within any passenger area of any motor vehicle upon a highway in this State except in the original container and with the seal unbroken.
   (C) This Section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini motor home as defined in Section 1-145.01 of this Code. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver’s area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver’s failure to obey this Section. For the purposes of this Section, a limousine is a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver’s license of the appropriate classification pursuant to Section 6-104 of this Code.

24-4-4  SQUEALING OR SCREECHING OF TIRES. No person shall operate any motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the vehicle’s tires due to rapid acceleration or excessive speed around corners or other such reason.
   This Section shall not apply to the following conditions:
   (A) an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator; nor
   (B) the emergency operation of a motor vehicle when avoiding imminent danger; nor
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(C) any raceway, racing facility or other public event, not part of a highway, sanctioned by the appropriate governmental authority.

24-4-5 STREET RACING: AGGRAVATED STREET RACING.

(A) No person shall engage in street racing on any street or highway of this State.

(B) No owner of any vehicle shall acquiesce in or permit his or her vehicle to be used by another for the purpose of street racing.

(C) For the purposes of this Section, the following words shall have the meanings ascribed to them:

1. “Acquiesce” or “permit” means actual knowledge that the motor vehicle was to be used for the purpose of street racing.

2. “Street racing” means:

   (a) The operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or

   (b) The operation of one or more vehicles over a common selected course, each starting at the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; or

   (c) The use of one or more vehicles in an attempt to ougtain or outdistance another vehicle; or

   (d) The use of one or more vehicles to prevent another vehicle from passing; or

   (e) The use of one or more vehicles to arrive at a given destination ahead of another vehicle or vehicles; or

   (f) The use of one or more vehicles to test the physical stamina or endurance of drivers over long-distance driving.

24-4-6 GENERAL SPEED RESTRICTIONS.

(A) No vehicle may be driven upon any highway of this State at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians 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.

(B) No person may drive a vehicle upon any highway of this State at a speed which is greater than the applicable statutory maximum speed limit established by paragraphs (C), (D), (E), (F) or (G) of this Section, by Section 11-605 (625 ILCS 5/11-605) or by a regulation or ordinance made under this Chapter.

(C) Unless some other speed restriction is established under this Chapter, the maximum speed limit in an urban district for all vehicles is:
(1) thirty (30) miles per hour; and
(2) fifteen (15) miles per hour in an alley.

(D) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for any vehicle of the first division or a second division vehicle designed or used for the carrying of a gross weight of eight thousand (8,000) pounds or less (including the weight of the vehicle and maximum load) is:

(1) sixty-five (65) miles per hour
   (a) for all highways under the jurisdiction of the Illinois State Toll Highway Authority; and
   (b) for all or part of highways that are designated by the Department, have at least four (4) lanes of traffic, and have a separation between the roadways moving in opposite directions; and
   (c) fifty-five (55) miles per hour for all other highways, roads, and streets.

(E) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a bus is:

(1) fifty-five (55) miles per hour on any other highway.

(See Schedule "F")
constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this Chapter, the Department shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(625 ILCS 5/11-608)

24-4-9 MINIMUM SPEED REGULATION.

(A) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation of his vehicle or in compliance with law.

(B) Whenever the Department, the Illinois State Toll Highway Authority, or a local authority described in Section 11-604 of this Chapter determines, upon the basis of an engineering and traffic investigation concerning a highway or street under its jurisdiction that slow vehicle speeds along any part or zone of such highway or street consistently impede the normal and reasonable movement of traffic, the Department, the Illinois State Toll Highway Authority, or local authority (as appropriate) may determine and declare by proper regulation or ordinance a minimum speed limit below which no person shall drive except when necessary for safe operation of his vehicle or in compliance with law. A limit so determined and declared becomes effective when appropriate signs giving notice of the limit are erected along such part or zone of the highway or street.

24-4-10 DRIVE ON RIGHT SIDE OF ROADWAY -- EXCEPTIONS.

(A) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
2. When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right-of-way to all vehicle traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;
3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon;
4. Upon a roadway restricted to one-way traffic;
5. Whenever there is a single track paved road on one side of the public highway and two (2) vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.

(B) Upon a two (2) lane roadway, providing for two-way movement of traffic, a vehicle shall be driven in the right-hand lane available for traffic, or as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(C) Upon any roadway having four (4) or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating
certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under Subsection (A)(2). However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(D) Upon an Interstate highway or fully access controlled freeway, a vehicle may not be driven in the left lane, except when overtaking and passing another vehicle.

(E) Subsection (D) of this Section does not apply:
1. when no other vehicle is directly behind the vehicle in the left lane;
2. when traffic conditions and congestion make it impractical to drive in the right lane;
3. when snow and other inclement weather conditions make it necessary to drive in the left lane;
4. when obstructions or hazards exist in the right lane;
5. when a vehicle changes lanes to comply with Sections 11-907 and 11-908 of this Code;
6. when, because of highway design, a vehicle must be driven in the left lane when preparing to exit;
7. on toll highways when necessary to use I-Pass, and on toll and other highways when driving in the left lane is required to comply with an official traffic control device; or
8. to law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

(625 ILCS 5/11-701)

24-4-11 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main-traveled portion of the roadway as nearly as possible. (625 ILCS 5/11-702)

24-4-12 OVERTAKING A VEHICLE ON THE LEFT. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this Chapter:

(A) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.

(B) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(C) The driver of a two-wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely.
(D) The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on a highway shall leave a safe distance, but not less than three (3) feet, when passing the bicycle or individual and shall maintain that distance until safely past the overtaken bicycle or individual.

24-4-13 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

(A) The driver of a vehicle with three (3) or more wheels may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn.
2. Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(B) The driver of a two-wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than eight (8) feet.

(C) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

24-4-14 LIMITATIONS ON OVERTAKING ON THE LEFT. No vehicle shall be driven on the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any vehicle approaching from the opposite direction.

24-4-15 FURTHER LIMITATIONS ON DRIVING TO THE LEFT OF CENTER OF ROADWAY.

(A) Following conditions:

1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.
(3) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

(B) The limitations in subparagraph (1), (2) and (3) do not apply upon a one-way roadway nor upon a roadway within unobstructed pavement of sufficient width for two (2) or more lanes of moving traffic in each direction nor to the driver of a vehicle turning left into or from an alley, private road or driveway when such movements can be made with safety.

24-4-16 NO PASSING ZONES.

(A) The Department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. Upon request of a local school board, the Department or local authority which has jurisdiction over the roadway in question, shall determine whether a hazardous situation exists at a particular location and warrants a no-passing zone. If the Department or local authority determines that a no-passing zone is warranted, the school board and the Department or local authority shall share equally the cost of designating the no-passing zone by signs and markings. When such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(B) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (A) no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(C) This Section does not apply under the conditions described in Section 11-701(a)2 (625 ILCS 5/11-701), nor to the driver of a vehicle turning left into or from an alley, private road or driveway. The pavement striping designed to mark the no-passing zone may be crossed from the left hand lane for the purpose of completing a pass that was begun prior to the beginning of the zone in the driver's direction of travel.

(625 ILCS 5/11-707)

24-4-17 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

(A) The Department and local authorities, with respect to highways under their respective jurisdictions, may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

(B) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(C) A vehicle passing around a rotary traffic island must be driven only to the right of such island.

(D) Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any such dividing space, barrier, or section, except through an opening in the physical barrier, or dividing section, or space, or at a cross-over or intersection as established by public authority.
(E) The driver of a vehicle may turn left across a paved non-curbed dividing space unless prohibited by an official traffic-control device.

24-4-18  **DRIVING ON ROADWAYS LANED FOR TRAFFIC.** Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(A) 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.

(B) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices.

(C) Official traffic control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device. On multi-lane controlled access highways within three (3) or more lanes in one direction or on any multi-laned highway with two (2) or more lanes in one direction, the Department may designate lanes of traffic to be used by different types of motor vehicles. Drivers must obey lane designation signing except when it is necessary to use a different lane to make a turning maneuver.

(D) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(625 ILCS 5/11-709)

24-4-19  **DRIVING ON THE SHOULDER.**

(A) Vehicles shall be driven on a roadway, and shall only be driven on the shoulder for the purpose of stopping or accelerating from a stop while merging into traffic. It shall be a violation of this Section if while merging into traffic and while on the shoulder, the vehicle passes any other vehicle on the roadway adjacent to it.

(B) This Section shall not apply to any authorized emergency vehicle, to any farm tractor or implement of husbandry, to any service vehicle while engaged in maintenance of the highway or related work, or to any authorized vehicle within a designated construction zone.

24-4-20  **FOLLOWING TOO CLOSELY.**

(A) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(B) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger.
except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.

(C) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

24-4-21 **RESTRICTIONS ON USE OF CONTROLLED ACCESS HIGHWAY.**

(A) No person may drive a vehicle onto or from any controlled access highway except at entrances and exits established by public authority.

(B) The Department with respect to any controlled access highway under its jurisdiction may prohibit the use of any such highways by pedestrians (except in authorized areas or facilities), bicycles, farm tractors, implements of husbandry, funeral processions, and any vehicle unable to maintain the minimum speed for which the highway is posted, or other non-motorized traffic or by any person operating a motor driven cycle. The Department may also prohibit the use of such highway to school buses picking up and discharging children and mail delivery vehicles picking up or delivering mail. The Department shall erect and maintain official signs on the controlled access highway on which such prohibitions are applicable and when so erected no person may disobey the restrictions stated on such sign.

24-4-22 **TRAFFIC LAWS APPLY TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES.** Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except those provisions of this Chapter which by their very nature can have no application. (625 ILCS 5/11-206)

24-4-23 **REQUIRED POSITION AND METHOD OF TURNING.**

(A) The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

2. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. The Department and local authorities in their respective jurisdictions may cause official traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be
traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

(B) **Two-Way Left Turn Lanes.** Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

1. A left turn shall not be made from any other lane.
2. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U turn when otherwise permitted by law.

(C) When a motor vehicle and a mass transit bus are traveling in the same direction on the same multi-laned highway, street or road, the operator of the motor vehicle overtaking such bus, which is stopped at an intersection on the right side of the roadway to receive or discharge passengers, shall pass to the left of the bus at a safe distance and shall not turn to the right in front of the bus at that intersection.

24-4-24 **LIMITATIONS ON U-TURNS.**

(A) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(B) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

24-4-25 **STARTING PARKED VEHICLE.** No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

24-4-26 **WHEN SIGNAL REQUIRED.**

(A) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 11-801 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(B) A signal of intention to turn right or left when required must be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning within a business or residence district, and such signal must be given continuously during not less than the last two hundred (200) feet traveled by the vehicle before turning outside a business or residence district.

(C) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.
(D) The electric turn signal device required in Section 12-208 of this Act must be used to indicate an intention to turn, change lanes or start from a parallel parked position but must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, such signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking and passing.

24-4-27 SIGNAL BY HAND OR ARM OR SIGNAL DEVICE. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by an electric turn signal device conforming to the requirements provided in Section 12-208 of this Act.

24-4-28 METHOD OF GIVING HAND AND ARM SIGNALS. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(A) **Left Turn.** Hand and arm extended horizontally.

(B) **Right Turn.** Hand and arm extended upward, except that a person operating a bicycle may extend the right hand and arm horizontally and to the right side of the bicycle.

(C) **Stop or Decrease of Speed.** Hand and arm extended downward.

24-4-29 VEHICLES APPROACHING OR ENTERING INTERSECTION.

(A) When two (2) vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.

(B) The right-of-way rule declared in paragraph (A) of this Section is modified at through highways and otherwise as stated in this Chapter.

24-4-30 VEHICLES APPROACHING OR ENTERING A "T" INTERSECTION. The driver of a vehicle approaching the intersection of a highway from a highway which terminates at the intersection, not otherwise regulated by this Act or controlled by traffic control signs or signals, shall stop, yield, and grant the privilege of immediate use of the intersection to another vehicle which has entered the intersection from the non-terminating highway or is approaching the intersection on the non-terminating highway in such proximity as to constitute a hazard and after stopping may proceed when the driver may safely enter the intersection without interference or collision with the traffic using the non-terminating highway.

24-4-31 VEHICLE TURNING LEFT. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but said driver, having so yielded may proceed at such time as a safe interval occurs.
24-4-32 **VEHICLES ENTERING STOP CROSSWALK.** Where stop signs or flashing red signals are in place at an intersection or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

24-4-33 **VEHICLE ENTERING STOP OR YIELD INTERSECTION.**

(A) Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized in Section 11-302 of this Chapter (625 ILCS 5/11-302).

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop 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 before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but said driver having so yielded may proceed at such time as a safe interval occurs.

(C) The driver of a vehicle approaching a yield sign shall in obedience to such sign 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.

(D) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

24-4-34 **MERGING TRAFFIC.** Notwithstanding the right-of-way provision in Section 11-901 of this Act (625 ILCS 5/11-901), at an intersection where traffic lanes are provided for merging traffic the driver of each vehicle on the converging roadways is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle.

24-4-35 **VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.** The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.
24-4-36  OPERATION OF VEHICLES AND STREETCARS ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

(A) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal:

(1) the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(B) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(C) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible of unsafe.

As used in this subsection (C), “authorized emergency vehicle” includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code (625 ILCS 5/12-215), while the owner or operator of the vehicle is engaged in his or her official duties.

(D) A person who violates subsection (C) of this Section commits a business offense punishable by a fine of not less than One Hundred Dollars ($100.00) or more than Ten Thousand Dollars ($10,000.00). It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code (625 ILCS 5/11-501). Imposition of the penalties authorized by this subsection (D) for a violation of subsection (C) of this Section that results in the death of another person does not preclude imposition of appropriate additional civil or criminal penalties.

(E) If a violation of subsection (C) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person’s driving privileges shall be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(F) If a violation of subsection (C) of this Section results in injury to another person, in addition to any other penalty imposed, the person’s driving privileges shall be
suspended for a fixed period of not less than one hundred eighty (180) days and not more than two (2) years.

(G) If a violation of subsection (C) of this Section results in the death of another person, in addition to any other penalty imposed, the person’s driving privileges shall be suspended for two (2) years.

(H) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (C) of this Section:
   (1) suspend the person’s driving privileges for the mandatory period;
   or
   (2) extend the period of an existing suspension by the appropriate mandatory period.

24-4-37 VEHICLE APPROACHING OR ENTERING A HIGHWAY CONSTRUCTION OR MAINTENANCE AREA OR ZONE.

(A) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.
   (1) Upon entering a construction or maintenance zone when workers are present, a person who drives a vehicle shall:
      (a) proceeding with due caution, make a lane change into a lane not adjacent to that of the workers present, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
      (b) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.
   (2) A person who violates subsection (A)(1) of this Section commits a business offense punishable by a fine of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00). It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code (625 ILCS 5/11-501).
   (3) If a violation of subsection (A)(1) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person’s driving privileges shall be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.
   (4) If a violation of subsection (A)(1) of this Section results in injury to another person, in addition to any other penalty imposed, the person’s driving privileges shall be suspended for a fixed period of not less than one hundred eighty (180) days and not more than two (2) years.
   (5) If a violation of subsection (A)(1) of this Section results in the death of another person, in addition to any other penalty imposed, the person’s driving privileges shall be suspended for two (2) years.
(6) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (A)(1) of this Section:
(a) suspend the person's driving privileges for the mandatory period; or
(b) extend the period of an existing suspension by the appropriate mandatory period.

(B) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle engaged in construction or maintenance work displays flashing lights as provided in Section 12-215 of this Act (625 ILCS 5/12-215).

(C) The driver of a vehicle shall stop if signaled to do so by a flagger or a traffic control signal and remain in such position until signaled to proceed. If a driver of a vehicle fails to stop when signaled to do so by a flagger, the flagger is authorized to report such offense to the State's Attorney or authorized prosecutor. The penalties imposed for a violation of this subsection (C) shall be in addition to any penalties imposed for a violation of subsection (A)(1).

24-4-38 PEDESTRIAN OBEDIENCE TO TRAFFIC CONTROL DEVICES AND TRAFFIC REGULATIONS.

(A) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him, unless otherwise directed by a police officer.

(B) Pedestrians shall be subject to traffic and pedestrian control signals provided in Sections 11-306 and 11-307 of this Chapter (625 ILCS 5/11-306 and 625 ILCS 5/11-307), but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Article.

24-4-39 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS.

(A) When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(B) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(C) Paragraph (A) shall not apply under the condition stated in Section 11-1003(b) (625 ILCS 5/11-1003).

(D) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(E) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, drivers shall yield right-of-way to pedestrians as set forth in Section 11-904 of this Chapter (625 ILCS 5/11-904).
24-4-40  PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS: SCHOOL ZONES.

(A) For the purpose of this Section, “school” has the meaning ascribed to that term in Section 11-605 (625 ILCS 5/11-605).

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic and when traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

For the purpose of this Section, a school day shall begin at seven a.m. meridian and shall conclude at four p.m. meridian.

This Section shall not be applicable unless appropriate signs are posted in accordance with Section 11-605 (625 ILCS 5/11-605).

(B) A first violation of this Section is a petty offense with a minimum fine of One Hundred Fifty Dollars ($150.00). A second or subsequent violation of this Section is a petty offense with a minimum fine of Three Hundred Dollars ($300.00).

(C) When a fine for a violation of subsection (A) is One Hundred Fifty Dollars ($150.00) or greater, the person who violates subsection (A) shall be charged an additional Fifty Dollars ($50.00) to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, Twenty-Five Dollars ($25.00) of the surcharge shall be paid to the elementary school district for school safety purposes and Twenty-Five Dollars ($25.00) of the surcharge shall be paid to the high school district for school safety purposes. Notwithstanding any other provision of law, the entire Fifty Dollars ($50.00) surcharge shall be paid to the appropriate school district or districts.

For purposes of this subsection (C), “school safety purposes” has the meaning ascribed to that term in Section 11-605 (625 ILCS 5/11-605).

24-4-41  CROSSING AT OTHER THAN CROSSWALKS.

(A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(C) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(D) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(E) Pedestrians with disabilities may cross a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk where the intersection is physically inaccessible to them but they shall yield the right-of-way to all vehicles upon the roadway.
24-4-42  **DRIVERS TO EXERCISE DUE CARE.** Notwithstanding other provisions of this Code or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human power and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

24-4-43  **PEDESTRIAN WITH DISABILITIES: RIGHT-OF-WAY.** The driver of a vehicle shall yield the right-of-way to any pedestrian with clearly visible disabilities.

24-4-44  **MOTORIZED WHEELCHAIRS.** Every person operating a motorized wheelchair upon a sidewalk or roadway shall be granted all the rights and shall be subject to all the duties applicable to a pedestrian.

24-4-45  **PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS.** Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

24-4-46  **ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.** Every person operating an electric personal assistive mobility devices upon a sidewalk or roadway has all the rights and is subject to all the duties applicable to a pedestrian. Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices.

24-4-47  **PEDESTRIANS SOLICITING RIDES OR BUSINESS.**

(A)  No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(B)  No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.

(C)  No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle except within a municipality when expressly permitted by municipal ordinance. The local municipality, city, village, or other local governmental entity in which the solicitation takes place shall determine by ordinance where and when solicitations may take place based on the safety of the solicitors and the safety of motorists. The decision shall also take into account the orderly flow of traffic and may not allow interference with the operation of official traffic control devices. The soliciting agency shall be:

1. registered with the Attorney General 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 (2125 ILCS 460/0.01 et seq.);

2. engaged in a Statewide fund raising activity; and
(3) liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent. Any person engaged in the act of solicitation shall be sixteen (16) years of age or more and shall be wearing a high visibility vest.

(D) No person shall stand on or in the proximity of a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a highway.

(E) Every person who is convicted of a violation of this Section shall be guilty of a Class A misdemeanor.

24-4-48 PEDESTRIANS WALKING ON HIGHWAYS.
(A) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
(B) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
(C) Where neither a sidewalk nor a shoulder is available; any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of a roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
(D) Except as otherwise provided in this Chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

24-4-49 RIGHT-OF-WAY ON SIDEWALKS. The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

24-4-50 PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES. Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and visual signals meeting the requirements of Section 12-217 of this Chapter (625 ILCS 5/12-217), or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

24-4-51 PEDESTRIANS UNDER INFLUENCE OF ALCOHOL OR DRUGS. A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway except on a sidewalk.

24-4-52 BRIDGE AND RAILROAD SIGNALS.
(A) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.
(B) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.
(C) No pedestrian shall enter, remain upon or traverse over a railroad grade crossing or pedestrian walkway crossing a railroad track when an audible bell or clearly visible electric or mechanical signal device is operational giving warning of the presence, approach, passage, or departure of a railroad train.

(D) A violation of any part of this Section is a petty offense for which a **Two Hundred Fifty Dollar ($250.00)** fine shall be imposed for a first violation, and a **Five Hundred Dollar ($500.00)** fine shall be imposed for a second or subsequent violation. The court may impose **twenty-five (25) hours** of community service in place of the **Two Hundred Fifty Dollar ($250.00)** fine for a first violation.

(E) Local authorities shall impose fines as established in subsection (D) for pedestrians who fail to obey signals indicating the presence, approach, passage, or departure of a train.

24-4-53 **PENALTIES.** Any violation of any provision of this Article shall subject to violator to the penalties in Section 1-1-20.

(Ord. No. 1265-10; 07-13-10)
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. (625 ILCS 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. (625 ILCS 5/12-602)

24-5-3 SOUND AMPLIFICATION SYSTEMS. No driver of any motor vehicle within this 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. This Section shall not apply to authorized emergency vehicles. (625 ILCS 5/12-611)

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 Superintendent is authorized and directed to post signs stating: "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED" at appropriate locations. (625 ILCS 5/12-602.1)
ARTICLE VI - PARKING REGULATIONS

DIVISION I - GENERALLY

24-6-1 TIME LIMIT PARKING. It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

24-6-2 PARKING FOR SALE, REPAIR OR PEDDLING PROHIBITED. No person shall park a vehicle upon any street for the purpose of:
- (A) displaying such vehicle for sale; or
- (B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary; or
- (C) peddling merchandise.

24-6-3 PRIVATE PROPERTY. It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

24-6-4 STOPPING, STANDING OR Parking PROHIBITED IN SPECIFIED PLACES.
- (A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:
  - (1) Stop, Stand or Park a Vehicle:
    - (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
    - (b) On a sidewalk.
    - (c) Within an intersection.
    - (d) On a crosswalk.
    - (e) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
    - (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
    - (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
    - (h) On any railroad tracks.
    - (i) At any place where official signs prohibit stopping.
    - (j) On any controlled-access highway.
    - (k) In the area between roadways of a divided highway, including crossovers.
    - (l) In any alley that is open and maintained.
  - (2) Stand or Park a Vehicle (whether occupied or not, except momentarily to pick up or discharge passengers):
    - (a) In front of a public or private driveway.
(b) Within **fifteen (15) feet** of a fire hydrant.
(c) Within **twenty (20) feet** of a crosswalk at an intersection.
(d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.
(e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).
(f) At any place where official signs prohibit standing or parking.

(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. **(See Section 24-6-13)**

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
(C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.
(D) **Truck Parking Prohibitions.** No person shall park any vehicle, vehicles or trailer the length of which exceeds **twenty (20) feet** or any Second Division vehicle licensed for an "F" classification or higher:
   (1) Upon any street, alley or any public way within the City except for the purpose and time period reasonably necessary to load and unload the same.
   (2) Upon public or private property within the City with the motor running for a continuous period in excess of **thirty (30) minutes.** (625 ILCS 5/3-815)

24-6-5 **PARKING FOR THE HANDICAPPED.**
(A) **Designated Parking.** Certain parking spaces within the confines of the City shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.
(B) **Use of Designated Handicapped Parking.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with **Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq.** furnished by the City.
(C) **Application for Illinois Handicapped Registration Plate.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. (625 ILCS 5/11-1301.2)
24-6-6  LOAD LIMITS.

(A) Established. There is hereby established "gross load limit" on City streets listed in Schedule "J". The term "gross load limit" shall mean the total weight of a vehicle and the load it is carrying. The specified streets and the load limits are hereby listed in Schedule "J".

(B) Restrictions. It shall be unlawful to operate a vehicle upon any street where the operation is prohibited by this Section and where such signs of prohibition are posted, except that a vehicle may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.

(C) Exceptions. This Chapter shall not include pickup trucks, trucks operated by the City maintenance and repairs on the street or the operation of a vehicle owned by the U.S. government or State of Illinois while on lawful business of these agencies.

(D) Exemptions. The following is a list of exemptions of the weight limit on the designated streets and roadways within the City:

(1) Servicing a Local Business. Any vehicle/freight combination that is servicing an existing business within the corporate limits of the City is exempt from the weight limits on designated streets and roadways.

(2) Construction Within the Corporate Limits of the City. Vehicle/freight combinations that are servicing the construction or renovation of business or residential construction within the corporate limits of the City are exempt from the weight limits on designated streets and roadways.

(3) Vehicles/Freight Owned or Contracted by the City. Any vehicle/freight combinations that are owned, contracted, or requested for assistance by the City are exempt from the weight limits on designated streets and roadways.

(Ord. No. 1402-16; 05-10-16)

24-6-7  TOWING CARS AWAY. The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency
vehicle; or any vehicle which has been parked in any public place for a period of twenty-four (24) hours.

Vehicles towed away shall be stored on any City property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the City in removing and storing such vehicle(s). (Ord. No. 1394-15; 03-08-16)

24-6-8 PARKING VIOLATIONS. Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the City Ten Dollars ($10.00) for each such offense and Fifteen Dollars ($15.00) for the second offense within six (6) months. Such payment may be made at the City Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least five (5) days.

Provided, this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police and Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department.

(A) Removal - Time Limit. Any vehicle illegally parked for a period in excess of twenty-four (24) hours may be removed by a towing service authorized by the Police Department of the municipality. In any emergency, any vehicle may be removed by any means when authorized by the Police Department of the municipality.

(B) City Parking Lots. No person shall park a motor vehicle on a City parking lot unattended for more than five (5) days. (Ord. No. 1394-15; 03-08-16)

24-6-9 PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation. (Ord. No. 1394-15; 03-08-16)

24-6-10 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. 1394-15; 03-08-16)

24-6-11 - 24-6-12 RESERVED.
DIVISION II – SPECIFIC PARKING CONSTRAINTS

24-6-13 RECREATIONAL VEHICLES.

(A) Recreational Vehicles are defined as any vehicle designed or converted to provide temporary living quarters for recreational or temporary human habitation and not used as a commercial vehicle, including but not limited to the following:

(1) Boat and watercraft
(2) Camper trailer
(3) Conversion vans
(4) Motorized trailers
(5) Off road vehicles
(6) Racing car/cycle
(7) Travel trailer
(8) Truck camper

This does not affect mobile homes as defined elsewhere in the City Code.

(B) A utility or haul trailer is defined as a vehicle enclosed or not enclosed without its own mode of power that is designed and constructed to transport another vehicle, such as a car, boat, motorcycle, snowmobile or to transport equipment or tools such as lawn mowers, bob cats, etc., that is eligible to be licensed or registered and insured and are for highway use. For the purpose of this Article, a utility-haul trailer with a vehicle mounted on it shall be considered one vehicle.

(C) A vehicle is defined as every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

(D) That said vehicle as defined in this Section may be parked on any lot inside an enclosed fixed structure.

(E) Said vehicles described in paragraphs (A), (B) and (C) shall not be parked in a courtyard, in a parkway and/or side yard which fronts a City street. Said vehicles as defined in paragraphs (A), (B) and (C) shall be located behind the established building line, more specifically described as the front of the house, or anywhere located in the back of the property.

(F) Approved business or operations requiring the use of described equipment are exempt from the provisions of this Division, with the exception that all safety standard provisions remain in force.

(G) Any resident unable to comply with the conditions of this Article may request a variance due to a hardship. All variances shall be approved by the City Council.

(H) Penalty. Any person cited for a violation of this Section shall receive a written order mandating compliance with the Section within sixty (60) days. Any person failing to comply within sixty (60) days shall, upon conviction, be fined Two Hundred Fifty Dollars ($250.00).

(Ord. No. 1293-11; 06-14-11)

24-6-14 PROHIBITED VEHICLE PARKING. It shall be unlawful for construction vehicles or maintenance equipment, trailers, motor homes and utility trailers:

(A) To park a motor vehicle on a public right-of-way for the purpose of repairing, altering or performing maintenance upon such motor vehicle, except for emergency repairs occasioned by the operation of the vehicle on the public right-of-way;
(B) **Truck Parking Limits.** For any person to park upon any street, alley, city parking lot, or within the public right-of-way, any coupled or uncoupled trailer, semi-trailer, camping trailer, travel trailer, motor home, construction trailer or utility trailer for more than six (6) continuous hours;

(C) For any person to park at any time upon any street, alley, city parking lot, or within the public right-of-way, any construction or maintenance equipment, including without limitation construction trailers, backhoes, scissor lifts, forklifts, graders, lawn mowers and graders. Parking of such equipment is permissible when being actively utilized for a qualified public construction or maintenance project, or other private project expressly permitted by the City, provided such equipment is properly marked with Illinois Department of Transportation (IDOT) approved reflectorized barricades and is parked immediately adjoining or abutting the permitted property;

(D) To park a coupled or uncoupled trailer, semitrailer, camping trailer, travel trailer, motor home, construction trailer, utility trailer or maintenance equipment in a manner which impairs the regular flow of traffic, creates a safety hazard, constitutes a public nuisance or violates a Parking Ordinance;

(E) For the purposes of paragraphs (A), (B), (C) and (D), the following definitions shall apply:

1. **Camping Trailer.** A trailer constructed with partial side walls, which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use;

2. **Construction Trailer.** Any trailer/semitrailer that is used for the holding of such materials and tools needed for the construction, maintenance or renovation of a site;

3. **Motor Home.** A self-contained motor vehicle designed or converted to provide living quarters for recreational, camping or travel use, with direct walk-through access to the living quarters from the driver's seat.

4. **Semi-Trailer.** Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

5. **Trailer.** Every vehicle without motive power designed for carrying passengers or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

6. **Travel Trailer.** A trailer designed to provide living quarters for recreational camping or travel use.

7. **Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

(F) **Penalties.** Any person who violates any provision of this Section shall be guilty of a petty misdemeanor and shall be punished by a fine of Seventy-Five Dollars ($75.00) for each occurrence. To the extent that any violation of this Section also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

(G) **Miscellaneous.** In the event that a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be valid and enforceable. The invalidity of any part of this Article shall not affect any part or parts thereof.

(Ord. No. 1254-10; 01-12-10)
24-6-15  IDLING MOTOR VEHICLE POLICY. A person that operates a motor vehicle operating within the City limits may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of fifteen (15) minutes within any sixty (60) minute period except as follows:

(A) The motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.

(B) The motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency.

(C) A police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator.

(D) The primary propulsion engine idles for maintenance, servicing, repairing or diagnostic purposes if idling is necessary for such activity.

(E) When idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or controlling cargo temperature), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions.

(F) An armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

(G) When the motor vehicle idles due to mechanical difficulties over which the operator has no control.

(H) No refrigeration unit operation is allowed to operate in one location for more than fifteen (15) minutes within three hundred (300) feet of a residence or school, unless in the process of loading or unloading refrigerated products.

(Ord. No. 1344-13; 09-10-13)
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 and subject to penalties as set forth under Section 1-1-20 of this Code.
   (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. A violation of subsections (A) or (B) of this Section is subject to penalties as set forth under Section 1-1-20 of this 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 any City having a duly authorized police department, 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 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 person 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 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 City.

(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 of this Article or who aids and abets in that violation:

(1) shall be subject to a mandatory fine of Two Hundred Dollars ($200.00); 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 pursuant to Section 24-7-3(A) and (E).

(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)
ARTICLE VIII – GOLF CART REGULATIONS

24-8-1 GOLF CARTS AND UTILITY TERRAIN VEHICLES. Golf carts and utility-terrain vehicles (not intended for 4 wheelers), as defined and qualified herein shall be allowed on City streets under the conditions as stated herein.

24-8-2 DEFINITIONS. The following definitions shall apply to this Article:

(A) A "Golf Cart" is defined as a motorized vehicle with three (3) or four (4) wheels that is not designed to be operated at a speed of more than twenty-five miles per hour (25 MPH), but is capable of attaining in one (1) mile a speed of more than fifteen miles per hour (15 MPH), whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver.

(B) "Utility-Terrain Vehicle" (not intended for 4 wheelers) shall mean a self-propelled, electrically powered four-wheel motor vehicle or a self-propelled gasoline or diesel powered four wheeled motor vehicle with an engine displacement under twelve hundred (1,200) cubic centimeters which is capable of attaining in one (1) mile a speed of more than fifteen miles per hour (15 MPH) but not more than twenty-five miles per hour (25 MPH) and which conforms to the federal regulations under Title 49 C.F.R. Part 571.500.

(C) "City Streets” means any of the streets within the boundaries of the City of Carterville.

24-8-3 REQUIREMENTS. All persons wishing to operate a golf cart or a utility-terrain vehicle on the 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 vehicles certified with the City by inspection by the Chief of Police or his designated representative.

(C) Must comply with the published “Rules Concerning Alternate Transportation for the City of Carterville” as periodically updated.

(D) Must have City decal on the rear of the vehicle.

(E) Must have current, valid Illinois driver’s license.

(F) Golf carts must be equipped as follows:

1. Horn;
2. Brakes and brake lights;
3. Turn signals;
4. A steering wheel apparatus;
5. Tires;
6. Rearview mirror;
7. Driver and passenger seat belts;
8. Approved “Slow Moving Vehicle” emblem on the rear of the vehicle (625 ILCS 5/12-709);
9. Headlight that emits a white light visible from a distance of three hundred (300) feet to the front of which illuminate when in operation;
(10) Tail lamp that emits red light visible from at least one hundred (100) feet from the rear which must be illuminated when in operation;

(11) Any additional requirements which may be amended to 65 ILC 5/11-1426 or the Illinois Vehicle Code.

(G) Utility-terrain vehicles must be equipped as follows:
(1) Brakes and brake lights;
(2) Turn signals on the front and rear;
(3) A steering wheel apparatus;
(4) D.O.T. approved tires;
(5) Rearview mirror;
(6) Driver and passenger seat belts;
(7) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
(8) Headlight that emits a white light visible from a distance of three hundred (300) feet to the front of which illuminate when in operation;
(9) Tail lamp that emits red light visible from at least one hundred (100) feet from the rear which must be illuminated when in operation;
(10) An unmodified or stock exhaust system is required;
(11) Any additional requirements which may be amended to 65 ILCS 5/11-1426 or the Illinois Vehicle Code.

(Ord. No. 1406-16; 07-12-16)

(H) Must obey all traffic laws of the State of Illinois and the City of Carterville.

(I) Must be eighteen (18) years of age.

(J) Must be operated only on City streets, except where prohibited.

(K) May not be operated on Illinois Highway 13, and on Division Street and West Grand during the hours 7:00 A.M. to 5:00 P.M. on days which school is in session, except to cross highway at any intersection.

(L) Must not be operated in excess of posted speed limit and, with respect to utility-terrain vehicles and golf carts, may not exceed twenty-five miles per hour (25 MPH).

(M) A person operating or is in actual physical control of a golf cart or utility-terrain vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500 – 11-502).

(N) Golf carts and utility-terrain vehicles shall not be operated on sidewalks or in city parks other than parking areas.

(O) Golf carts and utility-terrain vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation.

24-8-4 PERMITS.

(A) No person shall operate a qualified golf cart or 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 and renewed annually. The cost of the permit is Fifty Dollars ($50.00). Insurance coverage to be verified by the Police Department when obtaining or renewing a permit.
(B) Every application for a permit shall be made on a form supplied by the City and shall contain the following:

1. Name and address of applicant;
2. Name and address of liability insurance carrier;
3. The serial number, make, model and description of golf cart or utility-terrain vehicle;
4. Signed Waiver of Liability 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 golf cart or utility-terrain vehicle on the City streets; See Appendix "A" for form.
5. Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit.
6. 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 designee) to insure that the vehicle is safe to operate on City streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code;
2. A physically handicapped applicant must submit a certificate signed by a physician certifying that the applicant is able to safely operate a qualified golf cart or utility-terrain vehicle on City streets.
3. The applicant must provide evidence of insurance in compliance with provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicle to be operated on the roads of the State of Illinois.

(D) The City may suspend or revoke a permit granted hereunder upon finding that the holder thereof has violated any provision of this Article or there is evidence that permitted cannot safely operate a qualified golf cart or utility-terrain vehicle on the designated roadways.

24-8-5 VIOLATIONS. Any person who violates any provisions of this Article shall be guilty of a petty misdemeanor and shall, upon conviction, be punished by a fine of Seventy-Five Dollars ($75.00). Any second or subsequent offense shall result in the revocation of the permit for a period of not less than three (3) nor more than five (5) years. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

(Ord. No. 1234-09; 04-14-09)
ARTICLE IX - SNOW ROUTES

24-9-1 AUTOMATIC DECLARATION. A snow emergency shall be automatically declared to exist within the City limits whenever there is an accumulation of snow and ice in excess of two (2) inches at which time a parking prohibition shall automatically become effective throughout the City in accordance with the provisions of this Section.

24-9-2 SNOW ROUTES KEPT CLEAR. During a snow emergency, parking on any portion of such street(s) designated and permanently marked as a snow route is prohibited. A vehicle that is parked and/or left unattended when there is an accumulation of snow and ice in excess of two (2) inches shall be prima facie evidence of violation of this Section by the person in whose name the vehicle is registered. The parking prohibition under this Section shall be terminated as those streets designated as snow routes become substantially clear of snow and ice, edge to edge, for the length of an entire block. Nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of the law.

24-9-3 POSTING OF ROUTES. The Mayor is hereby authorized to direct the posting of permanent signs on each street designated as a snow route with the wording “Snow Route No Parking – When Accumulation Exceeds Two (2) Inches”. Streets designated as primary snow routes are Division Street, Grand Avenue, and Greenbriar Road between State Route 13 and Grand Avenue constitute those streets which will be given primary attention during snow removal operations. Other streets, alleys, or roadways, will be addressed on the basis of physical characteristics and related traffic volumes after the designated snow routes are clear as directed by the Mayor.

24-9-4 PENALTY. The Police Department is hereby authorized to ticket any vehicle(s) parked and/or unattended in violation of this Section and, if the Mayor deems it necessary to effectuate snow removal operations on some or all of the designated snow routes, have the vehicle(s) removed and relocated. Any registered owner of a vehicle in violation of this Section shall be liable for all fines and costs resulting from the removal, relocation and storage of said vehicle.

Any person violating the provision of this Article shall be fined in an amount not less than Seventy-Five Dollars ($75.00) nor more than One Thousand Dollars ($1,000.00) plus towing charges if vehicles are deemed necessary to be removed. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

24-9-5 EXEMPTIONS. On-street parking zones along designated snow routes are exempt from this parking prohibition except between the hours of three o’clock (3:00) A.M. to seven o’clock (7:00) A.M. unless notification is made by posting temporary special signs notifying the public at least two (2) hours prior to the specific date and time that clearing operations will occur in the zones specified with the wording “Snow Route No
Parking — When Accumulation Exceeds Two (2) Inches — Effective (enter date and time)”. Violations of this Section shall be deemed the same and treated the same as violations of other items in this Article.

24-9-6 SNOW ROUTES. The streets or portions of streets listed below within the corporate limits of Carterville are hereby designated as primary snow routes and constitute those streets which will be given primary attention during a snow emergency.
- Division Street
- Grand Avenue
- Greenbriar Road — between State Route 13 and Grand Avenue

24-9-7 INTERGOVERNMENTAL AGREEMENTS. The Mayor is hereby authorized to enter into intergovernmental agreements with township, county and/or state officials to facilitate snow removal. The authority granted herein shall extend only to exchange of snow removal service and shall not include payments to other governmental agencies.

(Ord. No. 1162; 05; 10-11-05)
APPENDIX "A"

UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE

This is a legally-binding UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE AND COVENANT NOT TO SUE made by me,

(hereinafter referred to as OPERATOR) to City of Carterville (hereinafter referred to as CITY).

I FULLY RECOGNIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A GOLF CART OR UTILITY-TERRAIN VEHICLE ON CITY STREETS OF CARTERVILLE. THE FOLLOWING IS A DESCRIPTION AND/OR EXAMPLES OF SIGNIFICANT DANGERS AND RISKS ASSOCIATED WITH THIS ACTIVITY, INJURY TO MYSELF OR OTHERS, DAMAGE TO MY PROPERTY OR THAT OF OTHERS, DEATH OF MYSELF OR OTHERS.

IN NO EVENT SHALL THE CITY BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES WHETHER ARISING IN TORT, CONTRACT OR ANY OTHER LEGAL THEORY, IN CONNECTION WITH OR ARISING OUT OF OPERATOR'S USE OF A GOLF CART OR UTILITY-TERRAIN VEHICLE ON CITY STREETS.

THE OPERATOR AS OF THE DATE BELOW, SHALL HEREINAFTER SAVE, HOLD HARMLESS AND INDEMNIFY THE CITY AGAINST ANY AND ALL LIABILITY, CLAIMS, CAUSES OF ACTION, AND COSTS OF WHATSOEVER KIND AND NATURE INCLUDING DEATH, RESULTING FROM ARISING OUT OF, OR OCCURRING IN CONNECTION WITH MY USE OF THIS GOLF CART OR UTILITY-TERRAIN VEHICLE ON CITY STREETS.

I understand that the City has an ordinance governing the use of qualified golf carts and utility-terrain vehicles on City streets and hereby to conform with all requirements of the City ordinance at all times. I have had the opportunity to read said ordinance and the "Rules Concerning Alternate Transportation for the City of Carterville" and my signature below acknowledges that I will comply with this ordinance and said rules as well as all applicable traffic laws of the State of Illinois at all times when operating this golf cart or utility-terrain vehicle on City streets.

I, therefore, agree to assume and take on myself all the risks and responsibilities in any way associated with this activity. In consideration of and return for the opportunity to operate a golf cart or utility-terrain vehicle on City streets, I release the City (and City Council, employees and agents) from any and all liability, claims and actions that may arise from injury or harm to me or others, including death, or from damage to my property or to property of any other in connection with this activity. I understand that this release also covers liability, claims and actions caused entirely or in part by acts or failure to act, including but not limited to negligence, mistake or failure to enforce, supervise or maintain.

I assure the City that there are no health-related reasons or problem which preclude or restrict my participation in this activity. I further assure the City that I have adequate health and liability insurance necessary to provide for and pay any medical costs or property damage that may directly or indirectly result from my participation in this activity, and I will indemnify and hold the City harmless for any such medical costs or property damage.

I understand that this release means I am giving up, among other things, the rights to sue the City, its City Council, employees, and/or agents for injuries (including death) damages, or losses I may incur or cause. I also understand that this release binds, my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

WITNESSES: _______________________________  Date: _______________________________

_______________________________  Date: _______________________________

Operator's Signature
**Carterville City Code**

**MOTOR VEHICLE CODE**

**CITATION FORM**

<table>
<thead>
<tr>
<th>NO.</th>
<th>DATE</th>
<th>TIME</th>
<th>LICENSE NO.</th>
<th>STATE</th>
<th>LICENSE EXPIRES</th>
<th>MAKE OF VEHICLE</th>
<th>METER NUMBER</th>
<th>OFFICER</th>
</tr>
</thead>
</table>

**YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:**

1. Overparked, Two Hour Zone  $10.00 [ ]
2. Double Parked  $10.00 [ ]
3. Parked at Fire Plug  $10.00 [ ]
4. Blocking Driveway or Alley  $10.00 [ ]
5. Parked Where Official Signs Erected  $10.00 [ ]
6. Improper Parking  $10.00 [ ]
7. Yellow Line  $10.00 [ ]
8. Each Additional Hour Violation  $10.00 [ ]
9. Parking on Sidewalk  $10.00 [ ]

**NAME**

**ADDRESS**

**CITY** _________________________ **STATE** ________ **ZIP CODE** ___________

You may settle and compromise a claim for illegal parking by paying the sum set forth above for the first particular violation and the same sum shall apply for the same particular offense for the second and each subsequent violation within 5 days after the time set out above. If not paid within this time limit, an **Enforcement Warrant** will be issued and an assessment of not less than $15.00 will be collected.

**FOR YOUR CONVENIENCE**

After detaching your Ticket Stub, place the fine in the envelope and deposit at City Hall.
[This page was left blank intentionally.]
MOTOR VEHICLE SCHEDULES

SCHEDULE "A"

STOP AND THROUGH INTERSECTIONS

I. TWO-WAY INTERSECTIONS.

In accordance with the provisions of Sections 24-3-1 and 24-3-3 of this Chapter, the following streets are hereby designated as two-way stop intersections, to-wit:

<table>
<thead>
<tr>
<th>THROUGH STREET</th>
<th>STOP STREET (DIRECTION)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson St.</td>
<td>Eaton St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Anderson St.</td>
<td>Schneider Alley (South Bd.)</td>
</tr>
<tr>
<td>Anderson St.</td>
<td>School Dr. (South Bd.) (#879-96)</td>
</tr>
<tr>
<td>Anderson St.</td>
<td>Virginia St. (North Bd.)</td>
</tr>
<tr>
<td>Arbor Dr.</td>
<td>Rebekah Dr. (Both) (#1427-17)</td>
</tr>
<tr>
<td>Barr St.</td>
<td>Jackson St. (South Bd.)</td>
</tr>
<tr>
<td>Bird Road</td>
<td>Ridge Alley (East Bd.) (#514-88)</td>
</tr>
<tr>
<td>Blossom St.</td>
<td>Missouri Ave. (Both)</td>
</tr>
<tr>
<td>Brown St.</td>
<td>McNeil St. (Both)</td>
</tr>
<tr>
<td>Brown St.</td>
<td>Missouri Ave. (Both)</td>
</tr>
<tr>
<td>California</td>
<td>Tennessee Dr. (West Bd.)</td>
</tr>
<tr>
<td>Carter St.</td>
<td>Plymouth St. (South Bd.)</td>
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<tr>
<td>Cottonwood Lane</td>
<td></td>
</tr>
<tr>
<td>Country Club Lane</td>
<td>Dogwood Lane (Both) (#514-88)</td>
</tr>
<tr>
<td>Country Club Lane</td>
<td>Overlook Dr. (Both) (#514-88)</td>
</tr>
<tr>
<td>County Road</td>
<td>Valley Dr. (Both) (#514-88)</td>
</tr>
<tr>
<td>David Livingston Dr.</td>
<td>rebekah Dr. (Both) (#1427-17)</td>
</tr>
<tr>
<td>Delaware Alley</td>
<td>Hickory St. (Both) (#514-88)</td>
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<tr>
<td>Dent St.</td>
<td>Illinois Ave. (West Bd.)</td>
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<tr>
<td>Dent St.</td>
<td>James St. (West Bd.)</td>
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<tr>
<td>Dent St.</td>
<td>Tippitt St. (West Bd.)</td>
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<td>Division St.</td>
<td>Blossom St. (West Bd.)</td>
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<td>Division St.</td>
<td>Brown St. (West Bd.)</td>
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<tr>
<td>Division St.</td>
<td>Bryan Ave. (East Bd.)</td>
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<tr>
<td>Division St.</td>
<td>California St. (West Bd.)</td>
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<tr>
<td>Division St.</td>
<td>Delaware Ave. (Both)</td>
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<tr>
<td>Division St.</td>
<td>Elles St. (East Bd.)</td>
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<tr>
<td>Division St.</td>
<td>Idaho St. (West Bd.)</td>
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<tr>
<td>Division St.</td>
<td>James St. (East Bd.)</td>
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<td>Division St.</td>
<td>Jersey St. (Both)</td>
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<td>Division St.</td>
<td>Laclede Ave. (West Bd.)</td>
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<td>Division St.</td>
<td>Lakeshore Dr. (West Bd.)</td>
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<td>Division St.</td>
<td>W. Main St. (East Bd.)</td>
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<td>Division St.</td>
<td>Michigan St. (East Bd.)</td>
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<td>Division St.</td>
<td>O'Fallon St. (West Bd.)</td>
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<tr>
<td>THROUGH STREET</td>
<td>STOP STREET (DIRECTION)</td>
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<tr>
<td>Division St.</td>
<td>Prentice St. (West Bd.)</td>
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<tr>
<td>Division St.</td>
<td>Public Library Exit</td>
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<tr>
<td>Division St.</td>
<td>Service Dr. (West Bd.)</td>
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<tr>
<td>Division St.</td>
<td>Texas Ave. (East Bd.)</td>
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<tr>
<td>Division St.</td>
<td>Virginia St. (East Bd.)</td>
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<tr>
<td>Division St.</td>
<td>Willow St. (East Bd.)</td>
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<tr>
<td>Elles St.</td>
<td>Mulberry St. (Both)</td>
</tr>
<tr>
<td>Elles St.</td>
<td>Oak St. (South Bd.)</td>
</tr>
<tr>
<td>Farris St.</td>
<td>Bundy St. (North Bd.) (#514-88)</td>
</tr>
<tr>
<td>Farris St.</td>
<td>Rodd St. (North Bd.) (#514-88)</td>
</tr>
<tr>
<td>Farris St.</td>
<td>Stearns St. (North Bd.) (#514-88)</td>
</tr>
<tr>
<td>Farris St.</td>
<td>Stotlar St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Bird Rd. (South Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Carter St. (Both)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Cemetery St. (South Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Dent St. (South Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Hampton Rd. (South Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Jackson St. (Both)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Locust St. (South Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Lyndsey Ln. (South Bd.) (#666-96)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>McNeil St. (North Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Missouri Ave. (North Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Mulberry St. (North Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Oak St. (South Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Oakwood Dr. (Both) (#514-88)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Olive St. (South Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Pennsylvania Ave. (Both)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Quail Run (South Bd.) (#514-88)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Walnut St. (South Bd.)</td>
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<tr>
<td>Grand Ave.</td>
<td>Willow St. (South Bd.)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>Woodlake Dr. (Both) (#514-88)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Cannon Dr. (Both)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Cartherville Community Center Exits (#1160-05)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Cheryl Lane (East Bd.)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Country Club Lane (West Bd.)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Forest Ave. (West Bd.)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Ivey Lane (East Bd.)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Jefferay Dr. (East Bd.)</td>
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<tr>
<td>Greenbriar Rd.</td>
<td>Meadowlark Dr. (East Bd.)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Mockingbird Lane (East Bd.)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Shawnee Trail (East Bd.)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>Valley Dr. (West Bd.)</td>
</tr>
<tr>
<td>Hafer Rd.</td>
<td>Artic Fox</td>
</tr>
<tr>
<td>Hammond Alley</td>
<td>Anderson St. (Both)</td>
</tr>
<tr>
<td>Hammond Road</td>
<td>Plum Ave. (East Bd.)</td>
</tr>
<tr>
<td>Hampton St.</td>
<td>Plum St. (Both)</td>
</tr>
<tr>
<td>High St.</td>
<td>Pear St. (South Bd.) (#455)</td>
</tr>
<tr>
<td>THROUGH STREET</td>
<td>STOP STREET (DIRECTION)</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Idaho St.</td>
<td>Cemetery St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Idaho St.</td>
<td>Chambers St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Idaho St.</td>
<td>Maple St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Idaho St.</td>
<td>Moore St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Idaho St.</td>
<td>Spence St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Bird Road (South Bd.)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Carter St. (Both)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Cemetery St. (North Bd.)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Chutt St. (South Bd.)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Era St. (South Bd.)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Hampton Road (Both)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Hickory St. (Both)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>High St. (Both)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Jackson St. (Both)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Kate St. (South Bd.)</td>
</tr>
<tr>
<td>Illinois Ave.</td>
<td>Thompson St. (South Bd.)</td>
</tr>
<tr>
<td>Illinois Central Alley</td>
<td></td>
</tr>
<tr>
<td>Ivey Lane</td>
<td>Dent St. (North Bd.)</td>
</tr>
<tr>
<td>Jackson St.</td>
<td>Mockingbird St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Jackson St.</td>
<td>Blossom St. (East Bd.)</td>
</tr>
<tr>
<td>Jackson St.</td>
<td>Brown St. (Both)</td>
</tr>
<tr>
<td>Jackson St.</td>
<td>Mark St. (Both)</td>
</tr>
<tr>
<td>James St.</td>
<td>Bryan Ave. (South Bd.)</td>
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<tr>
<td>James St.</td>
<td>Bundy St. (South Bd.)</td>
</tr>
<tr>
<td>James St.</td>
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<td>Kramer St. (South Bd.)</td>
</tr>
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<td>James St.</td>
<td>McKinley St. (South Bd.)</td>
</tr>
<tr>
<td>James St.</td>
<td>Ohley St. (North Bd.)</td>
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<tr>
<td>James St.</td>
<td>Schneider Alley (North Bd.)</td>
</tr>
<tr>
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<td>Stearns St. (South Bd.)</td>
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<tr>
<td>James St.</td>
<td>Stotlar St. (South Bd.)</td>
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<tr>
<td>Kramer St.</td>
<td>Rodd St. (Both)</td>
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<tr>
<td>Laclede St.</td>
<td>Jackson St. (East Bd.) (#435)</td>
</tr>
<tr>
<td>Lakeshore Dr.</td>
<td>Brentwood Dr. (Both)</td>
</tr>
<tr>
<td>Locust St.</td>
<td>Idaho St. (Both)</td>
</tr>
<tr>
<td>Locust St.</td>
<td>Illinois St. (East Bd.)</td>
</tr>
<tr>
<td>Main St.</td>
<td>Forest St. (South Bd.)</td>
</tr>
<tr>
<td>Main St.</td>
<td>Ohley St. (South Bd.)</td>
</tr>
<tr>
<td>Main St.</td>
<td>Pine St. (North Bd.)</td>
</tr>
<tr>
<td>Main St.</td>
<td>Stone St. (South Bd.)</td>
</tr>
<tr>
<td>Meadowlark</td>
<td>Meadowlark Dr. (Both -- Inter.) (#514-88)</td>
</tr>
<tr>
<td>Missouri Ave.</td>
<td>O'Fallon St. (Both)</td>
</tr>
<tr>
<td>Mockingbird</td>
<td>Hummingbird St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Mockingbird</td>
<td>Meadowlark Dr. (Both) (#514-88)</td>
</tr>
<tr>
<td>Mockingbird</td>
<td>Whipporwill (Both) (#514-88)</td>
</tr>
<tr>
<td>THROUGH STREET</td>
<td>STOP STREET (DIRECTION)</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Moore St.</td>
<td>Oregon St. (Both)</td>
</tr>
<tr>
<td>Mulberry St.</td>
<td>Michigan St. (West Bd.)</td>
</tr>
<tr>
<td>Mulberry St.</td>
<td>Nevada St. (East Bd.)</td>
</tr>
<tr>
<td>Nevada Ave.</td>
<td>Cemetery St. (Both)</td>
</tr>
<tr>
<td>Nevada Ave.</td>
<td>Center St. (North Bd.)</td>
</tr>
<tr>
<td>Nevada Ave.</td>
<td>Willow St. (North Bd.)</td>
</tr>
<tr>
<td>Olive St.</td>
<td>Anderson St. (Both)</td>
</tr>
<tr>
<td>Olive St.</td>
<td>Idaho St. (East Bd.)</td>
</tr>
<tr>
<td>Olive St.</td>
<td>Washington Ave. (Both)</td>
</tr>
<tr>
<td>Pear St.</td>
<td>Hampton Rd. (Both) (#514-88)</td>
</tr>
<tr>
<td>Pear St.</td>
<td>High St. (North Bd.)</td>
</tr>
<tr>
<td>Pennsylvania Ave.</td>
<td>O'Fallon St. (East Bd.) (#514-88)</td>
</tr>
<tr>
<td>Pine St.</td>
<td>Anderson St. (Both)</td>
</tr>
<tr>
<td>Pleasant Alley</td>
<td>Farris St. (South Bd.)</td>
</tr>
<tr>
<td>Plum Ave.</td>
<td>Bird Road (North Bd.)</td>
</tr>
<tr>
<td>Prosperity St.</td>
<td>Bryan St. (West Bd.)</td>
</tr>
<tr>
<td>Rodd St.</td>
<td>Bundy St. (Both)</td>
</tr>
<tr>
<td>Rodd St.</td>
<td>Stearnes St. (Both)</td>
</tr>
<tr>
<td>Rodd St.</td>
<td>Stotlar St. (Both)</td>
</tr>
<tr>
<td>Schneider St.</td>
<td>Tippitt St. (Both)</td>
</tr>
<tr>
<td>Scout Cabin Rd.</td>
<td>White Cotton Dr. (Both) (#1266-96)</td>
</tr>
<tr>
<td>Spence St.</td>
<td>Oregon St. (Both)</td>
</tr>
<tr>
<td>Stone St.</td>
<td>Jersey St. (Both)</td>
</tr>
<tr>
<td>Sycamore Rd. East</td>
<td>Woodland Dr. (Both) (#866-96)</td>
</tr>
<tr>
<td>Thompson St.</td>
<td>Carter St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Thompson St.</td>
<td>Mark St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Tippitt St.</td>
<td>Eaton St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Tippy Rd.</td>
<td>Christine (North Bd.) (#866-96)</td>
</tr>
<tr>
<td>Tippy Rd.</td>
<td>Dylan St. (Both) (#866-96)</td>
</tr>
<tr>
<td>Tippy Rd.</td>
<td>Willow St. (South Bd.) (#866-96)</td>
</tr>
<tr>
<td>Van Wyck Square</td>
<td>Greenville Alley (West Bd.) (#581)</td>
</tr>
<tr>
<td>Virginia St.</td>
<td>Locust St. (Both)</td>
</tr>
<tr>
<td>Virginia St.</td>
<td>Olive St. (Both)</td>
</tr>
<tr>
<td>Virginia St.</td>
<td>Pine St. (Both)</td>
</tr>
<tr>
<td>Washington Ave.</td>
<td>Locust St. (Both) (#514-88)</td>
</tr>
<tr>
<td>Willow St.</td>
<td>Carney T.C. Dr. (Both) (#472)</td>
</tr>
<tr>
<td>Willow St.</td>
<td>Dobson St. (Both)</td>
</tr>
<tr>
<td>Willow St.</td>
<td>Texas Ave. (Both)</td>
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</table>
# MOTOR VEHICLE SCHEDULES

## II. THREE-WAY INTERSECTIONS.

<table>
<thead>
<tr>
<th>STREET (DIRECTION)</th>
<th>STOP STREET (DIRECTION)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson (East Bd.)</td>
<td>at Elm St. (Both) (#765-94)</td>
</tr>
<tr>
<td>Dent St. (Both)</td>
<td>at Cottonwood St. (East Bd.) (#765-94)</td>
</tr>
<tr>
<td>Elles St. (West Bd.)</td>
<td>at Willow St. (Both)</td>
</tr>
<tr>
<td>W. Grand St. (Both)</td>
<td>at Loop Rd. (South Bd.) (#1304-11)</td>
</tr>
<tr>
<td>W. Grand St. (Both)</td>
<td>at 1405 W. Grand St. (#1055-01)</td>
</tr>
<tr>
<td>Locust St. (North Bd.)</td>
<td>at Anderson St. (Both)</td>
</tr>
<tr>
<td>Prentice St. (East Bd.)</td>
<td>at Pennsylvania (Both)</td>
</tr>
<tr>
<td>Van Wyck St. (South Bd.)</td>
<td>at James St. (Both)</td>
</tr>
</tbody>
</table>

## III. FOUR-WAY INTERSECTIONS.

<table>
<thead>
<tr>
<th>STREET</th>
<th>STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barr St.</td>
<td>and Pennsylvania Ave.</td>
</tr>
<tr>
<td>Blossom St.</td>
<td>and Pennsylvania Ave.</td>
</tr>
<tr>
<td>Brown St.</td>
<td>and Pennsylvania Ave.</td>
</tr>
<tr>
<td>Bryan Ave.</td>
<td>and Prosperity St. (#1095-03)</td>
</tr>
<tr>
<td>Division St.</td>
<td>and Grand Ave. (#455)</td>
</tr>
<tr>
<td>Division St.</td>
<td>and Sycamore Rd. (#1398-16)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>and W. Grand (#1054-01)</td>
</tr>
<tr>
<td>Illinois St.</td>
<td>and Division St.</td>
</tr>
<tr>
<td>E. Illinois St.</td>
<td>and Carter (#939-98)</td>
</tr>
<tr>
<td>Locust St.</td>
<td>and W. Idaho St.</td>
</tr>
<tr>
<td>McKinley Ave.</td>
<td>and Prosperity St. (#396)</td>
</tr>
<tr>
<td>Mulberry St.</td>
<td>and Dobson St. (#435-81)</td>
</tr>
<tr>
<td>Mulberry St.</td>
<td>and Elles St. (#542-88)</td>
</tr>
<tr>
<td>Texas Ave.</td>
<td>and Mulberry St.</td>
</tr>
<tr>
<td>Van Wyck St.</td>
<td>and Prosperity St. (#396)</td>
</tr>
</tbody>
</table>
MOTOR VEHICLE SCHEDULES

SCHEDULE "B"

ONE-WAY STREETS

In accordance with the provisions of Section 24-3-2, the following streets are hereby designated as one-way streets:

<table>
<thead>
<tr>
<th>STREET (DIRECTION)</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson St. (West Bd.)</td>
<td>From N. Pennsylvania to Stone St. (#1515-19)</td>
</tr>
<tr>
<td>Greenville Alley (West Bd.)</td>
<td>Entire Distance</td>
</tr>
<tr>
<td>Jersey St. (East Bd.)</td>
<td>From N. Division St. to Stone St. (#1416-17)</td>
</tr>
<tr>
<td>Olive St. (South Bd.)</td>
<td>From Main St. to Anderson St. (#256)</td>
</tr>
<tr>
<td>N. Pennsylvania (North Bd.)</td>
<td>From Matthew St. to Anderson St. (#1515-19)</td>
</tr>
<tr>
<td>School St. (South Bd.)</td>
<td>From Main St. to Anderson St.</td>
</tr>
</tbody>
</table>

[Supplement No. 2; 01-01-20]
# MOTOR VEHICLE SCHEDULES

## SCHEDULE "E"

### NO PARKING ZONES

In accordance with the provisions of Section 24-6-3, the following streets are hereby designated as no parking streets and alleys, to-wit:

## I. STREETS

### STREET (SIDE) LOCATION

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson St. (Both)</td>
<td>Entire Street (#580)</td>
</tr>
<tr>
<td>Arctic Fox (Both)</td>
<td>Entire Street (#1443-19)</td>
</tr>
<tr>
<td>Blossom St. (Both)</td>
<td>Entire Street (#1037-01)</td>
</tr>
<tr>
<td>Brown St. (Both)</td>
<td>Entire Street (#837-96)</td>
</tr>
<tr>
<td>Cannon Dr. (Both)</td>
<td>Entire Street (#478)</td>
</tr>
<tr>
<td>N. Carter St. (East)</td>
<td>From Pear St. North (#1432-18)</td>
</tr>
<tr>
<td>Cheryl Dr. (Both)</td>
<td>From James St. to Grand Ave. (#672-92)</td>
</tr>
<tr>
<td>Dent St. (Both)</td>
<td>From Division St.</td>
</tr>
<tr>
<td>Division St.</td>
<td>From Mulberry Ave. to Dobson St. (#527-88)</td>
</tr>
<tr>
<td>Dotson St. (Both)</td>
<td>From Earl Courts Rd. (Both)</td>
</tr>
<tr>
<td>Elm St.</td>
<td>From Grand Ave. to N. Boundary of Cannon Park (#1161-05)</td>
</tr>
<tr>
<td>Grand Ave. (Both)</td>
<td>From W. Idaho St. (Both)</td>
</tr>
<tr>
<td>Greenbriar Rd. (Both)</td>
<td>From James St. to Grand Ave. (#672-92) (EXCEPT WHERE PARKING IS PERMITTED) (#256)</td>
</tr>
<tr>
<td>W. Idaho St. (Both)</td>
<td>From Mulberry Ave. to Dobson St. (#527-88)</td>
</tr>
<tr>
<td>James St.</td>
<td>From James St. to Grand Ave. (#672-92)</td>
</tr>
<tr>
<td>Jersey St. (North)</td>
<td>From Division St. to Dent St.</td>
</tr>
<tr>
<td>Jersey St. (Both)</td>
<td>From Hickory St. to Stone St. (#526)</td>
</tr>
<tr>
<td>E. Illinois Ave. (North)</td>
<td>From Division St. to Hampton (#1411-16)</td>
</tr>
<tr>
<td>W. Illinois Ave. (Both)</td>
<td>From Locust St. to Dent St. (#655-92)</td>
</tr>
<tr>
<td>Laclede Ave.</td>
<td>From Entire Street</td>
</tr>
<tr>
<td>Locust St. (Both)</td>
<td>From W. Grand St. to Carterville Grade School (#733-93)</td>
</tr>
<tr>
<td>Main St.</td>
<td>From Entire Street (#558)</td>
</tr>
<tr>
<td>Missouri Ave. (Both)</td>
<td>From Entire Street (#1037-01)</td>
</tr>
<tr>
<td>Mulberry St.</td>
<td>From Elles St. to Grand Ave.</td>
</tr>
<tr>
<td>Oak St. (West)</td>
<td>From W. Grand St. to a point 250 feet north (#837-96)</td>
</tr>
<tr>
<td>Olive St. (Both)</td>
<td>From W. Grand St. to Carterville Grade School (#1161-05)</td>
</tr>
<tr>
<td>Oregon St. (Both)</td>
<td>From S. Division St. to a point 200 feet east (#838-96)</td>
</tr>
<tr>
<td>Ridge St. (Both)</td>
<td>From Bird St. to Hampton St. (#709-93)</td>
</tr>
<tr>
<td>Schneider St.</td>
<td>From James St. to Anderson St.</td>
</tr>
<tr>
<td>Texas Ave. (Both)</td>
<td>From S. Division St. west 30 feet (#1400-16)</td>
</tr>
<tr>
<td>Texas Ave. (South Bd.)</td>
<td>From S. Division St. to Mulberry St. (#1400-16)</td>
</tr>
<tr>
<td>Texas Ave. (Both)</td>
<td>From S. Division St. to Willow St. (#1400-16)</td>
</tr>
<tr>
<td>Tippitt St. (Both)</td>
<td>From Eaton St. to Dent St. (#470)</td>
</tr>
<tr>
<td>Virginia St.</td>
<td>From Olive St. to Division St., (Except on Sundays when parking is permitted on the south side of Olive St.) (#394)</td>
</tr>
</tbody>
</table>

## II. ALLEYS

Alley between Main St. and James St. and East of Carterville Unit #5 Grade School Property – During School Hours

*Illinois Codification Services*  
[Supplement No. 2; 01-01-20]
SCHEDULE "F"

SPEED ZONES

In accordance with the provisions of Section 24-4-2(F), the following streets are established as special speed zones:

<table>
<thead>
<tr>
<th>STREET – SPEED LIMIT</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division St. – 30 MPH</td>
<td>From New Rte. 13 to the Old Rte. 13 (#1290-11)</td>
</tr>
<tr>
<td>N. Division St. – 30 MPH</td>
<td>From Scout Cabin Rd. to Sycamore Rd. (#1399)</td>
</tr>
<tr>
<td>E. Grant Ave. – 35 MPH</td>
<td>From Hafer Rd. to Bird St. (#1428-17)</td>
</tr>
<tr>
<td>W. Grand Ave. – 30 MPH</td>
<td>From Greenbrier Rd. 1200 feet west (#903-97)</td>
</tr>
<tr>
<td>Greenbrier Rd. – 20 MPH</td>
<td>From Grand Ave. north to the north edge of Cannon Park (#1110-04)</td>
</tr>
<tr>
<td>Greenbrier Rd – 30 MPH</td>
<td>From Grand Ave. south (#740-94)</td>
</tr>
<tr>
<td>Hafer Rd. – 35 MPH</td>
<td>From Peach St. north to City limits (#1444-19)</td>
</tr>
<tr>
<td>Municipal Dr. – 30 MPH</td>
<td>Entire Distance (#1429-17)</td>
</tr>
<tr>
<td>Shawnee Trail Rd. – 25 MPH</td>
<td>From S. Greenbrier Rd. to New Route 13 (#1329-12)</td>
</tr>
<tr>
<td>Tippy Rd. – 20 MPH</td>
<td>From S. Division to Trails End Rd. (#1503-19)</td>
</tr>
<tr>
<td>Van Wyck Square – 15 MPH</td>
<td>Entire Distance (#582-90)</td>
</tr>
</tbody>
</table>

SCHEDULE "G"

LOADING ZONES

In accordance with the provisions of Section 24-6-4, the following loading zones are hereby established, to-wit:

<table>
<thead>
<tr>
<th>STREET - SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia Ave. - South</td>
<td>From Pine St. to Olive St. (#1197-07)</td>
</tr>
</tbody>
</table>
MOTOR VEHICLE SCHEDULES

SCHEDULE "H"

HANDICAPPED PARKING ZONES

In accordance with the provisions of Section 24-6-5, the following are hereby designated as handicapped parking zones:

<table>
<thead>
<tr>
<th>STREET</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pine St.</td>
<td>In front of Methodist Church (#556-89)</td>
</tr>
</tbody>
</table>

SCHEDULE "J"

LOAD LIMITS

In accordance with the provisions of Section 24-6-6, the following load limits are hereby established:

ALL STREETS IN CITY EXCEPT AS SPECIFIED:

20,000 pounds (ten tons) (#382)

#384

<table>
<thead>
<tr>
<th>STREETS</th>
<th>WEIGHT LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division St.</td>
<td>40,000 pounds (twenty tons) (#1364-14)</td>
</tr>
<tr>
<td>Grand Ave.</td>
<td>40,000 pounds (twenty tons) (#1364-14)</td>
</tr>
<tr>
<td>Greenbriar Rd.</td>
<td>40,000 pounds (twenty tons) (#1364-14)</td>
</tr>
<tr>
<td>Kirk Lane</td>
<td>40,000 pounds (twenty tons) (1402-16)</td>
</tr>
<tr>
<td>Mockingbird (All)</td>
<td>10,000 pounds (five tons)</td>
</tr>
<tr>
<td>Westcar Acres (All)</td>
<td>10,000 pounds (five tons)</td>
</tr>
</tbody>
</table>
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Section 25-5-3 - Notice to Owner
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CHAPTER 25
NUISANCES

ARTICLE I – GENERALLY

25-1-1 SPECIFIC NUISANCES ENUMERATED. It is hereby declared to be a nuisance and to be against the health, peace and comfort of the City, for any person, firm or corporation within the limits of the City to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) Filth. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) Deposit of Offensive Materials. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C) Corruption of Water. To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D) Highway Encroachment. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E) Manufacturing Gunpowder. To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within three hundred (300) feet of any valuable building erected at the time such business may be commenced.

(F) Powder Magazines. To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within eight hundred (800) feet of any occupied dwelling house.

(G) Noxious Odors. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) Unlawful Advertising. To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(I) 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 1/2) 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) Expectorate. To expectorate on any public sidewalk or street, or other public building or floor or walk of any public vehicle or hall.

(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 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, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the City.

(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. 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 premises 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) Dense or Offensive Smoke. To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the City so as to cause annoyance or discomfort to the residents thereof.

(W) 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.

(X) Motor Transport Engines. To operate motor vehicle transport engines in the nighttime between the hours of eight (8:00) o'clock P.M. and six (6:00) o'clock A.M., in any place in which a majority of the buildings, within a radius of four hundred (400) feet are used exclusively for residence purposes, excluding state and federal highways.

(Y) 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, nuisances birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(Z) 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 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.

25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY. No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the City if such use, keeping or maintaining shall be dangerous or detrimental to health.
25-1-3 NOTICE TO ABATE. Whenever the Police Chief or his designated representative finds that a nuisance exists, he shall direct the City Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

(A) A description of what constitutes the nuisance;
(B) The location of the nuisance;
(C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
(D) The date by which abatement must be completed;
(E) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
(F) A statement that the responsible party has a right to appeal the abatement order to the City Council.
(G) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this City will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 HEARING. Any person ordered to abate a nuisance may have a hearing with the Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

25-1-5 APPEAL. Any party aggrieved by the decision of the Police Chief may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk within five (5) days of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the City Council at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

25-1-6 ABATEMENT BY CITY. If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this City may perform the required action to abate. Any City official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the City Clerk who shall pay such expenses on behalf of this City. (See 65 ILCS 5/11-60-2)

25-1-7 FAILURE TO COMPLY WITH NOTICE. If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The City shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

(See 65 ILCS 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)

(See Section 1-1-20 for penalties.)
ARTICLE II - WEEDS

25-2-1 DEFINITION. "Weeds" as used in this Code shall include, but not be limited to the following:
Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, grass and all other noxious weeds as defined by the statutes of the State of Illinois.

25-2-2 HEIGHT. It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding eight (8) inches anywhere in the City. Any such plants, weeds, or grass exceeding such height are hereby declared to be a nuisance.

25-2-3 NOTICE. Any member of the Police Department, Street Superintendent, Codes Inspector, Mayor, or any other person so designated by the Mayor, may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupants within five (5) days after such notice has been duly served. (Ord. No. 980-99; 07-13-99)

25-2-4 SERVICE OF NOTICE. Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5 ABATEMENT. If the person so served does not abate the nuisance within five (5) days, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

25-2-6 LIEN. Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:
(A) A description of the real estate sufficient for identification thereof.
(B) The amount of money representing the cost and expense incurred or payable for the service.
(C) The date or dates when said cost and expense was incurred by the City and shall be filed within sixty (60) days after the cost and expense is incurred.

25-2-7 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.
25-2-8 FORECLOSURE OF LIEN. Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City after the lien is in effect for sixty (60) days.

25-2-9 PENALTY. Failure to abate a weed nuisance under provisions of this Article after notice shall be punishable by a fine of Two Hundred Fifty Dollars ($250.00) for each offense. Each day that the nuisance of excessive weed growth continues unabated after Notice shall constitute a separate offense. In addition to the fine assessed hereunder, the violator will be liable for any costs the City incurs in abating the nuisance. The minimum cost for abatement will be Two Hundred Fifty Dollars ($250.00) in addition to the fine. The violator shall also be liable for reasonable attorney's fees incurred in prosecuting the Code violation. (Ord. No. 980-99; 07-13-94)

(See 65 ILCS 5/11-20-6 and 5/11-20-7)

(See Section 1-1-20 for penalties.)
ARTICLE III - GARBAGE AND DEBRIS

25-3-1 ACCUMULATION PROHIBITED. No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 NOTICE TO PERSON. The Chief of Police or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within five (5) days after such notice has been duly served.

25-3-3 SERVICE OF NOTICE. Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 ABATEMENT. If the person so served does not abate the nuisance within five (5) days, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5 LIEN. Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

(A) A description of the real estate sufficient for identification thereof.

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

(C) The date or dates when said cost and expense was incurred by the City and shall be filed within sixty (60) days after the cost and expense is incurred.

25-3-6 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien.

(See 65 ILCS 5/11-20-13 and 720 ILCS 5/47-10)

(See Section 1-1-20 for penalties.)
ARTICLE IV - RAT CONTROL

25-4-1 RATS PROHIBITED. Every owner of any industrial or commercial building, multiple-family dwelling, or other residence within this City shall maintain such premises in a rat-free condition.

(A) No person shall permit to accumulate on his premises any garbage which might serve as a food source for rats.

(B) No person shall permit to accumulate on his premises any lumber, boxes, barrels, bricks, or similar materials which might afford harborage to rats unless these materials are evenly stacked on racks elevated not less than five (5) inches above the ground.

(C) The infestation of property by rats is hereby declared a nuisance which shall be abated in the manner prescribed by State law and Article I of this Chapter.

(See Section 1-1-20 for penalties.)
25-5-1 DEFINITIONS. For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

"INOPERABLE MOTOR VEHICLES" shall mean any motor vehicle which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable Motor Vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

25-5-2 DECLARATION OF NUISANCE. All inoperable motor vehicles, whether on public or private property in view of the general public, are hereby declared to be a nuisance.

25-5-3 NOTICE TO OWNER. The Police Chief or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable vehicles under his control. If the owner fails to dispose of said inoperable vehicle(s) after seven (7) days from the issuance of the notice, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the inoperable vehicle or parts thereof.

25-5-4 EXCLUSIONS. Nothing in this Article shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a licensed business engaged in the wrecking or junking of motor vehicles.

(See 65 ILCS 5/11-40-3)

(See Section 1-1-20 for penalties.)
ARTICLE VI - DANGEROUS AND UNSAFE PROPERTIES

25-6-1 ADOPTION BY REFERENCE. The City may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the City and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. Therefor, the City does hereby adopt by reference the applicable provisions of Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-31-1 and 5/11-31-1.1 governing dangerous and unsafe buildings.

ARTICLE VII - PENALTIES AND SPECIAL ASSESSMENT

25-7-1 SPECIAL ASSESSMENT. In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq., and (iv) a lien has been filed of record by the municipality in the office of the Recorder of Deeds in the county in which the property is located, then those costs may be collected as a special assessment on the property pursuant to 65 ILCS 5/9-2-4.5. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

(See Section 1-1-20 for penalties.)
CITY OF CARTERVILLE

NUISANCE VIOLATION NOTICE

TO: ____________________________

You are hereby notified that the Code Enforcement Officer or his representatives has determined that the property owned by you (and/or occupied by you, as the case may be) located at __________________________________________ located within the Municipality contains an unlawful nuisance(s) as defined by Section 25-1-1 of the Revised Code of Ordinances as follows:

________________________________________________________________________

You are required pursuant to Section 25-1-3 to abate and remove any nuisance(s) within five (5) days from the date of this notice as follows:

________________________________________________________________________

If you wish to appeal this notice, then the appeal shall be made to the City Hall by: ____________________________.

If the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, the Code Enforcement Officer or his representative will abate the nuisance and assess the costs against the property and/or impose a fine as provided by the Revised Code of Ordinances, Chapter 25; Article I and Chapter 1.

Dated this _____ day of ________________, ___.

CODE ENFORCEMENT OFFICER
CITY OF CARTERVILLE

NOTE: The penalty for failure to abate said nuisance(s) may be as high as $1,000.00 per violation plus the cost of the clean-up.
CITY OF CARTERVILLE
NOTICE
UNLAWFUL WEED GROWTH

TO: ______________________

____________________

____________________

You are hereby notified that ________________________________ 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 Revised Code of Ordinances.

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 this City may provide for the removal thereof. The cost of such growth removal shall be paid by you.

____________________
CODE ENFORCEMENT OFFICER
CITY OF CARTERVILLE

Dated this _______ day of _________________________, 20____.
CITY OF CARTERVILLE

NOTICE

UNLAWFUL GARBAGE AND/OR DEBRIS

TO: ______________________

____________________

____________________

You are hereby notified that the _____________________________

____________________

_______ 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 garbage and/or debris as defined by Chapter 25, Article III, of the Revised Code of Ordinances.

You are required to remove all such material within five (5) days from the date of this Notice.

If you refuse or neglect to remove such garbage and/or debris, the corporate authorities of this City may provide for the removal thereof. The cost of the garbage and/or debris removal shall be paid by you.

________________________
CODE ENFORCEMENT OFFICER
CITY OF CARTERVILLE

Dated this _________ day of ________________________, 20______.
CITY OF CARTERVILLE

NOTICE

INOPERABLE VEHICLE

TO: ____________________

_____________________

_____________________

You are hereby notified that the Code Enforcement Officer has determined that an "inoperable vehicle(s)" owned by you (and/or stored by you, as the case may be) located at ____________________________, located within the Corporate Limits of this City contains an inoperable vehicle(s), as defined by Chapter 25, Article IV, of the Revised Code of Ordinances.

You are required to abate and remove any and all inoperable vehicles within seven (7) days from the date of this Notice.

If you wish to appeal said notice, then the appeal shall be made to the Corporate Authorities within five (5) days of this Notice.

If you refuse or neglect to remove and dispose of the specified inoperable vehicle(s), the Code Enforcement Officer of this City may provide for the removal and abatement thereof. The cost of such removal and abatement shall be paid by you.

_____________________
CODE ENFORCEMENT OFFICER
CITY OF CARTERVILLE

Dated this ________ day of ________________________, 20___.
CITY OF CARTERVILLE
LETTER OF NOTICE
DANGEROUS AND UNSAFE BUILDING

TO: __________________________
____________________________
____________________________

You, as owner(s) of the property lawfully described below, are hereby notified by the undersigned City of Carterville, Illinois that said property has upon it a building which is:

[ ] Dangerous and/or unsafe
[ ] Uncompleted and/or abandoned

The lawful property shall be described as ____________________________
____________________________
____________________________
(legal description)

located at ____________________________
____________________________
(address)

Unless such building is put into safe condition or demolished within ninety (90) days of the receipt of this notice, the City shall apply to the Circuit Court for an order authorizing such action to be taken by the City with respect to the above described building. Any costs incurred by the City to restore the building to a safe condition or to demolish the building shall be recovered from the owner(s) of the above described property pursuant to Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes.

____________________________

Dated at ____________________________, this ________ day of ____________________________, 20____.

____________________________
CODE ENFORCEMENT OFFICER
CITY OF CARTERVILLE

(SEAL)
# Carterville City Code

## CHAPTER 27 - OFFENSES

### ARTICLE I - DEFINITIONS

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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 S/11-1-1)

ARTICLE II - GENERALLY

27-2-1 DISTURBING POLICE OFFICER. No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the City owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace. (See 65 ILCS Sec. S/11-1-1)

27-2-2 IMPERSONATION OF OFFICER. No person in the City shall falsely represent himself to be an officer of the City or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of the City officer, or hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of the duties of his office. (See 720 ILCS Sec. 5/32-5.1)

27-2-3 DISTURBING LAWFUL ASSEMBLIES. It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct. (See 65 ILCS Sec. 5/11-5-2)

27-2-4 UNLAWFUL ASSEMBLY. It shall be illegal for persons to assemble unlawfully in the following situations:
(A) The use of force or violence disturbing the public peace by two (2) or more persons acting together and without authority of law; or
(B) The assembly of two (2) or more persons to do an unlawful act; or
(C) The assembly of two (2) or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. (See 720 ILCS Sec. 5/25-1) (See 65 ILCS Sec. 5/11-5-2)
27-2-5 DISTURBING THE PEACE. No person shall disturb the peace of any individual or private family, or of any lawful congregation within the City by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct. (See 65 ILCS Sec. 5/11-5-2)

27-2-6 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.

27-2-7 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)

27-2-8 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.)

27-2-9 UNLAWFUL CONDUCT ON A PUBLIC WAY. (A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.
27-2-10 **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)

27-2-11 **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))

27-2-12 **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.

27-2-13 **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.

27-2-14 **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.

27-2-15 **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.

27-2-16 **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)

27-2-17 **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)

27-2-18 **CONCEALED WEAPONS.** No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or hand gun, without being the holder of an Illinois Concealed Carry License. Additionally, no person, shall within the City, carry or wear under his clothes or conceal about his person any sling-shot, cross knuckles, knuckles of lead, brass or other metal,
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.

27-2-19 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.

27-2-20 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.

27-2-21 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)

27-2-22 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.

27-2-23 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.

27-2-24 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.

27-2-25 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)

27-2-26 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)
27-2-27 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.

27-2-28 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)

27-2-29 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)

27-2-30 PROTECTIVE COVERING OR FENCING. Any person, corporation or partnership which either owns, or maintains, or uses, or abandons any open 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)

27-2-31 CURFEW HOURS FOR MINORS.

(A) 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.
"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.

"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.

"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.

"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.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Offenses.
(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.
(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
(3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Defenses.
(1) It is a defense to prosecution under subsection (B) that the minor was:
(a) Accompanied by the minor's parent or guardian;
(b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
(c) In a motor vehicle involved in interstate travel;
(d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
(e) Involved in an emergency;
(f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
(g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civil organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization or another similar entity that takes responsibility for the minor;
(h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise 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. (See 65 ILCS 5/11-1-5 and 720 ILCS 555/1)

27-2-32 SANCTITY OF FUNERAL AND MEMORIAL SERVICES. It shall be unlawful for a person to violate any of the following provisions of this Section:

(A) Engaging in any loud protest of signing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and microphones within three hundred (300) feet of any entrance of a facility being used for a funeral or memorial service at any time during the period starting thirty (30) minutes before any funeral or memorial service is scheduled to begin and ending thirty (30) minutes after the funeral or memorial service terminates; or

(B) Displaying any visual images that convey fighting words, actual or veiled threats against any other person within three hundred (300) feet of any entrance of a facility being used for a funeral or memorial service at any time during the period starting thirty (30) minutes before any funeral or memorial service is scheduled to begin and ending thirty (30) minutes after the funeral or memorial service terminates; or

(C) Blocking access to any facility being used for a funeral or memorial service at any time during the period starting thirty (30) minutes before any funeral or memorial service is scheduled to begin and ending thirty (30) minutes after the funeral or memorial service terminates; or

(D) Ending in a directed protest march or picket at any public location within three hundred (300) feet of any entrance of a facility being used for a funeral or memorial service at any time during the period starting thirty (30) minutes before any funeral or memorial service is scheduled to begin and ending thirty (30) minutes after the funeral or memorial service terminates.

27-2-33 USE OF UPHOLSTERED FURNITURE IN OUTDOOR LOCATIONS PROHIBITED.

(A) Upholstered or other furniture designed or manufactured primarily for indoor use shall not be used or allowed to remain:

(1) on unenclosed exterior porches or balconies;
(2) in an open area on private property exposed to outdoor weather conditions.

(B) It shall not be a defense to said prohibition that such furniture is covered by plastic cover, or other tarpaulin, canvas or sheeting.

(C) This prohibition shall not apply to the following:

(1) wood, metal, or plastic furniture;
(2) outdoor patio furniture with weather-resistant cushions;
(3) upholstered furniture designated for prepaid pickup or delivery by public or private hauler, provided that such remain outdoors for a period not to exceed seventy-two (72) hours.

27-2-34 ASSAULT.

(A) It shall be unlawful for any person to commit an assault.

(B) A person commits an assault when, without lawful authority, he or she knowingly engages in conduct which places another in reasonable apprehension of receiving a battery.

(Ord. No. 1266-10; 07-13-10)
27-2-35  **BATTERY.**

(A) It shall be unlawful for any person to commit battery.

(B) A person commits a battery if he or she knowingly without legal justification by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.

(Ord. No. 1266-10; 07-13-10)

27-2-36  **FIGHTING IN PUBLIC.** It shall be unlawful for any person to fight in any public place within the City.

27-2-37  **CRIMINAL HOUSING MANAGEMENT.** A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as a legal or equitable owner of residential real estate 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 inhabitant is endangered.

27-2-38  **TATTOOING BODY OF MINOR.** Any person, other than a person licensed to practice medicine in all its branches, who tattoos or offers to tattoo a person under the age of eighteen (18) is guilty of an offense.

As used in this Section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

(See 65 ILCS Sec. 5/11-80-15)

(See Section 1-1-20 for penalties.)
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 ANDpoles.** 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 CRIMINAL TRESPASS TO LAND. (A) Whoever enters upon the land or any part thereof of another after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, commits a misdemeanor. (B) A person has received notice from the owner or occupant within the meaning of subsection (A) if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereon. (C) This Section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on the land and assign them living quarters or a place of accommodation for living thereon, nor to anyone living on the land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by such migrant worker or other person living on such land to visit him at the place he is so living upon the land.

27-3-8 HARASSMENT BY TELEPHONE. Harassment by telephone is use of a telephone communication for any of the following purposes: (A) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend; or (B) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; or (C) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; or (D) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or (E) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

(See Section 1-1-20 for penalties.)
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 or causes to be transmitted in any manner to the Fire Department of any city, town, village or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
(C) transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such a place that its explosion or release would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such a place; or
(D) transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, or 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, is being committed, or 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; or
(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 or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the "Abused and Neglected Child Reporting Act"; or
(H) (Effective until July 1, 2010) transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act; or
(I) transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act [210 ILCS 45/1-101 et seq.] or the MR/DD Community Care Act [210 ILCS 47/1 et seq.]; or
(J) transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or
(K) transmits or causes to be transmitted a false report under Article II of "An Act in relation to victims of violence and abuse", approved September 16, 1984, as amended [320 ILCS 15/0.01 et seq.]; or
(L) transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; or
(M) calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of a public safety agency; or
(N) transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session.

(Ord. No. 1266-10; 07-13-10) (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.
3. 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)

(See Section 1-1-20 for penalties.)
ARTICLE V - LITTER

27-5-1 DECLARED NUISANCE. All litter which has been stored, dumped or accumulated in any structure or on any public place or upon any real property improved or vacant, stored or allowed to exist in the open on any property, unless necessary for the operation of a business enterprise lawfully conducted therein, is hereby declared to constitute a nuisance.

27-5-2 STORAGE OR ACCUMULATION OF LITTER. No person shall store or permit the accumulation of any litter in any structure, upon any improved or vacant property, or any public place or public way in the City, unless necessary for the operation of a business enterprise lawfully conducted thereon. The owner or occupant of a single-family structure shall have the responsibility to maintain private premises free from litter. This Section shall not prohibit the storage of litter in private containers and shall not prohibit the stacking and storage of wood that is used for fuel.

27-5-3 DUMPING OR THROWING LITTER.
(A) No person shall throw, deposit or dump litter or hire or cause another to throw, deposit or dump litter on any property except in a public landfill or when authorized by the owner or persons in control of such property.
(B) The owner of any litter shall be responsible for its placement on the property of others until it is delivered to a public landfill. Proof of ownership of any litter found on any property of another shall be prima facie evidence at the trial of a violation of this Section. Evidence that the owner of the litter reasonably relied upon his agent or another to deposit his litter in a public landfill shall be an affirmative defense in any ordinance prosecution.
(C) A violation of this Section by the person who throws, deposits or dumps litter or by persons, who hire or cause another to throw, deposit or dump litter will be punishable by a fine of not less than Two Hundred Fifty Dollars ($250.00) and not more than Five Thousand Dollars ($5,000.00). One Hundred Dollars ($100.00) or ten percent (10%), whichever is greater, of such fine may be paid to any individuals providing information leading to the charging and conviction of the offender and upon collection of the fine.

27-5-4 DEPOSITING LITTER INTO PUBLIC WAYS PROHIBITED. No person shall sweep or deposit any litter in any public place or way except in public containers. Persons owning or occupying property shall keep the sidewalk and any right-of-way bordering their property free of litter.

27-5-5 THROWING LITTER FROM VEHICLES PROHIBITED. No person shall throw or deposit any litter from a vehicle upon any public place or way except in public containers.

27-5-6 MOTOR VEHICLE DEPOSITING LITTER. No person shall drive or move any vehicle unless such vehicle is so constructed or loaded to prevent any litter or material from being blown or deposited upon any public place or way. Nor shall any person drive or move any vehicle whose wheels or tires deposit dirt, mud, sticky substances or similar matter on a public place or way.

27-5-7 PENALTY. Unless provided otherwise, any person convicted of this Section shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) for the first offense and not less than Five Hundred Dollars ($500.00) for a subsequent offense occurring within one (1) year of the first offense.

(Ord. No. 1307-11; 09-13-11)

(See Section 1-1-20 for penalties.)
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)

(See Section 1-1-20 for penalties.)
ARTICLE VII

PARENTAL RESPONSIBILITY REGULATIONS

27-7-1 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

"ACTS OF VANDALISM" means and includes any of the following acts:
(A) Maliciously, recklessly, or knowingly damaging or destroying any property of another person without his/her consent.
(B) maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person.
(C) maliciously, recklessly, or knowingly starting a fire on the land of another person without his/her consent.
(D) maliciously, recklessly or knowingly depositing on the land or in the building of another person, without his/her consent, any stink bomb, or any offensive-smelling compound, thereby interfering with the use and occupancy of the land or building.
(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/her consent.

"LEGAL GUARDIAN" means and 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 nineteen (19) 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 PRESUMPTION UPON COMMISSION OF ACT OF VANDALISM BY MINOR. The parent or legal guardian of an emancipated 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 such minor shall be deemed to have committed the acts described above with the knowledge and permission of the parent or guardian, in violation of this Article, if an emancipated minor residing with such parent or legal guardian shall be adjudicated to be in violation of any ordinance, law or statute prohibiting willful and malicious acts causing injury to a person or property.

27-7-3 LIMITATION OF DAMAGES. Effect of Article upon common law causes of action.
(A) Any person convicted of this Section shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) for the first offense and not less than Five Hundred Dollars ($500.00) for a subsequent offense occurring within one (1) year of the first offense, for each occurrence of such willful or malicious acts by the minor causing injury, in addition to taxable court costs. In determining the damages to be allowed in an action under this Article for personal injury, only medical, dental and hospital expenses may be considered.
(B) This Article shall not affect the recovery of damages in any cause of action where the liability of the parent or guardian is predicated on a common law basis.

(Ord. No. 1307-11; 09-13-11)

(See Section 1-1-20 for penalties.)
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 27-2-31 of the Chapter.

"COURT" means the 1st Judicial Circuit; Williamson 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 a medical appointment without any detour or stop;
8. engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
9. in possession of valid proof that the minor is a student who has permission to leave the school campus;
10. a bona fide participant in an alternative education or home schooling program;
11. engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

27-8-3 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 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.

(65 ILCS 5/11-5-9)

(See Section 1-1-20 for penalties.)
ARTICLE IX - OPEN BURNING

27-9-1 DEFINITIONS. Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

"AGRICULTURAL WASTE" means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

"GARBAGE OR HOUSEHOLD TRASH" means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

"LANDSCAPE WASTE" means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

"OPEN BURNING" means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

27-9-2 BURNING PROHIBITED. It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

27-9-3 RESTRICTIONS ON BURNING OF LANDSCAPE WASTE. The open burning of landscape waste shall be permitted only on the following conditions:

(A) Landscape waste shall be burned on the premises on which such waste is generated; and

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D) Open burning of landscape waste may only take place during daylight hours with a person over eighteen (18) years of age in attendance during the entire period of burning; and,

(E) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F) No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

(G) All open burning shall occur between 6:00 A.M. and 6:00 P.M.; provided however, all fires shall be extinguished by sunset.

(See 415 ILCS 5/1 et seq.)

(See Section 1-1-20 for penalties.)
ARTICLE X – SKATEBOARDS AND TOY VEHICLES

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) Business District. The City business district.
(B) Skateboard. A device with wheels for riding upon, usually standing, including, without limitations, skateboards of all types.
(C) Toy Vehicles. Coasters, scooters, roller skates, 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 bicycles, or to carts or other devices intended and used for transporting merchandise or materials.

27-10-2 SKATEBOARDING ON A STREET. No person shall operate a skateboard or toy vehicle on a public street if there is a sidewalk adjacent to such street. If no sidewalk exists, skateboards may be ridden on the street providing street riding shall be done as far to the right side of the road as possible, and in the same direction as traffic.

27-10-3 CLINGING TO A VEHICLE. No person operating a skateboard, toy vehicle, or other non-motorized device shall attach himself or herself to any vehicle upon a roadway.

27-10-4 YIELD RIGHT-OF-WAY. Any person operating a skateboard or other toy vehicle must yield right of way to any pedestrian or motor vehicle.

27-10-5 SKATEBOARDING ON PRIVATE PROPERTY. (A) No person shall operate a skateboard or 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 or operation of a toy vehicle is prohibited must be indicated by one or more signs which are positioned to provide notice and which contain the words “No Skateboarding” or any other word or combination of words indicating that skateboarding or operation of a toy vehicle is prohibited. Letters on the sign must be clearly legible.

27-10-6 SKATEBOARDING ON PUBLIC PROPERTY. No person shall operate a skateboard or toy vehicle in, upon, or on the grounds of any public property except in the designated skateboard park.

27-10-7 SKATEBOARDING IN THE BUSINESS DISTRICT. No person shall operate a skateboard or toy vehicle within the City’s business district.

27-10-8 DAMAGING CITY PROPERTY. No person shall operate a skateboard or toy vehicle on or against any municipal-owned table, bench, structure, tennis court, parking stop, retaining wall, fountain, statue, or other improvement which may suffer damage by such use.

27-10-9 SKATEBOARD RAMPS. No person shall use or place a ramp, jump, or any other device used to force a skateboard or toy vehicle off the pavement on the grounds of the municipal-owned parking lot, park or sidewalk.

27-10-10 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 or play vehicle impounded by the Police Department for one (1) week.

(See Section 1-1-20 for penalties.)
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:

"Adult Oriented Business" means an establishment as defined in the City Code.

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(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 to 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 the 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.

27-11-5 ADULT ENTERTAINMENT FACILITY. It shall be unlawful within a municipality to locate an adult entertainment facility within one thousand (1,000) feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means:

(A) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or

(B) an adult bookstore or adult video store in which twenty-five percent (25%) or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material. (See 65 ILCS 5/11-5-1.5)

(See Section 1-1-20 for penalties.)
ARTICLE XII - OBSCENITY

27-12-1 OBSCENITY.
(A) Elements of the Offense. A person commits an obscenity offense 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

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.

Definitions.

(A) 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.

(B) "Material" as used in this Code means any writing, picture, record or other representation or embodiment.

(C) "Distribute" means to transfer possession of material whether with or without consideration.

(D) "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.

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.

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)

(See Section 1-1-20 for penalties.)
ARTICLE XIII – SMOKE FREE AIR CODE

27-13-1 BACKGROUND. Smoking creates the hazard of injury to the personal health of those in the environment of such smoke as well as the potential of damage to property that may result from the incendiary nature of such activity. It has been determined that breathing ambient smoke is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrrous oxide and formaldehyde. Secondhand smoke (68% of the total smoke produced by a cigarette) affects the health of the bystander, interfering with respiratory tract defenses, often causing nonsmokers to have allergic or irritative reactions, and is a known cause of lung cancer.

Because the hazards of smoking have a potentially harmful effect, material and direct, on the public health, safety, welfare, comfort, and property of residents of the City, it is necessary and desirable to establish regulations that prohibit smoking in all enclosed public places, in all enclosed places of employment, near entrances to such places, in open air public dining areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues.

27-13-2 PURPOSE. This Article may be cited as the “Smoke Free Air Code," the purpose of which is to protect the public health, comfort and environment by prohibiting smoking in all enclosed public places and places of employment, within twenty-five (25) feet of all public entrances to such places, in open air public dining areas and within twenty-five (25) feet of such areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues in order to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke.

27-13-3 DEFINITIONS. For the purposes of this Article, the following terms shall have the following meanings:

"Business" means any sole proprietorship, partnership, joint venture, corporation, association or other business entity, whether formed for profit or nonprofit purposes. "Business" includes a “club” as defined in this Section.

"Club" means a private not-for-profit association, corporation or other entity consisting of persons who are bona fide paying members and which owns, leases or uses a building or portion thereof, the use of which is restricted primarily to members and their guests.

"Employee" means any person who is employed or retained by a business, and shall include the owner or operator of a sole proprietorship or other similar business entity.

"Employer" means any business that employs one or more employees.

"Enclosed Area" means all space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.

"Open Air Dining Area" means a seating area open to the air that is accessory to a restaurant, hotel, cafeteria, private club or other public place engage din purveying commercial food or beverage service where members of the public, members or guests are invited to sit and receive food and beverage service for a consideration.

"Outdoor Event" means a scheduled outdoor musical, dance, theatrical, dramatic, entertainment or performance event, or a scheduled outdoor community fair, parade, event or market, that is organized, licensed or permitted by the owner of an outdoor venue and to which the public is invited.

"Outdoor Venue" means an outdoor theater, amphitheater, plaza, street or other improved area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor event that is organized, licensed or permitted by the owner of the venue.

"Place of Employment" means an area under the control of a public or private employer within the City that employees normally frequent during the course of employment, and includes, without
limitation, common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, staircases, hallways, restrooms, medical facilities, private clubs, and the interior of a vehicle of public conveyance. "Place of Employment" also includes the home office portion of a private dwelling, but only if the home office is used by more than one employee or is frequented by business invitees.

"Place of Employment" does not include that part of a private dwelling used as a home office by a single employee only who resides in that dwelling.

"Park" means a public park or recreation area that is open to and used by the general public.

"Public Entrance" means the doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

"Public entrance" also means a doorway or other entrance for pedestrian ingress and egress to a place of employment; (i) that is open to and intended for use by the general public or business invitee's ingress and egress to the place of employment; (ii) where employees are required or permitted to enter or exit the place of employment.

"Public Place" means an area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:

(A) vehicles of public conveyance;

(B) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family residential structures;

(C) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of any building or structure that is accessible to the public including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, restaurants, polling places, government and City-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments.

(D) rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of the City where there is in progress any public meeting.

"Public place" shall not include:

(A) a private dwelling unit, unless said dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units; or

(B) hotel or motel rooms designated as smoking, provided that no more than twenty percent (20%) of the available rooms for rent in any single building shall be designated as smoking rooms.

"School Grounds" mean all public or private outdoor school grounds, but excluding any open areas specifically designated and permitted by the school administration for smoking by adults who are invited to use such area for smoking.

"Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

27-13-4 PROHIBITION IN ENCLOSED PUBLIC PLACES.

(A) It is unlawful to smoke in any enclosed area of any public place.

(B) It shall be unlawful for the owner, occupant or lessee, as the case may be, who is in control of a public place to knowingly permit smoking in any enclosed area in a public place.

27-13-5 PROHIBITION IN UNENCLOSED PUBLIC PLACES AND OUTDOOR VENUES.

(A) It is unlawful to smoke in the following unenclosed public places:
OFFENSES 27-13-6

(1) The seating areas of all outdoor arenas, stadiums and amphitheaters.
(2) Public parks and recreation areas.
(3) School grounds.
(4) Public sidewalks within fifteen (15) feet of a public entrance, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
(5) Public sidewalks within fifteen (15) feet of an open air dining area, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.

(B) It is unlawful to smoke in or within fifteen (15) feet of an outdoor venue during the time that an outdoor event is taking place.

27-13-6 PROHIBITION IN PLACES OF EMPLOYMENT.
(A) It is unlawful to smoke in any enclosed area of any place of employment.
(B) It shall be unlawful for any employer to knowingly permit smoking in any enclosed area of any place of employment.

27-13-7 PROHIBITION IN OPEN AIR DINING AREAS.
(A) It is unlawful to smoke in open air dining area.
(B) It shall be unlawful for the owner, occupant or lessee, as the case may be, in control of an open air dining area to knowingly permit smoking in the area available for open air dining.
(C) It is unlawful to smoke within fifteen (15) feet of an open air dining area.

27-13-8 PROHIBITION AT PUBLIC ENTRANCES.
(A) It is unlawful to smoke within fifteen (15) feet of a public entrance to a public place or to a place of employment.
(B) It is unlawful for any person or persons to gather or congregate for the purpose of smoking within fifteen (15) feet of a public entrance.

27-13-9 DESIGNATION OF OTHER NO-SMOKING AREAS. Nothing in this Article shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment to further prohibit smoking by designating outdoor areas not subject to the restrictions in this Article as a place where smoking is also prohibited, provided that the owner, occupant or lessee shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the designated outdoor area.

27-13-10 NO RETALIATION. No person, business or employer shall discharge, refuse to hire, or in any manner retaliate against an employee or customer because that employee or customer reports a violation of this Article or exercises by rights afforded by this Article.

27-13-11 SIGNS. Each owner, lessor, lessee, employer, or other person in control of a public place shall post conspicuous "No Smoking" signs in the enclosed area of any public place where smoking is prohibited. Such "No Smoking" signs shall have a white field with the words "No Smoking" printed in red letters, four (4) inches high with a one-half (1/2) inch face, or shall bear the international "No Smoking" symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar across it. It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this Article.
(B) Each owner, lessor, lessee, employer or other person in control of a public park or recreation area, or of a school round, shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the park, recreation area or school ground.

(C) Each owner, lessor, lessee, management company or other person in control of an outdoor venue shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the outdoor venue during outdoor events.

27-13-12 EXEMPTIONS. The prohibition on smoking set forth in Section 6-35 and 6-37 shall not apply to a public place or place of employment of a tobacco dealer that permits customers to sample tobacco products on the premises of the tobacco dealer, provided that smoke generated by smoking on the premises of the tobacco dealer does not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a tobacco dealer is a retailer whose principal business is the sale at retail of tobacco and tobacco-related products.

27-13-13 PENALTIES.

(A) Any person who smokes in an area where smoking is prohibited under the provisions of this Article shall be guilty of an offense punishable by:

(1) A fine of not less than Twenty-Five Dollars ($25.00) for a first violation.

(2) A fine of not less than Fifty Dollars ($50.00) for a second violation.

(3) A fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) for a third and subsequent violation(s).

(B) Any person who owns, manages, operates or otherwise controls a public place, a place of employment or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of this Article, shall be guilty of an offense punishable by a fine of (i) not less than One Hundred Dollars ($100.00) for the first violation, (ii) not less than Two Hundred Fifty Dollars ($250.00) for the second violations, and (iii) not less than Five Hundred Dollars ($500.00) for each additional violation thereafter, unless said additional violation has occurred within one (1) year after the first violation, in which case the minimum fine shall be not less than One Thousand Dollars ($1,000.00). The maximum amount of fine to be levied herein shall not exceed Two Thousand Five Hundred Dollars ($2,500.00) for each violation.

(C) Each day that any violation of this Article shall continue shall constitute a separate offense.

(See Section 1-1-20 for penalties.)
ARTICLE XIV - SYNTHETIC DRUGS

SALE, POSSESSION OR DELIVERY OF SYNTHETIC COCAINE

Definitions. The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(A) Synthetic Cocaine. "Bath Salts" or Substances Containing Cocaine includes but not limited to the names, MDPK, Magic, Super Coke, PV, Ivory Wave, Ocean, Cloud Nine, Charge Plus, White lightning, Scarface, Hurricane, Charlie Red Dove and White Dove. It is an herbal and chemical product which mimics the effects of Cocaine, including but not limited to Methyleneoxypyrovalerone, (a psychoactive drug), or cathinone derivatives.

(B) Possession of Synthetic Cocaine or Substance Containing Cocaine or "Bath Salts" Prohibited.

Violation. Any person who possess any substance containing synthetic cocaine or a substance containing cocaine.

Penalty. Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than Two Hundred Fifty Dollars ($250.00) and no more than Seven Hundred Fifty Dollars ($750.00).
(3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars ($100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.

(4) **Forfeiture.** Any items which may be seized or forfeited pursuant to 720 ILCS 550/12, may be forfeited in the same manner as described therein for a violation of this Section.

(5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cocaine for research purposes shall be exempt from the provisions of this Section.

(Ord. No. 1284-11; 05-10-11)

**27-14-2 SALE, POSSESSION OR DELIVERY OF SYNTHETIC CANNABIS PROHIBITED.**

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) **Synthetic Cannabis** includes the brand names K2 and Spice. It is an herbal and chemical product which mimics the effects of Cannabis, including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073 and HU-210.

(2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cannabis, with or without consideration, whether or not there is an agency relationship.

(3) **Knowledge.** Knows, acts knowingly or with knowledge:
   (a) the nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
   (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
   (c) knowledge may be inferred from the surrounding circumstances.

(4) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.

(5) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

(6) **Possession.** Possession may be either actual or constructive.
   (a) actual possession means exercising physical dominion.
   (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis or drug paraphernalia.

(B) **Possession of Synthetic Cannabis Prohibited.**

(1) **Violation.** No person shall possess any substance containing synthetic cannabis.
Penalty. Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than Two Hundred Fifty Dollars ($250.00) and no more than Seven Hundred Fifty Dollars ($750.00).

Administrative Fee. In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of One Hundred Dollars ($100.00) to be paid to the law enforcement agency for testing of the substance(s) collected.

Forfeiture. Any items which may be seized or forfeited pursuant to 720 ILCS 550/12, may be forfeited in the same manner as described therein for a violation of this Section.

Exception. Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cannabis for research purposes pursuant to 720 ILCS 550/11, as hereafter amended, shall be exempt from the provisions of this Section.

(Ord. No. 1283-11; 05-10-11)

(See Section 1-1-20 for penalties.)
27-15-1 DEFINITIONS. The following definitions apply to this Section:

(A) A "Child Sex Offender" includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of eighteen (18) years at the time of the offense. A "Child Sex Offender" includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, 730 ILCS 150/1 et seq., as now or as hereafter amended, where the victim was under the age of eighteen (18) years at the time of the offense. A "Child Sex Offender" further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of eighteen (18) years:

1. Sexual exploitation of a child (720 ILCS 5/11-9.1);
2. Predatory criminal sexual assault of a child (720 ILCS 5/12-14.1);
3. Indecent solicitation of a child (720 ILCS 5/11-6);
4. Public indecency committed on school property (720 ILCS 5/11-9);
5. Child luring (720 ILCS 5/10-5(b)(10));
6. Aiding and abetting child abduction (720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10));
7. Soliciting for a juvenile prostitute (720 ILCS 5/11-15.1);
8. Patronizing a juvenile prostitute (720 ILCS 5/11-18.1);
9. Exploitation of a child (720 ILCS 5/11-19.2);
10. Child pornography (720 ILCS 5/11-20.1);
11. Criminal sexual assault (720 ILCS 5/12-13);
12. Aggravated criminal sexual assault (720 ILCS 5/12-14);
13. Aggravated criminal sexual abuse (720 ILCS 5/12-16);
14. Kidnapping or aggravated kidnapping (720 ILCS 5/10-1 or 5/10-2);
15. Unlawful restraint or aggravated unlawful restraint (720 ILCS 5/10-3 or 5/10-3.1).

(B) "School" means any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools.

(C) "Loiter" shall mean standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of eighteen (18) years.

(D) "Park" includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term "Park" shall also include any privately owned recreational area upon which the City has been authorized by its owner to patrol and enforce the ordinances contained in this Code. The term "Park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

27-15-2 PROHIBITED ACTS.

(A) It is unlawful for a child sex offender to reside within one thousand five hundred (1,500) feet of any of the following:

1. The real property comprising any school attended by persons under the age of eighteen (18) years; or
2. The real property comprising any park.

(B) It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within one thousand five hundred
(1,500) feet of any of the following, unless the person loitering is with a child under the age of eighteen (18) years:

1. The real property comprising any school attended by persons under the age of eighteen (18) years;
2. The real property comprising any park.

(C) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to employ a sex offender within one thousand five hundred (1,500) feet of any festival or other event which is open to the public.

(D) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within one thousand five hundred (1,500) feet of any of the following:

1. The real property comprising any school attended by persons under the age of eighteen (18) years;
2. The real property comprising any park.

27-15-3 PENALTY. Any person found guilty of violating paragraphs (A) or (B) of Section 27-15-2 shall be subject to a fine between One Hundred Dollars ($100.00) and Seven Hundred Fifty Dollars ($750.00), with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating paragraphs (C) or (D) of Section 27-15-2 shall be subject to a fine between One Hundred Dollars ($100.00) and Seven Hundred Fifty Dollars ($750.00), revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating paragraphs (C) or (D) of Section 27-15-2 shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, 730 ILCS 152/101 et seq., as now or hereafter amended.

27-15-4 OTHER PROVISIONS.

(A) In the event a court of competent jurisdiction should declare the terms of any portion of this Article invalid or unenforceable, the remainder of this Article shall remain in full force and effect.

(B) All distances designated in this Article shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.

(C) Nothing in this Article prohibits a child sex offender from residing within one thousand five hundred (1,500) feet of any property, if that residence is owned or leased by the child sex offender before the effective date of this Article. This Article is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.

(See Section 1-1-20 for penalties.)
ARTICLE XVI—DRUG PARAPHERNALIA

27-16-1 DEFINITIONS.
(A) "Cannabis" shall have the meaning ascribed it in Section 3 of the "Illinois Cannabis Control Act" as if that definition were incorporated herein.
(B) "Controlled Substance" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substances Act" as if that definition were incorporated herein.
(C) "Drug Paraphernalia" shall mean all equipment, products and materials of any kind which are peculiar to and/or marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the "Cannabis Control Act" or the "Illinois Controlled Substances Act." It includes but is not limited to:
(1) Kits peculiar to and/or marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
(2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance;
(3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
(4) Diluents and adulterant peculiar to and marketed for cutting cannabis or a controlled substance by private persons;
(5) Objects peculiar to and/or marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
   (a) water pipes;
   (b) carburetion tubes and devices;
   (c) smoking and carburetion masks;
   (d) miniature cocaine spoons and cocaine vials;
   (e) carburetor pipes;
   (f) electric pipes;
   (g) air-driven pipes;
   (h) chillums;
   (i) bongs;
   (j) ice pipes or chillers;
(6) Any item whose purpose, as announced or described by the seller is for use in violation of this act.

27-16-2 POSSESSION OF CANNABIS OR CONTROLLED SUBSTANCE. It shall be unlawful for any person to use, possess, distribute or deliver any cannabis or controlled substance as defined in this Article.

27-16-3 POSSESSION OF DRUG PARAPHERNALIA.
(A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of a violation of this Article.
(B) In determining intent under paragraph (A) the trier of fact may take into consideration the proximity of the cannabis or a controlled substance on the drug paraphernalia.
27-16-4  EXEMPTIONS.

(A) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of cannabis or controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(B) Items marketed for, or historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting or inhaling of tobacco or any other lawful substance.

Items exempt under this Article include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes and cigarette-rolling papers.

(C) Items listed in Section 27-16-1 of this Article which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Article.

In determining whether or not a particular item is exempt under this Section, the trier of fact should consider, in addition to all other logically relevant factors, the following:

(1) The general, usual, customary, and historical use to which the item involved has been put;
(2) Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
(3) Any written instruction accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
(4) Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
(5) Any national or local advertising concerning the design, purpose or use of the item involved and the entire context in which such advertising occurs;
(6) The manner, place and circumstances in which the items was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
(7) 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;
(8) The existence and scope of legitimate uses for the object in the community.

27-16-5  PENALTY. Any person or entity violating this Article shall be subject to a fine of not more than One Thousand Dollars ($1,000.00) plus court costs. (In part, Ord. NO. 1266-10; 08-10-10)
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### CARTERVILLE CITY CODE

#### CHAPTER 28 – PARK REGULATIONS

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CHAPTER 28
PARK REGULATIONS

28-1-1 SHORT TITLE. This Code regulating conduct in the City Parks, providing for enforcement; and providing penalties for the violation of its provisions, shall be known and may be cited as the "City Park Code".

28-1-2 DEFINITIONS. For the purpose of this Code, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(A) "Parks" is the City Parks of Carterville, Illinois.

(B) "Park" is a park, playfield, playground, lake, recreation center or any other area or facility in the City owned or used by the City and devoted to active or passive recreation.

(C) "Vehicle" is any wheeled conveyance, whether motor powered or self-propelled. The term shall include any trailer in tow of any size, wheelchairs, baby carriages, and vehicles in the service of the City.

28-1-3 RULES AND REGULATIONS FOR PARK PROPERTY. No person in a park shall:

(A) Building and Other Property.
   (1) Disfiguration and Removal. Willfully deface, disfigure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, equipment, facilities or park property or appurtenances whatsoever, either real or personal.
   (2) Restrooms and Washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of four (4) years shall use the restrooms and washrooms designated for the opposite sex.
   (3) Removal of Natural Resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.
   (4) Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(B) Trees, Shrubbery, Lawns.
   (1) Injury and Removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injury or impair the natural beauty or usefulness of any area.
   (2) Climbing Trees, Etc. Climbing any tree or walk, stand or sit upon monuments, backstops or buildings, bases, fountains, railing fences or upon any other property not designated or customarily used for such purposes.
Wild Animals, Birds, Etc.

(1) **Hunting.** Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall they remove or have in their possession the young of any wild animal, or the eggs or nest or young of any reptile or bird; nor shall they collect, remove, have in their possession, give away, sell or offer to sell, buy or offer to buy or accept as a gift, any specimens alive or dead of any of the group of tree snails.

(2) **Feeding.** Give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

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28-1-4 RULES AND REGULATIONS FOR SANITATION. No person in a park shall:

(A) **Pollution of Waters.** Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake stream or other body of water in or adjacent to any park or any tributary stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.

(B) **Refuse and Trash.** Have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

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28-1-5 RULES AND REGULATIONS FOR TRAFFIC. No person in a park shall:

(A) **State Motor Vehicle Laws Apply.** Fail to comply with all applicable provisions of the State Motor Vehicles Traffic Laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other Codes.

(B) **Enforcement of Traffic Regulations.** Fail to obey all traffic officers and park employees who are authorized and instructed to direct whenever and wherever needed in the parks in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the City Council or Mayor.

(C) **Obey Traffic Signs.** Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, parking, crosswalk lanes, traffic lane markers, and all other signs posted by the City Council or Mayor for proper control for safe-guarding life and property.

(D) **Speed of Vehicles.** Ride or drive a vehicle in excess of twenty (20) miles per hour. The City Council or Mayor may designate faster or slower speed by posted signs on certain roads.

(E) **Operation Confined to Roads.** Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the City Council or Mayor.

(F) **Parking.**

(1) **Designated Areas.** Park a vehicle in other than an established or designated parking area, and such shall be in accordance with the posted directions, markings, or directions of any attendant who may be present.

(2) **Congested Driveway.** Park a vehicle upon a driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the driveway for free movement of vehicular traffic, except any one-way driveway such limitations shall be ten (10) feet.

(3) **Double-parking.** Double-park any vehicles on any driveway unless directed by a park official or temporarily for discharging passengers.
(4) **Parking Time Limitations.** Park longer than the specified time designated by signs or by verbal instruction by an attendant who may be present.

(5) **All Night Parking.** Park on any driveway or in any free parking area between the hours of 11:00 P.M. and 5:00 A.M. of any day.

(6) **Immovable Objects.** Leave any vehicle anywhere in the park more than twenty-four (24) hours due to a mechanical failure. (At the end of this period, the vehicle shall be towed away at the owners' expense.)

(7) **Emergency Procedure.** Fail to notify immediately an attendant of any emergency in the nature of a breakdown requiring the assistance of a tow-truck, mechanic or other person.

(8) **Stopping in Specific Places.** Stop, stand or park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or authorized traffic sign or signal:
   (a) In an intersection;
   (b) In a crosswalk;
   (c) Upon any bridge;
   (d) Within twenty (20) feet of an authorized traffic signal or a boulevard stop sign or curb line on the approaching side;
   (e) At any curb within fifteen (15) feet of a fire hydrant;
   (f) At any place where the standing of any vehicle will block the use of any driveway;
   (g) On any sidewalk;
   (h) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
   (i) On the driveway side of any vehicle stopped or parked at the edge or curb of a driveway;
   (j) At any place where authorized traffic signs have been erected prohibiting stopping, standing and parking.

(G) **Muffler Required.** Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(H) **Gas and Smoke.** Operate a vehicle which emits excessive noxious fumes or dense smoke.

(I) **Pedestrian Right of Way.** Fail to yield right-of-way to a pedestrian crossing the driveway within any crosswalk as defined herein, except where movement of traffic is being regulated by police officers or authorized traffic signals. Fail to stop behind such a vehicle that has stopped to permit a pedestrian to cross driveway. Fail to yield right-of-way to vehicle if moving across driveway which is not marked for cross walk.

(J) **Pedestrian Rights and Duties at Controlled Intersections.** Fail to yield right-of-way to pedestrians crossing or who have started crossing on a green or "go" signal, or in such special signs or signals as designate pedestrians' right-of-way.

(K) **Pedestrians Soliciting Rides.** Solicit a ride from the operator of any vehicle in the parks.

(L) **Turning Around Limitations.** Turn a vehicle so as to proceed in the opposite direction in any driveway in the parks except at an intersection street, and then only when such turns are not prohibited by appropriate signs.

(M) **Operator Signals.** Abruptly stop or attempt to turn without first giving a suitable signal indicating their intention to do so.

(N) **Operation of Certain Vehicles.** Enter or pass along the park driveway with a pleasure vehicle, truck or other vehicle carrying building materials, merchandise, or other material except when delivering such materials or supplies for the use of the owners or occupants of the property fronting thereon and then shall enter and leave the park driveway at the nearest point to the property, where such supplies and materials are to be delivered.
Carterville City Code

PARK REGULATIONS 28-1-5

(C) **Gross Weight of Delivery Vehicles.** Enter or pass along the park driveway in vehicles carrying heavy materials or merchandise except in trucks or other vehicles equipped with dual tread tires and with gross weight not to exceed **nine (9) tons.**

(P) **Soliciting Passengers.** Solicit passengers in the parks in any vehicle.

(Q) **Sirens and Sound Signaling Devices.** Fail to equip his vehicle with a good and sufficiently audible signaling device in efficient working condition, however, the use of siren sounding devices or other types of signaling devices which make unusually loud or unnecessary noise is prohibited.

(R) **Driver Age Limit.** Operate or drive a motor vehicle who is under **sixteen (16) years of age.**

(S) **Intoxicated Operations.** Operate or attempt to operate a motor vehicle while in an intoxicated condition.

(T) **Duty of Operator in Accidents.** Leave the scene of collision with another vehicle, person or property without ascertaining the extent of such injury or damage; leave the scene without rendering such assistance as may be needed; without giving their true name and residence address to the injured person or any other person or police officer requesting same. (In the event there is no police officer present, they must immediately report the occurrence to the nearest police station or police headquarters.)

(U) **Towing of Disabled Vehicles.** Tow any motor vehicle upon any driveway if the connection is so arranged that the towing vehicle and the vehicle being towed are separated by more than **eight (8) feet** or tow the disabled vehicle at a rate of speed in excess of **fifteen (15) miles an hour.** (If the vehicle is being towed at night, warning lights must be attached to such disabled vehicle so as to be visible to anyone approaching such vehicle from either side or the rear thereof.)

(V) **Brakes.** Operate any motor vehicle in the park system unless said vehicle is equipped with good and sufficient brakes in efficient working condition, or to operate any vehicle which is so loaded that the operator does not have access to all the mechanisms operating the brakes of said vehicle.

(W) **Anti-Skid and Non-Slip Devices.** Operate a motor vehicle in the parks with lugs, studded snow tires and chains which will damage the pavement.

(X) **Width of Vehicle Load.** Operate a motor vehicle in the parks to exceed **eight (8) feet in width.**

(Y) **Warning Signal on Projecting Loads.** Operate a motor vehicle in the parks between the **hours of sunrise and one (1) hour after sunset** having a load projecting more than **four (4) feet beyond the rear of the body of the vehicle,** unless a red cloth not less than **eighteen (18) inches square** be firmly attached to the extreme end of the projecting load, in such a way as to be seen by persons approaching from either side at the rear of said vehicle. During the period from **one (1) hour after sunset to the hour of sunrise,** a red light must be attached to the rear end of such projecting loads. Such red light shall be in addition to any other requirement of this Code.

(Z) **Riding Outside Vehicles.** Ride upon the fenders or any other outside part of any vehicle.

(AA) **Repairs to Vehicles in the Park System.** Change any parts or make repairs of any kind to any vehicle in the Park System, except such emergency repairs necessary to remove such vehicle therefrom. (Such emergency repairs shall be made only at the right hand edge of the driveways.)

(BB) **Change Oil or Grease.** Change oil, grease or wash vehicles, and leave debris from such action.

(Bicycles)

(1) **Operation.** Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit. (Bicycles shall be kept in a single file when **two (2) or more are operating as a group and bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.)

(2) **Rider Prohibited.** Ride any other person on bicycle, unless the bicycle is so designed.

(3) **Designated Racks.** Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
(4) **Leave a Bicycle.** Leave a bicycle on the ground or paving or set against trees, or in any place or position where other persons may trip or be injured by them.

(5) **Night Operation.** Ride a bicycle on any road between thirty (30) minutes after sunset or before twenty (20) minutes before sunrise without an attached headlight plainly visible at least two hundred (200) feet in front of, and without a red taillight or red reflector plainly visible from at least two hundred (200) feet from the rear of such bicycle.

**Prohibited Vehicle Operation.**

(1) **Operation.** Motorcycles, motorbikes, go-carts, snowmobiles and other motor driven vehicles, including 3 and 4 wheelers, not including trucks or automobiles shall be operated within any park except on designated roadways.

(2) **Traffic Regulations.** All provisions under Traffic shall apply to these vehicles.

(3) **Noise.**

(a) The making and creation of excessive, unnecessary or unusually loud noises within the limits of Carterville, Illinois, emanating from the use and operation of motorcycles and similar vehicular devices is a condition which is increasing and it is deemed necessary in the public interest to enact the provisions and prohibitions hereinafter contained and enacted. Further, it is declared as a matter of legislative determination and public policy that this Code is for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare of the citizens of Carterville, Illinois.

(b) **Definitions.** For the purpose of this Code, certain words and phrases used herein are defined as follows:

(i) "A" Band Level is the total sound level of all noises as measured with a sound level meter using the "A" weighing network. The unit of measurement is the dB (A).

(ii) Bel is a unit of level when the base of logarithm is ten (10). Use of the bel is restricted to levels of quantities proportionate to power.

(iii) Decibel is one-tenth of a bel and is a unit of level when the base of the logarithm is the tenth root of ten (10) and the quantities concerned are proportional to power.

(iv) Sound Level Meter is an instrument using the "A" weighing network amplifier, an output meter, and frequency weighing network for the measurement of noise and sound levels in a specified manner.

(v) **Motorcycle** includes motorbike, moped, motorscooter and similar vehicular devices.

(c) It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise which annoys, disturb, injures or endangers the comfort, well-being, health, peace or safety of others within the City which occur as a result of and the use and operation of a motorcycle, whether or not equipped with a muffler or similar device, which fails to suppress, eliminate or reduce the engine and exhaust noise emanating therefrom within the noise levels herein defined as reasonable and proper.

**BEHAVIOR.** No person in the park shall:

(A) **Intoxicating Beverages.**

(1) **Prohibition.** Drink or possess any alcoholic beverages on any park property.
(2) **Drunkenness.** Being under the influence of intoxicating liquor.

(B) **Firearms, Fireworks and Explosives.** Bring or have in their possession or set off or otherwise cause to explode or discharge or burn any firearm, firecracker, torpedo, rocket or other fireworks or explosives of inflammable materials or discharge item or throw them into any such area from land or highway adjacent thereto. 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.

(C) **Domestic Animals.** Bring a dog or other domestic animal into the parks unless it be restrained at all times on adequate leash not greater than ten (10) feet in length.

(D) **Reservation of Facilities.** Enter into or remain in any pavilion or park structure or section thereof which may be reserved and designated by the City Council for the use of the opposite sex. Exception is made to children under four (4) years of age.

(E) **Alms.** Solicit alms or contributions for any purpose whether public or private.

(F) **Fires.** Build or attempt to build a fire except in such areas and under such regulations as may be designated by the City Council or Mayor. No person shall throw, or otherwise scatter lighted matches, burning cigarettes or cigar, tobacco paper or other inflammable material within any park areas or on any highway, road or street abutting or contiguous thereto.

(G) **Closed Areas.** Enter an area posted as "Closed to the Public" nor shall any person use or abet the use of any area in violation of posted notices.

(H) **Games of Chance.** Gamble or participate in or abet any game of chance.

(I) **Going Onto Ice.** Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(J) **Loitering and Boisterousness.** Engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(K) **Exhibit Permits.** Fail to produce and exhibit any permit from the City Council or Mayor they claim to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(L) **Interference with Permittees.** Disturb or interfere unreasonably with any person or party occupying any area or participating in any, under the authority of a permit.

(M) **Indecent or Lewd Conduct.** Perform any of the following acts on park property which constitutes a public indecency:

   (1) An act of sexual intercourse, or
   (2) An act of deviate sexual conduct, or
   (3) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person, or
   (4) A lewd fondling or caress of the body of another person of either sex.

(See Chapter 27 also.)

(N) **Sexual Crime.** Take or attempt to take any immoral improper or indecent liberties of any child or adult of either sex.

(O) **Criminal Acts.** Commit any act prohibited by the Criminal Code of the State of Illinois as set forth in Chapter 725 of the Illinois Compiled Statutes.

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**28-1-7 USE OF RESTRICTED AREAS.** In addition to all of the foregoing provisions of this City Park Code, the following additional rules shall apply to the restricted areas listed in Section 28-1-4 and the subsections thereunder:

(A) **Lake and Jogging Trail.** No person shall:

   (1) **Vehicles on Jogging Trail.** Drive or ride any vehicle, motorcycle, bicycle, snowmobile, three-wheeler or other form of conveyance except authorized maintenance vehicles at any time.

   (2) **Swimming.** Swim in any part of the City Lake unless authorized by the City Council or Mayor.

   (3) **Watercraft.** Operate a watercraft with a gasoline motor on the City Lake.
(4) **Ice Skate.** Ice skate on any part of the City Lake unless authorized by the City Council or Mayor.

28-1-8 **MERCHANDISING, ADVERTISING AND SIGN.** No person in a park shall:

(A) **Vending and Peddling.** Expose or offer for sale any article or thing, nor shall they station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire or other acting by and under the authority and regulation of the Mayor and City Council.

(B) **Advertising.** Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(C) **Signs.** Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

28-1-9 **PARK OPERATION POLICY.**

(A) **Hours.** Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information. Normally, hours for general park use shall be from daybreak until 11:00 P.M., unless otherwise posted.

(B) **Closed Areas.** Any section or part of any park may be declared closed to the public by the Committee or Supervisor at any time and for any interval of time, either temporarily or at regular intervals and stated intervals (daily or otherwise) and either entirely or merely to certain uses as the City Council or Mayor shall find reasonably necessary.

(C) **Permit.** A permit shall be obtained from the City Council before participating in the following park activities: group picnics, general meetings or special uses of any park areas or facilities.

(1) **Application.** A person seeking issuance of a permit hereunder shall file an application with the City. The application shall state:

(a) The name and address of the applicant;

(b) The name and address of the person, persons, corporation or association sponsoring the activity, if any;

(c) The day and hours for which the permit is desired;

(d) The part or portion thereof for which such permit is desired;

(e) An estimate of the anticipated attendance;

(f) Any other information which the City Council shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(2) **Standards for Issuance.** The Mayor shall issue a permit hereunder when he finds:

(a) That the proposed activity or use of the park shall not reasonably interfere with or detract from the general public enjoyment of the park;

(b) That the proposed activity and use will not reasonably interfere with or detract from the promotion of public health, welfare, safety and other recreation;

(c) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;

(d) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;

(e) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(3) **Appeal.** Within five (5) days after receipt of an application, the Mayor shall apprise an application in writing of the reasons for refusing a permit, and any aggrieved person shall have the right to appeal in
writing within five (5) days to the City Council, which shall consider the application under the standards set forth in subsection (2) hereof and sustain or overrule the Mayor's decision, at the next regular City Council meeting. The decision of the City Council shall be final.

(4) **Effect of Permit.** A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(5) **Liability of Permittee.** The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person of reserving group whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(6) **Revocation.** The Mayor shall have the authority to revoke a permit upon a finding of violation of any rule or code or upon good cause shown.

(7) **Dispensing Soft Drinks.** No person in a park shall dispense soft drinks in bottles to groups or individuals but shall use paper cups which must be provided for that purpose.

28-1-10 **RECREATION ACTIVITIES.** No person in a park shall:

(A) **Area and Facility Use.** Picnic, lunch, boat, fish, take part in or abet the playing of any games which interfere with or create a nuisance to others in the area except in areas or facilities set apart for such forms of recreation and under such rules and regulations and upon payment of all fees as designated.

(B) **Hunting and Firearms.** Hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded to fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden. Exceptions are at designated ranges set aside for such purposes under strict regulations as set forth for that particular facility.

28-1-11 **ENFORCEMENT.**

(A) **Adoption.** Upon adoption, this Code will become a part of the City Code and will be enforceable as any other part of the Revised City Code.

(B) **Ejectment.** Any person acting in violation of this Code shall be subject to ejectment from the Parks.

(C) **Seizure.** Any property, thing or device in or used in the parks in violation of this Code shall be subjected to seizure.

28-1-12 **PENALTY.** The general penalty provisions of Section 1-1-20 of the Revised Code of Ordinances for the City of Carterville, Illinois, shall apply.
## CARTERVILLE CITY CODE

### CHAPTER 29 - PROPERTY MAINTENANCE CODE

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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 Carterville, hereinafter referred to as "this Code".

29-1-2 SCOPE. The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises 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.

[This Section establishes the broad purpose of the Code—to protect the public health, safety and welfare in both existing residential and nonresidential structures and on all existing premises.]

Four specific areas are addressed in greater detail in subsequent sections:

1. Establishing minimum maintenance standards for such elements as basic equipment, light, ventilation, heating, sanitation and fire safety.
2. Fixing responsibility among owners, operators and occupants for following the Code.
3. Regulating the use of existing structures and premises.
4. Providing for administration, enforcement and penalties.

These four categories provide communities with the tools to reduce risks created by deteriorated or unsafe buildings and help communities upgrade and maintain other existing structures.

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. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the International Existing Building Code.

[This Code is intended to provide requirements addressing the public health, safety and welfare as they relate to the use and maintenance of existing structures and premises. The Code requires existing structures and premises that are not in compliance with the Code to be altered or repaired to meet the Code. The Code requirements are intended to represent the minimum acceptable level of public health and safety. The International Existing Building Code® (IEBC®) is listed as the required Code for all repairs, alterations, additions and change of occupancies to existing structures.]

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.

[Only invalid sections of the Code (as established by the court of jurisdiction) can be set aside. This is essential to safeguard the application of the Code text to situations whereby a provision of the Code is declared illegal or unconstitutional. This Section would preserve the legislative action that put the legal provisions in place.]
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.

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.

[This Section contains general maintenance requirements. The Code specifically prohibits the disconnection of any required utilities for an occupied dwelling. This helps to safeguard persons who have a physical condition and are dependent on these systems. Some examples of this include: a person who has to have electricity to power a kidney dialysis machine; a patient who is on an oxygen system full time; or someone with particularly bad allergies who needs to have an air-conditioning system to help filter the air. Any safety system that exists in a building must be maintained. A fire protection or safety system is not to be removed from a building if it is required by the Code or a previous regulation or code that was in effect when the building was built. This Section also specifies that the owner or the owner’s agent is responsible for maintenance, not the tenants of rental property.]

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 Existing Building Code, International Fuel Gas Code, International Mechanical Code, and International Electrical Code. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Municipal Zoning Code.

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.

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.

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 Official to be safe and in the public interest of health, safety and welfare.
29-1-11 REFERENCED CODES AND STANDARDS. The codes and standards referenced in this Code shall be those that are listed in Article VIII 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.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

(A) Conflicts. Where conflicts occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply. (IPMC 102.7.1)

(B) Provisions in Reference Codes and Standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this Code, the provisions of this Code, as applicable, shall take precedence over the provisions in the referenced code or standard.

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 Official.

29-1-13 APPLICATION OF REFERENCES. References to chapter, article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, article, section or provision of this Code.

29-1-14 OTHER LAWS. The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

DIVISION III – PROPERTY MAINTENANCE INSPECTION

29-1-15 GENERAL. The Department of Property Maintenance Inspection is hereby created and the executive official in charge thereof shall be known as the Code Official.

29-1-16 APPOINTMENT. The Code Official shall be appointed by the Mayor with the advice and consent of the City Council; and the Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

29-1-17 DEPUTIES. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

29-1-18 LIABILITY. The Code Official, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction, in good
faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, 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 or by reason of an act or omission 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 Official 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.

29-1-19 PERMIT TO OCCUPY.

(A) Permit Required. It shall be unlawful for any person, owner or agent thereof to occupy or sue, or to permit any person to occupy or use any premises for any purpose including the movement of furniture, equipment or other personal property into said premises until a permit to occupy has been issued by the Code Official. The permit so issued shall state that the condition of the premises and its proposed occupation complies with all of the provisions of this Code as far as can be determined by a visual inspections of the premises and a review of the records.

(B) Application for occupancy. It shall be unlawful for any person to knowingly make any false statements on an application for permit to occupy a dwelling unit as to the names, relationships, ages, or number of occupants who will occupy the dwelling unit. One of the following documents shall be submitted with application; copy of lease, rent receipt with photo identification, sales contract or closing papers.

(C) Action on an application. The Code Official shall examine or cause to be examined all applications for permits within a reasonable time after filing. No certificate of occupancy will be issued until an inspection of the premises has been completed and approved. No inspection shall be required for a dwelling unit that is less than five (5) years of age.

(D) Suspension of permit. Any permit issued shall become invalid if the occupancy is not commenced within six (6) months after issuance of the permit.

(E) Revocation of permit. The Code Official may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this Code.

29-1-20 FEES. The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be indicated in the following schedule.

(A) Inspection Permit Fee of Fifty Dollars ($50.00) shall be paid prior to the City conducting an inspection of a multi-family rental structure (apartments). It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. An inspection shall be valid for a period of one (1) year. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(B) Inspection Permit Fee of One Hundred Dollars ($100.00) shall be paid prior to the City conducting an inspection of a single-family residence. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. An inspection shall be valid for a period of one (1) year. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(C) Inspection Permit Fee of Seventy Five Dollars ($75.00) shall be paid prior to the City conducting an inspection of a manufactured/mobile home. It shall be the
responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. An inspection shall be valid for a period of one (1) year. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(D) Inspection Permit Fee of One hundred Dollars ($100.00) shall be paid prior to the City conducting an inspection of a duplex/condominium. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. An inspection shall be valid for a period of one (1) year. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(E) A copy of an existing Certificate of Occupancy shall be a fee of Twenty Dollars ($20.00).

(F) The Certificate of Occupancy fee of Thirty Dollars ($30.00) shall be paid at the time certificate is issued. It shall be the responsibility of the tenant/occupant to apply for certificate of occupancy after application for occupancy has been approved.

(G) A re-inspection fee of Fifty Dollars ($50.00) shall be paid when initial inspections fail or no access to structure. It shall be the responsibility of the property owner/agent to make the advance payment prior to scheduling a re-inspection.

DIVISION IV – DUTIES AND POWERS OF THE CODE OFFICIAL

29-1-21 GENERAL. The code official is hereby authorized and directed to enforce the provisions of this Code. The code official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

29-1-22 INSPECTIONS. The Code Official 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 Official 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.

29-1-23 RIGHT OF ENTRY. Where it is necessary to make an inspection to enforce the provisions of this Code, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Code, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform duties imposed by this Code, provided that if such structure or premises is occupied the Code Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

(This Section establishes the right of the Code Official to enter the premises in order to make the inspections required by Section 29-1-22. The right to enter structures or premises is limited. First, to
protect the right of privacy, the owner or occupant must grant the Code Official permission before an interior inspection of the property can be conducted. Permission is not required for inspections that can be accomplished from within the public right-of-way. Second, such access may be denied by the owner or occupant. Unless the inspector has reasonable cause to believe that a violation of the Code exists, access may be unattainable. Third, Code Officials must present proper identification and request admittance during reasonable hours—usually the normal business hours of the establishment—to be admitted. Fourth, inspections must be aimed at securing or determining compliance with the provisions and intent of the regulations that are specifically within the established scope of the Code Official's authority.

Searches of a private residence to gather information for the purpose of enforcing codes, ordinances or regulations are considered unreasonable and are prohibited by the Fourth Amendment to the U.S. Constitution. "Reasonable cause" in the context of this Section must be distinguished from "probable cause", which is required to gain access to property in criminal cases. The burden of proof establishing reasonable cause may vary among jurisdictions. Usually, an inspector must show that the property is subject to inspection under the provisions of the Code; that the interests of the public health, safety and welfare outweigh the individual's right to maintain privacy; and that such an inspection is required solely to determine compliance with the provisions of the Code.

Many jurisdictions do not recognize the concept of an administrative warrant and may require the Code Official to prove probable or reasonable cause in order to gain access upon refusal. This burden of proof is usually more substantial, often requiring the Code Official to stipulate in advance why access is needed (usually access is restricted to gathering evidence for seeking an indictment or making an arrest), what specific items or information is sought, its relevance to the case against the individual subject, how knowledge of the relevance of the information or items sought was obtained and how the evidence sought will be used. In all such cases, the right to privacy must always be weighed against the right of the Code Official to conduct an inspection to verify that the public health, safety and welfare are not in jeopardy. Such important and complex constitutional issues should be discussed with the jurisdiction's legal counsel. Jurisdictions should establish procedures for securing the necessary court orders when an inspection is deemed necessary following a refusal.

29-1-24 NOTICES AND ORDERS. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

29-1-25 DEPARTMENT RECORDS. The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records for the period required for retention of public record.

29-1-26 COORDINATION OF INSPECTIONS. Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Official having jurisdiction.

29-1-27 - 29-1-29 RESERVED.
DIVISION V - APPROVAL

29-1-30 MODIFICATIONS. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official 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.

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 Official 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.

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 Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(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 Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

(B) Test Reports. Reports of tests shall be retained by the Code Official for the period required for retention of public records.

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.

29-1-34 RESEARCH REPORTS. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources.

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.
29-1-36 NOTICE OF VIOLATION. The Code Official shall serve a notice of violation or order in accordance with Division VII.

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, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official 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.

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 within the limits provided by Section 1-1-20. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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.

[Despite the assessment of a penalty in the form of a fine against a violator, the violation itself must still be corrected. Failure to make the necessary corrections will result in the violator being subject to additional penalties as described in the proceeding section.]

29-1-40 RESERVED.

DIVISION VII – NOTICES AND ORDERS

29-1-41 NOTICE TO PERSON RESPONSIBLE. Whenever the Code Official 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.

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.

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 certified or 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.

All of the services noted above may be expensive and time consuming. In some communities, the courts may consider service to be valid if the notice was sent to the last known address of the owner or owner's agent by regular postage and the notice was not returned by the post office. This method of service is obviously much cheaper and usually faster than waiting for the return of a certified letter. It must, however, be acceptable to the court system. The jurisdiction's attorney should be consulted to determine that the type of service is legally acceptable, reasonably cost effective and timely.

(D) **Unauthorized Tampering.** Signs, tags or seals posted or affixed by the Code Official shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official.

29-1-44 **PENALTIES.** Penalties for noncompliance with orders and notices shall be as set forth in Section 29-1-38.

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 Official and shall furnish to the Code Official 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.

[When a property has a pending violation order, it is unlawful for an owner to sell, transfer, mortgage, lease or otherwise dispose of the property without either following the order or advising the buyer, mortgagee, etc., of the pending violation. The owner must prove that the buyer has received notice of pending violations by providing the Code Official with a signed, notarized receipt from the new transferee.

Determining who is the current owner of a building is a frustrating and difficult activity. To evade code enforcement action, owners will frequently transfer ownership of their property. This provision of the Code permits the Code Official to cite the seller if he or she did not provide the Code Official with the required notification when the property was transferred; thus, even though the seller may avoid complying with the outstanding violation orders, he or she can still be charged with a violation for failing to provide proof that the transferee was aware of the pending orders.]

29-1-46 **RESERVED.**
DIVISION VIII - - UNSAFE STRUCTURES AND EQUIPMENT

29-1-47 GENERAL. When a structure or equipment is found by the Code Official 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.

(This Section provides a brief description of conditions where the Code Official is given the authority to condemn an existing structure or equipment. Where a structure or equipment is "unlawful", as described in the text of this Section, that structure or equipment does not comply with the requirements of the Code. The deficiencies are such that an unsafe condition or a condition that is unfit for human occupancy exists.)

(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.

(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.

(C) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official 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.

(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.

(An unlawful structure is one that has serious deficiencies such that an unsafe condition or a condition that is unfit for human occupancy exists. An unlawful structure does not mean one where there are criminal activities.)

(E) Dangerous Structure or Premises. For the purpose of this Code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

(1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

(2) The walking surfaces of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

(3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

(4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in
place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

(5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

(6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

(7) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, become a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

(8) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

(9) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate lighting, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(10) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Code Official to be a threat to life or health.

(11) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

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 Official 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 Official 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.

(A) Authority to Disconnect Service Utilities. The Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system.
regulated by this Code and the referenced codes and standards set forth in Section 29-1-11 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Code Official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

29-1-49 NOTICE. Whenever the Code Official 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 Official 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.

(A) Placard Removal. The Code Official 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 Official shall be subject to the penalties provided by this Code. [Only the Code Official is authorized to remove a condemnation placard. The Code Official is to remove the placard only when the defect or defects have been corrected as required by the Code. Any other person who removes or defaces a placard is in violation of the Code and subject to its penalties.]

29-1-51 PROHIBITED OCCUPANCY. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. 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.

29-1-52 ABATEMENT METHODS. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Code Official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

29-1-53 RECORD. The Code Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

29-1-54 - 29-1-59 RESERVED.
DIVISION IX - EMERGENCY MEASURES

29-1-60 IMMINENT DANGER. When, in the opinion of the Code Official, 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 Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official 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 Official." 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.

29-1-61 TEMPORARY SAFEGUARDS. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official 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 Official deems necessary to meet such emergency.

29-1-62 CLOSING STREETS. When necessary for public safety, the Code Official 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.

29-1-63 EMERGENCY REPAIRS. For the purposes of this Section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

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.

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.

29-1-66 RESERVED.
DIVISION X - DEMOLITION

29-1-67 GENERAL. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgement 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.

29-1-68 NOTICES AND ORDERS. All notices and orders shall comply with Division VII.

[Before the Code Official can pursue action to demolish a building in accordance with Section 29-1-67 or 29-1-69, it is imperative that all owners and any other persons with a recorded encumbrance on the property be given proper notice of the demolition plans (See Division VII for notice and order requirements).]

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 Official 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.

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, with the approval of the City Council.

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 Official 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. The fee for an application of appeal of Fifty Dollars ($50.00) is to be paid at the time application is filed and shall be non-refundable.

29-1-73 MEMBERSHIP OF THE BOARD. The Board of Appeals shall consist of a minimum of five (5) members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees or elected officials of this municipality. The Code Official shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the Mayor with the advice and consent of the City Council, and shall serve staggered and overlapping terms. The term of office shall be five (5) years.

(A) Alternate Members. The Mayor 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. Alternate members shall be appointed for five (5) years or until a successor has been appointed.

(B) Chairman. The Board shall annually select one of its members to serve as Chairman.

(C) Disqualification of Member. A member shall not hear an appeal in which that member has any personal, professional or financial interest.

(D) Secretary. The Mayor 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 Mayor.

(E) Compensation of Members. Compensation of members shall be determined by the City Council in the annual budget.

29-1-74 NOTICE OF MEETING. The Board shall meet upon notice from the Chairman, within ten (10) days of the filing of an appeal, or at stated periodic meetings.

29-1-75 OPEN HEARING. All hearings before the Board shall be open to the public. The appellant, that appellant's representative, the Code Official 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.

(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.

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.
29-1-77  **BOARD DECISION.** The Board shall modify or reverse the decision of the Code Official only by a concurring vote of **three (3) members.**

(A) **Resolution.** The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and to the Code Official.

(B) **Administration.** The Code Official shall take action with **five (5) working days** in accordance with the decision of the Board.

*To avoid any undue hindrance in the progress of construction, the Code Official is required to act without delay based on the Board's decision. This action may be to enforce the decision or to seek judicial relief if the Board's action can be demonstrated to be inappropriate.*

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 Mayor.

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.

29-1-80  **RESERVED.**

**DIVISION XII — STOP WORK ORDER**

29-1-81  **AUTHORITY.** Whenever the Code Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order.

29-1-82  **ISSUANCE.** A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

29-1-83  **EMERGENCIES.** Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work.

29-1-84  **FAILURE TO COMPLY.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00). Each day that a violation continues shall be considered a separate offense.
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 Article.

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.


29-2-4 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".

DIVISION II - DEFINITIONS

29-2-5 DEFINITIONS.

"ANCHORED": Secured in a manner that provides positive connection.

"APPLIANCE": A device or apparatus that is manufactured and designed to utilize energy and for which this Code provides specific requirements.

"APPROVED": Approved by the Code Official.

"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 OFFICIAL": The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

"COMBUSTION AIR": The air provided to fuel-burning equipment including air for fuel combustion, draft hood dilution and ventilation of the equipment enclosure.

"CONDEMN": To adjudge unfit for occupancy.

"DETACHED": When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

"DETERIORATION": To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

"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.

"EQUIPMENT": All piping, ducts, vents, control devices and other components of systems other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this Code.

"EQUIPMENT SUPPORT": Those structural members or assemblies of members or manufactured elements, including braces, frame, lugs.

"EXTERIOR PROPERTY": The open space on the premises and on adjoining property under the control of owners or operators of such premises.

"GARBAGE": The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"GRAFFITI": Graffiti means and includes any unauthorized inscription, word, figure, or design or collections thereof, which marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.

"GROUP R": Residential occupancies containing sleeping units or more than two (2) dwelling units where the occupants are primarily permanent in nature.

"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.

"HAZARDOUS LOCATION": Any location considered to be a fire hazard for flammable vapors, dust, combustible fibers or other highly combustible substances.

"HEARING OFFICER": Means a City employee or an officer or agent of the City, other than a police officer or sheriff, whose duty is to do the following:
(A) Preside at an administrative hearing called to determine whether or not a property is or was a nuisance property;
(B) Hear testimony and accept evidence from the Sheriff, the person in charge/owner/occupant, and all interested parties relevant to the existence of the nuisance activity;
(C) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and issue and sign a written finding, decision, order stating whether a violation of this Article exists.

"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.

"IGNITION SOURCE": A flame, spark or hot surface capable of igniting flammable vapors or fumes. Such sources include appliance burners, burner ignitions and electrical switching devices.

"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 reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.
"LABELED": Equipment, materials or products 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 whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

"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 recorded or unrecorded agreement of contract for the sale of land.

"LIVING SPACE": Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

"NEGLECT": The lack of proper maintenance for a building or structure.

"NUISANCE ACTIVITY": Mean any act that would constitute a felony or Class A misdemeanor under the laws of the State of Illinois.

"NUISANCE PROPERTY": Means any property on which the Police Department has one (1) or more official police reports of nuisance activity which has occurred within a one (1) year period.

"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": Means any agent of the owner, manager, contract purchaser, executor, administrator, trustee or guardian of the estate of the owner, person who is in charge, care or control of such premises in which buildings or dwelling units are rented shall be bound to comply with this Code and the rules and regulations adopted pursuant thereto to the same extent as if he/she were the owner.

"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": Means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, or using property in the City.

"PERSON IN CHARGE": Means any person, in actual or constructive possession of a property, including, but not limited to, an owner or occupant of property under his ownership or control.

"PEST ELIMINATION": The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by the approved pets elimination methods.

"PREMISES": Means the lot, plot or parcel of land, and includes the buildings, structures, and dwelling units thereon.

"PROPERTY": Means any property, including land and that which is affixed, incidental, or appurtenance to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit, or portion thereof, or any business equipment, whether or not permit. For property consisting of more than one unit, property may be limited to the unit or portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property used in common by all units of
property, including, without limitation other structures erected on the property and areas used for parking, loading, and landscaping.

"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.

"RENTERAL HOUSING": For purposes of this Code, “Rental Housing” shall constitute any dwelling unit, rooming house, rooming unit, or sleeping unit being made available to a tenant in exchange for compensation of any kind. Rental Housing shall also include:

(A) lots or pads made available for placement of mobile homes thereon and
(B) properties that primarily operate as hotels and motels.

Exceptions: Rental Housing, for the purposes of this Chapter, shall not include the following:

(A) Lawfully operating housing for the elderly that meets the definition of “housing for older persons,” as provided in 42 U.S.C. § 3607.
(B) Lawfully operating group homes, governed by the Specialized Living Centers Act, 405 ILCS 3/1 et seq., as amended, dealing with the developmentally disabled, and such other similar non-profit uses governed by state or federal laws, rules or regulations if such similar uses are required to be exempted by law.
(C) Owner-occupied single-family dwellings having not more than one authorized boarder.

"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 part of a dwelling unit are not sleeping units.

"STRUCTURE": That which is built or constructed or a portion thereof.

"TENANT": A person, occupant of leased or rented premises, corporation, partnership or group whether or not the legal owner of record, occupying a building or portion thereof as a unit.

"ULTIMATE DEFORMATION": The deformation at which failure occurs and which be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

"VENTILATION": The natural or mechanical process of supplying conditioned 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 building, structure or use, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations.

"YARD, FRONT": A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

"YARD, REAR": A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

"YARD, SIDE": A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.
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.

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.

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.

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.

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.

(A) 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.

29-3-8 WEEDS. (See Chapter 25; Article II)
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.

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.

29-3-11 **ACCESSORY STRUCTURES.** All accessory structures, including detached garages, fence and walls, shall be maintained structurally sound and in good repair.

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.

**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 **PARKING MOTOR VEHICLES.** The parking of vehicles on any surface that is not an imposed surface in the front or side yard areas of a residential zone district is prohibited. Boats, travel trailers and utility trailers are subject to the Zoning Code – Chapter 40.

(A) **Improved Surface.** Means an area, excluding a driveway, the surface of which is comprised of a selected materials constructed to a depth sufficient to distribute the weight of a vehicle over such area to preclude deterioration and deflection of the area due to vehicle load, adverse weather, or other conditions.

29-1-14 **GRAFFITI.** All structures and exterior property shall be kept free from graffiti. The existence of graffiti on building, or on structures, including but not limited to fences or walls located upon any property is declared a nuisance. Where graffiti is found, a notice shall be issued describing the nuisance and shall establish a reasonable time limit for the abatement thereof by such owner, which time shall be not less than five (5) days nor more than fourteen (14) days after service of such notice. The notice shall also specify clearly that graffiti established on a painted surface shall be painted over with a color consistent with the predominant tone of the building or structure, and that graffiti established on any unpainted masonry or wood surface shall be removed by clearing so that such unpainted surface is returned.
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.

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.

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.

29-1-19 **UNSAFE CONDITIONS.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Code of Ordinances as required for existing buildings:

(A) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(B) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(C) Structures or components thereof that have reached their limit state;

(D) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight;

(E) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

(F) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(G) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(H) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair.
with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(I) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

(J) Veneer, comices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(K) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(L) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

(M) Chimneys, cooling towers, smokestacks and similar appurtenance not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:
1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the Code Official.

29-3-20 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.

29-3-21 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).

29-3-22 STRUCTURAL MEMBERS. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
29-3-23 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.

29-3-24 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.

29-3-25 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 downspout shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

29-3-26 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.

29-3-27 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.

29-3-28 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.

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.

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.

(A) Glazing. All glazing materials shall be maintained free from cracks and holes.

(B) Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
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 swinging door shall have a self-closing device in good working condition.

(A) **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, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 29-7-5.

29-3-33 **BASEMENT HATCHWAYS.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

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.

29-3-35 **BUILDING SECURITY.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

(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 meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than one (1) inch. For the purpose of this Section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this Section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

(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 devices.

(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.

29-3-36 **GATES.** All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.
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 they occupy or 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.

(A) Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with Chapter 6 Building Regulations:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads and load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. When substantiated otherwise by an approved method.
8. Demolition of unsafe conditions shall be permitted when approved by the Code Official.

29-3-38 STRUCTURE MEMBERS. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

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.

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.

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.
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.

DIVISION VI – COMPONENT SERVICEABILITY

29-3-43 **GENERAL.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

(A) **Unsafe Conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with [Chapter 6 Building Regulations](#) as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
   - (a) Collapse of footing or foundation systems;
   - (b) Damage to footing, foundation, concrete or other structural element due to soil expansion;
   - (c) Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
   - (d) Inadequate soil as determined by a geotechnical investigation;
   - (e) Where the allowable bearing capacity of the soil is in doubt; or
   - (f) Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subject to any of the following conditions:
   - (a) Deterioration;
   - (b) Ultimate deformation;
   - (c) Fractures;
   - (d) Fissures;
   - (e) Spalling;
   - (f) Exposed reinforcement; or
   - (g) Detached, dislodged or failing connections.

3. Aluminum that has been subject to any of the following conditions:
   - (a) Deterioration;
   - (b) Corrosion;
   - (c) Elastic deformation;
   - (d) Ultimate deformation;
   - (e) Stress or stain cracks;
   - (f) Joint fatigue; or
   - (g) Detached, dislodged or failing connections.

4. Masonry that has been subject to any of the following conditions:
   - (a) Deterioration;
   - (b) Ultimate deformation;
   - (c) Fractures in masonry or mortar joints;
   - (d) Fissures in masonry or mortar joints;
   - (e) Spalling;
   - (f) Exposed reinforcement; or
(5) Steel that has been subject to any of the following conditions:

(a) Deterioration;
(b) Elastic deformation;
(c) Ultimate deformation;
(d) Metal fatigue; or
(e) Detached, dislodged or failing connection.

(6) Wood that has been subject to any of the following conditions:

(a) Ultimate deformation;
(b) Deformation;
(c) Damages from insects, rodents and other vermin;
(d) Fire damage beyond charring;
(e) Significant splits and cracks;
(f) Horizontal shear cracks;
(g) Vertical shear cracks;
(h) Inadequate support;
(i) Detached, dislodged or failing connections; or
(j) Excessive cutting and notching.

Exception:

(A) When substantiated otherwise by an approved method.
(B) Demolition of unsafe conditions shall be permitted when approved by the Code Official.

DIVISION VII – 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 stairs 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) in height or more than forty-two (42) inches (1067 mm) in height 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) in height 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.

29-3-45 RESERVED.

DIVISION VIII – 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.

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.
29-3-48 **DISPOSAL OF GARBAGE.** Every occupant of a structure shall dispose of all rubbish garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(A) **Refuse Facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

(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.
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.

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.

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.

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.

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 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.
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.

29-4-8 RESERVED.

DIVISION III - VENTILATION

29-4-9 HABITABLE SPACES. Every habitable space shall have at least one (1) openable window. The total openable 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.

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.

Exception: This Section shall not apply to existing nonconforming buildings or structures.

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.

Exception:
(A) Where specifically approved in writing by the Code Official.
(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.

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 manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

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.

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.

Exception: This Section shall not apply to existing nonconforming buildings or structures.

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).

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.
(D) This Section shall not apply to existing nonconforming buildings or structures.

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(F).

(A) Room Area. Every living room shall contain at least one hundred twenty (120) square feet (11.2 m²) and every bedroom shall contain a minimum of seventy (70) square feet (6.5 m²) and every bedroom occupied by more than one person shall contain a minimum of fifty (50) square feet (4.6 m²) of floor area for each occupant thereof.

(B) Closet. Bedrooms shall contain at least one (1) closet or contain at least nine (9) square feet or an approved wardrobe cabinet.

(C) Access From Bedroom. 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.

Exception:
(1) Units that contain fewer than two (2) bedrooms.
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(2) Nonconforming use.

(D) **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.

**Exception:** Nonconforming use.

(E) **Prohibited Occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(F) **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.

29-4-19 **OVERCROWDING.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 29-4-19.

Table 29-4-19
MINIMUM AREA REQUIREMENTS

<table>
<thead>
<tr>
<th>Space</th>
<th>Minimum area in square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-2 occupants</td>
</tr>
<tr>
<td>Living room (a,b)</td>
<td>120</td>
</tr>
<tr>
<td>Dining room (a,b)</td>
<td>No requirements</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>Shall comply with Section 29-4-18(A)</td>
</tr>
</tbody>
</table>

For SI: 1 square foot = 0.093 m²

**Note a.** See Section 29-4-19(B) for combined living room/dining room spaces.

**Note b.** See Section 29-4-19(A) for limitations on determining the minimum occupancy area for sleeping purposes.

(A) **Sleeping Area.** The minimum occupancy area required by Table 29-4-19 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 29-4-18.

**Exception.**

(1) Nonconforming use.

(2) Manufactured homes.

(a) All bedrooms shall have at least fifty (50) square feet of floor area.

(b) Bedrooms designed for two (2) or more people shall have seventy (70) square feet of floor area plus fifty (50) square feet for each person in excess of two (2). (HUD 3280.109)

(B) **Combined Spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 29-4-19 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.
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 one (1) occupant shall have a minimum clear floor area of **one hundred twenty (120) square feet (11.2 m²)**. A unit occupied by two (2) occupants shall have a minimum clear floor area of **two hundred twenty (220) square feet (20.4 m²)**. A unit occupied by three (3) occupants shall have a minimum clear floor area of **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 minimum clear working space of **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).

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.
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.

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.

DIVISION II - REQUIRED FACILITIES

29-5-3 DWELLING UNITS. Every dwelling unit shall contain its own bathtub 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.

29-5-4 ROOMING HOUSES. At least one (1) water closet, lavatory and bathtub or shower shall be supplied for each four (4) rooming units.

DIVISION III - TOILET ROOMS

29-5-5 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.

29-5-6 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.

DIVISION IV - PLUMBING SYSTEMS AND FIXTURES

29-5-7 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.
29-5-8 **FIXTURE CLEARANCES.** Plumbing fixtures shall have adequate clearance for usage and cleaning.

29-5-9 **PRESSURE-RELIEF VALVE.** Boilers shall be equipped with pressure-relief valves with minimum rated capacities for equipment served. Pressure relief valves shall be set at the maximum rating of the boiler. Discharge shall be piped to drains by gravity to within eighteen (18) inches (457 mm) of the floor or to an open receptor.

29-5-10 **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 Official shall require the defects to be corrected to eliminate the hazard.

**DIVISION V - WATER SYSTEM**

29-5-11 **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.

29-5-12 **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.

29-5-13 **SUPPLY.** The water supply system shall be installed and maintained to 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.

29-5-14 **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 minimum temperature of not less than one hundred (100) 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.
29-5-15 WATER HEATERS INSTALLED IN GARAGES. Water heaters having an ignition source shall be elevated such that the source of ignition is not less than eighteen (18) inches (457 mm) above the garage flood.

Exception: Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant.

DIVISION VI – SANITARY DRAINAGE SYSTEM

29-5-16 GENERAL. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

29-5-17 MAINTENANCE. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

29-5-18 GREASE INTERCEPTORS. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this Code and manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewer treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the Code Official. (See Chapter 38, Article IV)

DIVISION VII - STORM DRAINAGE

29-5-19 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.
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.

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.

DIVISION II - HEATING FACILITIES

29-6-3 **FACILITIES REQUIRED.** Heating facilities shall be provided in structures as required by this Section.

29-6-4 **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 for the locality indicated in Section R303.9 of the *International Residential Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

29-6-5 **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 minimum temperature of **sixty-eight (68) degrees F. (20 degrees C.)** in all habitable rooms, bathrooms, and toilet rooms.

29-6-6 **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.**

DIVISION III - MECHANICAL EQUIPMENT

29-6-7 **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.
29-6-8  **REMOVAL OF COMBUSTION PRODUCTS.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

29-6-9  **CLEARANCES.** All required clearances to combustible materials shall be maintained.

29-6-10  **ELEVATION OF IGNITION SOURCE.** Equipment and appliances having ignition source shall be elevated such that the source of ignition is not less than eighteen (18) inches (457 mm) above the floor in hazardous locations. For the purpose of this Section, rooms or spaces that are not part of the living space of a dwelling unit and that communicate directly with a private garage through openings shall be considered to be part of the private garage.

**Exception.** Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant.

(A) **Installation in Residential Garages.** In residential garages where appliances are installed in a separate, enclosed space having access only from outside of the garage, such appliances shall be permitted to be installed at floor level, provided that the required combustion air is taken from the exterior of the garage.

29-6-11  **SAFETY CONTROLS.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

29-6-12  **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.

29-6-13  **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.

**DIVISION IV - ELECTRICAL FACILITIES**

29-6-14  **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.

29-6-15  **SERVICE.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Article VIII. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of sixty (60) amperes.
29-6-16 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, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

DIVISION V - ELECTRICAL EQUIPMENT

29-6-17 INSTALLATION. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

29-6-18 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) grounding-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. All receptacle outlets shall have the appropriate faceplate cover for the location.

29-6-19 LUMINAIRES. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one (1) electric luminaire. Pool and spa luminaries over fifteen (15) V shall have ground fault circuit interrupter protection.

29-6-20 WIRING. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

DIVISION VI – DUCT SYSTEMS

29-6-21 GENERAL. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.
ARTICLE VII - FIRE SAFETY REQUIREMENTS

DIVISION I - GENERAL

29-7-1 **SCOPE.** The provisions of this Article 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.

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 Article.

DIVISION II - MEANS OF EGRESS

29-7-3 **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.

29-7-4 **AISLES.** The required width of aisles in accordance with the International Fire Code shall be unobstructed.

29-7-5 **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.

29-7-6 **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.

29-7-7 **FIRE PARTITIONS.**

(A) **Opening Protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood doors not less than one and three-eighths (1 3/8) inch (35 mm) in thickness, solid or honeycomb core steel doors not less than one and three-eighths (1 3/8) inch (35 mm) thick, or twenty (20) minute fire-rated doors.
Floor Surfaces. Garage floor surfaces shall be of approved noncombustible material.

Separation Required. The garage shall be separated from the residence and its attic area by not less than one-half (1/2) inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than five-eighths (5/8) inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than one-half (1/2) inch (12.7 mm) gypsum board or equivalent.

Duplex. Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than one (1) hour fire-resistance rating when tested in accordance with ASTM E 119. Fire resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing.

DIVISION III - FIRE-RESISTANCE RATINGS

29-7-8 FIRE-RESISTANCE-RATED ASSEMBLIES. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

29-7-9 OPENING PROTECTIVES. Required opening protective 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.

DIVISION IV - FIRE PROTECTION SYSTEMS

29-7-10 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.

(A) Automatic Sprinkler Systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

29-7-11 SMOKE ALARMS. Single or multiple-station smoke alarms shall be installed and maintained 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.
29-7-12 **POWER SOURCE.** In Group R or I-1 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.

**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.

29-7-13 **INTERCONNECTION.** Where more than one (1) smoke alarm is required to be installed within an individual dwelling unit in Group R or I-1 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. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

**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.

29-7-14 **CARBON MONOXIDE DETECTORS.** Effective January 1, 2007, every Illinois home was required to have at least one carbon monoxide alarm in an operating condition within **fifteen (15) feet** of every room used for sleeping purposes. Homes that do not rely on the burning of fuel for heat, ventilation or hot water; are not connected to a garage; and are not near a source of carbon monoxide (as determined by the Code Official) are not required to install carbon monoxide detectors.
ARTICLE VIII – CRIMINAL NUISANCE ABATEMENT

DIVISION I – NUISANCE FREE RENTAL HOUSING

29-8-1 NUISANCE FREE RENTAL HOUSING. It is determined and declared to be in the best interests of the residents of the City to implement a program in order to work with all owners, operators and persons in charge of rental housing to eliminate nuisance activity in order to safeguard their property and create a peaceful and safe environment in the City. It is the responsibility of the owners, operators and persons in charge of rental housing to take any and all actions permitted by law to eliminate such nuisances. However, this Article shall not be construed or enforced in any manner which would affect the tenancy of a Tenant whose only involvement in nuisance activity is only as the victim of a crime.

29-8-2 NUISANCE FREE LEASE ADDENDUM. Any owner, operator or person in charge of rental housing is required to utilize a nuisance-free lease addendum, in the form provided by the Chief, as part of every lease executed by an owner, operator or person in charge. The lease addendum shall state that any nuisance activity committed on the subject property by the Tenant, member of the Tenant’s household, guest, operator or person in charge shall have the authority pursuant to the lease addendum to initiate eviction proceedings under Section 9-120 of the Illinois Code of Civil Procedure (735 ILCS 5/9-120) and/or other Illinois law regarding forcible entry and detainer.

29-8-3 VIOLATIONS.

(A) Any property on which nuisance activity occurs may be declared a nuisance property. No property shall be declared a nuisance property unless it is proven by a preponderance of the evidence that there has been one (1) or more instances of nuisance activity within a one (1) year period of time arising out of or arising from the property.

(B) Any owner, operator or person in charge who (a) allows or permits a property to become a nuisance property; (b) allows or permits a property to continue as a nuisance property; and (c) fails to implement reasonable and warranted measures, as specified in writing by the Chief, shall be in violation of this Article.

(C) Each day that a violation of this Article continues shall be considered a separate and distinct offense.

29-8-4 PROCEDURES.

(A) When the Police Chief receives notification one (1) or more documented occurrences of nuisance activity on a property, he or she may, at his or her discretion, independently review such reports to determine whether they describe the activities, behaviors, or conduct enumerated under Section 25-1-1 hereof. Upon such finding, the Chief may, at his or her discretion, do either of the following:

(1) Notify the owner, operator or person in charge, in writing, that the property has been determined to be a nuisance property. If the Police Chief sends such notice, the notice shall contain the following information:

(a) The street address of the property or a legal description sufficient for identification of the property.
(b) A statement that the matter is being referred to the City law department to be brought before an administrative hearing officer, as defined in 25-1-1 of this Code, for a hearing.

(c) If the person in charge notifies the Police Chief immediately upon receipt of the notice and agrees to abate the nuisance within ten (10) days, or take other agreed upon, timely and warranted measures, the Police Chief may, at his or her discretion, postpone referring the matter to the law department.

(d) Service of notice shall be made either personally or by first-class mail, postage prepaid, or such other place which is likely to give the owner, operator or person in charge notice of the determination of the Police Chief.

(e) A copy of the notice shall be served on the owner at the address shown on the tax rolls of the county in which the property is located, and/or occupant at the address of the property, if these persons are different than the operator or person in charge, and shall be made either personally or by first-class mail, postage prepaid.

(f) The failure of any person to receive notice, as provided above, shall not invalidate or otherwise affect the proceedings under this chapter.

(2) Notify the owner, operator or person in charge, in writing, that property is in danger of becoming declared a nuisance property. If the Police Chief sends such notice, the notice shall contain the following information:

(a) The street address of the property or a legal description for identification of the property;

(b) A statement that the Police Department has information that the property may be a nuisance property along with a concise description of the nuisance activities that exist or have occurred. The Police Chief shall offer the owner, operator or person in charge an opportunity to propose a course of action that the Police Chief agrees will abate the nuisance activities giving rise to the violation.

(c) Demand that the person in charge respond to the Police Chief within ten (10) business days to discuss the nuisance activity.

29-8-5 BURDEN OF PROOF; PROCEDURE; FINES AND REMEDIES.

(A) At hearing before the administrative hearing officer, the City shall have the initial burden of proof to show, by a preponderance of evidence, that the property is a nuisance property.

(B) If an owner, operator or person in charge is summoned before the hearing officer due to nuisance property, he shall give notice, in writing, to all of his tenants on that property. Said notice shall provide the following: The physical address of the property; the date and time that the property owner is to appear before the hearing officer; the fact that the appearance is due to alleged nuisance activity; and the be delivered, either personally or by U.S. mail, to each tenant on the property and must be posted in a prominent location on the property where the tenant(s) are likely to see it.
(C) Such a hearing shall be held in accordance with the procedures, as specified in 25-3-5. The City's representative shall present evidence in support of its claim that the property is a nuisance property. The owner, operator or person in charge or a legal representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and reliable. The owner, operator, person in charge or tenant may invoke at hearing the affirmative defense set forth in Section 9-106.2 of the Illinois Code of Civil Procedure (735 ILCS 5/9-106.2), and, if proven by a preponderance of the evidence, such tenant shall not be forced to vacate the property for any initial incident involving domestic violence or sexual violence at the property, provided that the owner, operator or person in charge must have barred the perpetrator of such domestic violence or sexual violence in accordance with applicable subsections (f) and/or (g) thereof.

(D) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing, whether or not a violation of this Article exists. The determination shall be in writing and shall be designated as the findings, decisions, and order. The hearing officer's decision shall be final and binding. The findings, decision and order shall include the hearing officer's finding of fact, and order for abatement of the nuisance activity or sanctioning the owner, operator or person in charge, as specified below, or dismissing the case in the event a violation is not proved.

(1) A copy of the findings, decision, and order shall be served upon the person in charge, or owner or operator if different than the person in charge, within ten (10) business days. Service shall be in the same manner as specified in 25-3-5.

(2) Payment of any penalty or fine shall be made to the City.

(3) In the event that the order provides for the abatement of nuisance activity, the hearing officer shall establish a status date, which would be after the date established for the abatement of the nuisance activity, in order to determine where there has been compliance with the order. At such time, the hearing officer shall hear testimony and accept any evidence relevant to the compliance with the order and continued abatement of the nuisance activity.

(E) If the hearing officer makes a finding that a property was, or is, a nuisance property, he may impose any or all of the following remedies:

(1) Fine the person in charge, and/or the owner or operator of the property if those persons are different than the person in charge, not less than Two Hundred Dollars ($200.00) and not more than One Thousand Dollars ($1,000.00) for each violation of this Article. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation. The hearing officer may, at his or her discretion, impose such a fine for each day the nuisance activity goes unabated. No person shall be found in violation of this section unless the City proves by a preponderance of the evidence that the owner, operator or person in charge failed to take reasonable and warranted measures to abate the nuisance activity. In establishing the amount of any fine, the hearing officer may consider any of the following factors:

(a) The actions taken by the owner, operator or person in charge to mitigate or correct the nuisance activities at the property.

(b) The repeated or continuous nature of the problem.

(c) The magnitude or gravity of the problem.

(d) Amount of cooperation given to the City by the owner, operator or person in charge.
(e) The cost incurred on the City to investigate, correct, or attempt to correct the nuisance activities.

(f) Any other factors deemed relevant by the hearing officer. Evidence of a property's general reputation and/or the reputation of the persons in or frequenting it shall be admissible.

(2) Order the owner, operator or person in charge to take reasonable, timely and lawful measures to abate the nuisance activity, including specifying deadlines for the same, and in furtherance thereof, may order a period of continued compliance wherein the matter will be returned before the hearing officer to update him/her as to the continued nuisance-free status of the property for a period of up to one (1) year.

(3) Suspend/revoke the rental housing occupancy and criminal nuisance abatement permit for the rental unit(s) involved in the nuisance or aggravated nuisance activity if such property is rented or leased. The hearing officer may order that said rental unit(s) be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year. If the hearing officer suspends or revokes the rental housing occupancy and criminal nuisance abatement permit for the rental unit(s) involved in the nuisance activity, the person in charge, or the owner or operator of the rental unit(s), if those persons are different than the person in charge, shall receive written notice that the rental housing occupancy and criminal nuisance abatement permit and the right to lease said unit(s) is suspended or revoked, as the case may be. The suspension or revocation of any rental housing occupancy and criminal nuisance abatement permit, or any right to lease unit(s), shall not release or discharge the rental housing occupancy and criminal nuisance abatement permit holder from paying fees or fines under this Code, nor shall such rental housing occupancy and criminal nuisance abatement permit holder be released from criminal prosecution or further civil proceedings.

(4) Suspend or revoke the occupancy permit that has been issued by the City for the establishment, business, club or any commercial entity that currently occupies the property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year.

(5) Close any business, office, commercial warehouse, manufacturing, industrial, office or research operation, plant, or any other commercial property, entity, or use located on or in the nuisance property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year.

(6) Order that a vacant or unused nuisance property of whatever use or a vacant lot which is a nuisance property, whether residential or commercial, be closed and secured against all unauthorized access, use, and occupancy. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of one (1) year. The hearing officer may further require that the nuisance property be fenced and/or gated to physically restrict
access. He or She may also require the hiring of security personnel to assure there is no unauthorized access, use, and occupancy.

(7) Issue an order to close and secure any rented or leased, non-licensed, residential property against all unauthorized access, use, or occupancy for a period of not less than sixty (60) days, nor more than one (1) year.

(F) The hearing officer shall require each owner, operator or person in charge who is found to have violated this Article to attend the next available rental housing occupancy and criminal nuisance abatement class as administered by the Police Department or any other entity designated by the City.

29-8-6 CHARGE FOR NUISANCE SERVICES. The City finds that any premises that has generated more calls for police service for nuisance activities after being declared a nuisance property has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the City. The City therefore directs the Police Chief to charge the owners of such premises the costs associated with abating nuisance violations as defined herein at such premises for a period of one (1) year, after which, charging for the services will cease unless the City reconsiders the facts and determines to continue to charge for such services.

29-8-7 RENTAL HOUSING OCCUPANCY AND CRIMINAL NUISANCE ABATEMENT PERMIT.

(A) **Permit Required.** It shall be unlawful for any person, person in charge, owner or operator, as defined in this Code, to lease, rent, or occupy the premises of a rental property for any reason or use of the said rental property until a rental housing occupancy and criminal nuisance abatement permit has been lawfully issued by the Code Official, notwithstanding the other requirements of this Code, as well as the requirements set forth in 29-1-8 and this Code. The permit so issued shall state that the condition of the premises and its proposed occupation and rental uses comply with all of the provisions of this Code as far as can be determined by a visual inspection of the premises, as well as a review of all relevant records.

(B) **Application for Permit.** It shall be unlawful for any person, person in charge, owner or operator, as defined in this Code, to knowingly or recklessly make any false statement on the application for a rental housing occupancy and criminal nuisance abatement permit to allow occupancy of rental housing units by tenants as to the names, relationships, history, background, criminal nuisance activity, nuisance activity, or number of occupants who will occupy the rental unit, notwithstanding the requirements of 29-1-8 of this Code. The following documents shall be submitted with application; copy of lease with nuisance-free lease addendum and rent receipt with photo identification. In order to successfully apply for the permit, any person, person in charge, owner or operator must participate in the City mandated rental housing occupancy and criminal nuisance abatement class, as well as pay the Twenty-Five Dollar ($25.00) fee per permit, per rental unit, on an annual basis. Any person, person in charge, owner or operator, who has already attended a municipal mandated criminal housing program within the City, may lawfully opt out of the class by providing documentation of successful program completion in the municipality.

(C) **Action on Application.** The Code Official shall examine or cause to be examined all applications for rental housing occupancy and criminal nuisance abatement permits within a reasonable time after filing. No certificate of rental housing occupancy will be issued until an inspection of the premises and relevant records, as well as successful completion of the class or documentation proof of completion of a like city class, along with payment of the required fees.
(D) **Rejection of Application.** If the application does not comply with the requirements of all pertinent laws, the Code Officials shall reject such application in writing, stating reasons thereof. Rejection of said application would forfeit paid fees and require a new application and class.

(E) **Suspension of Permit.** Any permit issued shall become invalid if the occupancy of the rental unit is not commenced within **six (6) months** after issuance of the permit. Any permit shall also become invalid for a period specified by the Code Official if a violation of this Code is found by the hearing officer. Such suspension may result in a fine, as well as the need to reapply for a rental housing occupancy and criminal nuisance abatement permit per rental unit that is found in violation.

(F) **Revocation of Permit.** The Code Official may revoke a permit in case of any false statement or misrepresentation of facts in the application on which the permit was based, or in the event of a violation of **29-1-8** and this Code. Such revocation will result in a fine, as well as the need to reapply for a rental housing occupancy and nuisance abatement permit per rental unit found in violation of the law or this Code.
ARTICLE IX - REFERENCED STANDARDS

This Article lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document the reference the standard. The application of the referenced standards shall be as specified in Section 29-1-11.

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CHAPTER 30
PUBLIC SAFETY

ARTICLE I – CIVIL EMERGENCY

30-1-1 DEFINITIONS.

"CIVIL EMERGENCY" is hereby defined to be:

(A) A "riot or unlawful assembly" characterized by the use of actual force or violence or any power to execute by three (3) or more persons acting together without authority of law; or

(B) Any "natural disaster" or "man-made calamity", including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the City resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

"CURFEW" is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

30-1-2 DECLARATION OF EMERGENCY. Whenever an emergency as defined in Section 30-1-1 exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

30-1-3 CURFEW. After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City or to the City as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

30-1-4 AUTHORITY OF MAYOR TO ISSUE ORDERS. After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders.

(A) Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(B) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(C) Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(D) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(E) Issue such other orders as are imminently necessary for the protection of life and property.

30-1-5 EFFECTIVENESS. The proclamation herein authorized shall be effective for a period of forty-eight (48) hours unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each forty-eight (48) hour period during the time the civil emergency exists.
30-1-6 **NOTIFICATION.** Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the City and shall cause **three (3) copies** of the proclamation declaring the existence of the emergency to be posted at the following places within the City:

(A) The City Hall.
(B) The Post Office.
(C) The Court House.

(See 65 ILCS Sec. 5/11-1-6)

**ARTICLE II - POLICE DEPARTMENT**

**DIVISION I - DEPARTMENT ESTABLISHED**

30-2-1 **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the City which shall be known as the Police Department. The Police Department shall consist of the Chief of Police and of such number of patrolmen as may be provided from time to time by the City Council.

30-2-2 **OFFICE OF CHIEF CREATED.** There is hereby established the office of the Chief of Police. The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council for a term of **one (1) year.**

30-2-3 **DUTIES OF CHIEF.** The Chief of Police shall keep records and make reports concerning the activities of his department as may be required. The Chief shall be responsible for the performance of the Police Department, of all its functions, and all persons who are members of the department shall serve subject to the orders of the Chief of Police.

30-2-4 **APPOINTMENT OF PATROLMEN.** Subject to the provisions Ordinance No. 1294-11, creating and establishing a Board of Fire and Police Commissioners, a sufficient number of patrolmen as determined by the City Council shall be appointed to serve for **one (1) year** or until his successor is appointed and qualified. A police officer may be appointed if he meets the necessary qualifications notwithstanding the fact that police officer is not a resident of the City when appointed or when he is to serve as such an official. The Police Chief shall serve for an unspecified term at the pleasure of the Mayor and City Council. (Ord. No. 1298-11; 07-12-11)

30-2-5 **SALARY.** The police department shall receive such compensation as may be provided by ordinance or resolution of the City Council.

30-2-6 **DUTIES.** The policeman shall devote his entire time to the performance of the duties of his office and is hereby charged with the preservation of the peace, order and safety of the City and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the City Council. He shall take notice of all nuisances, obstructions and defects on the highways or other public places, and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto. When requested by the Mayor he shall attend, either in person or by deputy, all meetings of the City Council, execute all its orders and close the Council Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the City or laws of the State of Illinois.
30-2-7 MUTUAL AID CONTRACT. The Police Department, with the approval of the City Council, may enter into an agreement to provide police protection to neighboring municipalities.

30-2-8 SPECIAL POLICEMEN. The Mayor may, on special occasions when, in his judgment for public peace and order of the City shall require, appoint and commission any number of special policemen as may be necessary and shall fix in order of their appointment, the time during which each shall serve all such special policemen, during such time, shall possess the powers and exercise the duties of regular police patrolmen; provided that their appointment, if for more than ten (10) days shall be subject to the consent of the City Council in the manner that other appointments to office by the Mayor are subject. Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

30-2-9 LEGAL PROCESSES. All police shall have the power and authority to execute City warrants or other similar legal processes outside the corporate limits of the City and within such distance therefrom as authorized by law in all cases when any ordinance of the City Council made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the City.

30-2-10 ASSISTING POLICE OFFICER. Every police officer of the City may, at any time, call upon any able-bodied person(s) above the age of eighteen (18) years to aid him in the arresting, retaking or holding in custody of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act.

30-2-11 AIDING FIRE DEPARTMENT. Every police officer shall aid the fire department by giving the alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.

30-2-12 FAILURE TO PERFORM. Any member of the Police Department who shall neglect or refuse to perform any duty required of him by this Code or the rules and regulations of the Department, or who shall be, in the discharge of his official duties, guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

30-2-13 AIDING IN ESCAPE. It shall be unlawful for any person in this City to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

30-2-14 USE OF INTOXICATING LIQUOR. No member on an active tour of duty or while wearing the official policeman's badge of the City shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

30-2-15 WITNESS FEES. Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the City Treasurer.
30-2-16  RULES AND REGULATIONS. The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable and such rules, when approved by the Mayor, shall be binding on such members.

30-2-17  TRAINING. All police officers, prior to entering upon any of their duties, shall receive a course of training in the use of weapons by proper authorities as established by the State of Illinois. All full-time and part-time officers shall complete a course on police procedures by the proper authorities as established by the State of Illinois Law Enforcement Training and Standards Board within the prescribed time period as established by such board. Upon completion of the course of training, the officer shall file with the Mayor a certificate attesting to the completion of the course.

30-2-18  STOLEN PROPERTY. The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the City.

30-2-19  PART-TIME POLICE OFFICERS. There is hereby established in the City the position of part-time police officer. Part-time police officers shall serve the City as employees at will.

(A) Appointments by Mayor. The Mayor may appoint part-time police officers as employees, in such number as the Mayor and the City Council shall approve and pursuant to the Personnel Code. The Chief of Police shall have the authority to discharge part-time police officers as provided in the City Personnel Code. Part-time police officers shall be members of the regular Police Department, subject to the City's rules, except for pension and other benefits as may be provided to other City employees.

(B) Background Checks. Prior to appointment, part-time police officers shall be subject to a background check, including without limitation, fingerprint verification by the Federal Bureau of Investigation and the Illinois State Police. No person shall be hired as a part-time police officer unless he or she is a person of good character and is not a person who has been convicted of a felony or crime involving moral turpitude.

(C) Duties Assigned by Police Chief. Part-time police officers shall be assigned to perform duties by the Chief of Police. Primary duties shall include prevention and detection of crime and enforcement of the criminal code, traffic, and highway laws of the State of Illinois, the City of Carterville ordinances, and all other applicable laws, rules, ordinances and regulations. Every part-time police officer shall obey the orders and directions of the Chief of Police and any supervising officer. Part-time police officers shall not be assigned under any circumstances to direct or supervise full-time police officers. Part-time police officers shall at all times during the performance of their duties be subject to the direction, control and discipline of the Chief of Police.

(D) Hiring Standards. Part-time police officers may be hired by the City, as authorized by Section 3.1-30-21 of the Illinois Municipal Code (65 ILCS 5/3.1-30-21), in accordance with the following hiring standards:

1. The applicant must be a U.S. citizen;
2. The applicant must be twenty-one (21) years of age or older;
3. The applicant must possess a high school diploma or GED equivalency;
4. The applicant must have a valid driver’s license;
5. The applicant must have eyesight of 20/20, or correctable to 20/20;
6. The applicant must not be colorblind;
7. The applicant must have no felony convictions, or any violations (whether conviction or other dispositions where a finding of guilty was made) of other crimes involving moral turpitude as determined solely by the City (See 50 ILCS 705/6.1 and 65 ILCS 5/10-2.1-6 for list of disqualifying misdemeanor offenses);
8. The applicant must meet all standards set forth in 430 ILCS 65/.01 et seq., pertaining to the Firearms Owner’s Identification Act; and
The hiring standards for part-time police officers, as set forth hereinabove, shall be submitted by the Chief of Police to the Illinois Law Enforcement Training Standards Board.

Training Requirements. No person shall be retained as a part-time police officer who has not achieved certification from the Illinois Law Enforcement Training and Standards Board (the "Board") in the manner required by the City, including successful completion of police officer training pursuant to the Intergovernmental Law Enforcement Officer's In-Service Training Act, 50 ILCS 720/1 et seq., in accordance with the procedures for part-time police officers established by the Illinois Law Enforcement Training Standards Board. Every part-time police officer, prior to entering into any duties, also shall receive not less than forty (40) hours of training within the Police Department, including, without limitation, police procedures, laws of arrest, search and seizure, deadly force, traffic law, criminal code and any other pertinent training issues covering rules and regulations, directives, and policies and procedures. Part-time police officers shall familiarize themselves with and be subject to and obey all ordinances and other rules, regulations, policies and procedures governing the conduct and operation of the Police Department of the City, including but not limited to the City Codes.

Violations and Disciplinary Action. Violation of any of the rules, regulations, policies and procedures of the Police Department of the City or of any of the provisions of the City Code of Ordinances shall subject a part-time officer to disciplinary action up to and including termination of his or her appointment.

Wage. Part-time police officers shall be paid an hourly wage as determined by the City Council for each hour of service that is performed at the direction of the Chief of Police, or the Chief's designee.

Workmen's Compensation Coverage. Part-time police officers shall be considered employees of the City and, as employees, shall be covered by the City's worker's compensation insurance.

Replacements. Part-time police officers shall not be used as permanent replacements for permanent full-time police officers.

Ord. No. 1297-11; 06-14-11)

30-2-20 RANGE OFFICER.
(A) The position of Range Officer is hereby established.
(B) The position is to be filled by appointment by the Mayor with approval of the City Council.
(C) The Range Officer will be paid an annual salary of One Hundred Dollars ($100.00). (Ord. No. 825-96; 01-09-96)

30-2-21 DETECTIVE POSITION.
(A) There has hereby been created and established the position of detective within the Police Department of the City of Carterville, Illinois.
(B) The position of Detective shall be appointed by the Mayor with the advice and consent of the City Council. (Ord. No. 736-93; 12-14-93)

30-2-22 - 30-2-24 RESERVED.
(See 65 ILCS Sec. 5/11-1-2)
DIVISION II - AUXILIARY POLICE

30-2-25 APPOINTMENT. The Chief of Police may appoint auxiliary police officers in such number as deemed necessary with confirmation to follow by the City Council at their next regularly scheduled meeting.

30-2-26 STATUS. Auxiliary police officers shall not be "conservators of the peace" and shall only carry firearms while on duty, with the approval of the Chief of Police, and only after completing the State certified 40-Hour Mandatory Firearms Training Course as provided under 50 ILCS 710/2. Auxiliary police officers shall not be considered to be members of the regular police department, and shall not supplement members of the regular police department of the City in the performance of their assigned and normal duties except as otherwise provided herein.

30-2-27 IDENTIFICATION SYMBOL. Identification symbols worn by the auxiliary police officers shall be different and distinct from those used by the regular police department.

30-2-28 SUPERVISION. Auxiliary police officers shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police of the City or by sworn officers assigned by title or designation to supervisory duties.

30-2-29 POWERS AND DUTIES. Auxiliary police officers shall only be assigned to perform the following duties in the City:

(A) Aid or direct traffic within the City;
(B) Aid in control of natural or man-made disasters;
(C) Aid in case of civil disorder;
(D) Perform normal and regular police duties (to the extent permitted by law) when assigned by the Chief of Police on occasions when it is impractical for members of the regular police department to perform normal and regular police duties;
(E) Participate in on the job training when assigned to one sworn officer normally on duty when a second officer would not normally be assigned to the same patrol unit or tasking;
(F) To assist the regular Police Department in performance of non-hazardous duties when called upon by the Chief of Police, which may include, but are not limited to:
   (1) Traffic control for City sponsored parades and other events;
   (2) Security at high school football and basketball games, as well as various other school events;
   (3) Security at the Carterville Free Fair, Carterville Pumpkin Path, Christmas in Carterville, and other City authorized events;
   (4) Being on-call for such emergencies as large fires, floods, lost persons, etc.;
   (5) Being utilized for various directed areas of patrol throughout the City to facilitate community outreach and crime prevention programs.

30-2-30 HIRING STANDARDS. Auxiliary police officers must be United States citizens; reside within ten (10) miles of the City limits; must be at least eighteen (18) years of age; must have never been convicted of a felony crime; must not be in criminal litigation to either prove or disprove allegations of felonious conduct or conduct of moral turpitude; must have at least a high school education or equivalent (GED) certificate; must be willing to submit to a thorough background (including fingerprinting); and must be in good physical health.

30-2-31 CONTINUING TRAINING REQUIREMENTS. Auxiliary police officers are required to attend two (2) of the three (3) regularly scheduled meetings per quarter; devote no less than ten (10) hours of authorized activity or duty time per quarter; and notify the Chief of Police or their designee if they are unable to fulfill their minimum quarterly requirements.

(Ord. No. 1371-15; 03-10-15)
ARTICLE III

EMERGENCY MANAGEMENT AGENCY (EMA)

30-3-1 POLICY AND PROCEDURES.

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

(1) To create a municipal emergency 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);
(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.

30-3-2 LIMITATIONS. Nothing in this Code shall be construed to:

(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;
(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;
(D) Limit, modify, or abridge the authority of the Mayor and the City Council to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.
30-3-3  **DEFINITIONS.** As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

(A) **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

(B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

(C) **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.

(D) **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.

(E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

30-3-4  **EMERGENCY 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 by the Mayor with the advice and consent of the Board. He shall serve at the pleasure of the Mayor.

(B) The Emergency Management Agency shall obtain, with Board 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 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 organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency 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.

30-3-5

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 duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:
(1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.
(2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
   (a) Prevention and minimization of injury and damage caused by disaster;
   (b) Prompt and effective response to disaster;
   (c) Emergency relief;
   (d) Identification of areas particularly vulnerable to disasters;
   (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
   (f) Assistance to local officials in designing local emergency action plans;
   (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
   (h) Organization of municipal manpower and chains of command;
   (i) Coordination of local emergency management activities;
   (j) Other necessary matters.
(3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information...
programs, and to take all other preparatory steps, including the partial or full mobilization of emergency 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.

30-3-6 FINANCING.
(A) It is the intent of the City Council and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.
(B) It is the City Council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the City Council for the purpose of enacting ordinances as the City Council may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the City Council is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the City Council can convene.
(C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-3-7 LOCAL DISASTER EMERGENCIES.
(A) A local disaster emergency may be declared only by the Mayor or City Council. If declared by the Mayor, it shall not be continued for a period in excess of seven (7) days except by or with the consent of the City Council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.
(B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.
(C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "The Illinois Emergency Management Agency Act", provided that, if the City Council meets at such time, he shall act subject to the directions and restrictions imposed by that body.

30-3-8 TESTING OF DISASTER WARNING DEVICES. The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10 o'clock in the morning.
30-3-9 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS. The coordinator for emergency management operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in Section 30-3-3 of this Code, it shall be the duty of each local and department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

30-3-10 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.

30-3-11 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 would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-3-12 PROFESSIONS, TRADES AND OCCUPATIONS. If such disaster as is described in Section 30-3-3 occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

30-3-13 APPROPRIATIONS AND LEVY OF TAX. The City Council may make appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The City Council may also levy for emergency 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.
30-3-14  **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.** Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its City Council, may accept such offer and upon such acceptance the Mayor or the City Council may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

30-3-15  **ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until ten (10) days after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in Section 30-3-7, the provision relating to the effective date of any rule, regulation 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.

30-3-16  **UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In carrying out the provisions of this Code, the Mayor and the coordinator of the emergency 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.

30-3-17  **SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

30-3-18  **NO PRIVATE LIABILITY.**

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the...
event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

30-3-19 **SUCCESION.** In the event of the death, absence from the municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency management agency shall succeed to the duties and responsibilities of the Mayor.

30-3-20 **COMPENSATION.** The City Council, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

30-3-21 **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Management Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal Emergency Management Agency 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."

30-3-22 **EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**

(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or City Council, as provided herein in Section 30-3-7(A), a local disaster emergency requires the termination or reduction of electrical service, the Mayor or City Council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

30-3-23 **PENALTY.** Any person convicted of violating this Code or any order thereunder shall be punished, upon conviction, by a fine as provided by **Section 1-1-20** of this Code.

(See 20 ILCS Sec. 3305/1 et seq.)
ARTICLE IV – FIRE DEPARTMENT

30-4-1 **ESTABLISHMENT.** There is hereby created and established a Fire Department, consisting of a Fire Chief, appointed by the Mayor with the advice and consent of the City Council together with the members of said Fire Department appointed as provided in the Ordinance, creating and establishing a Board of Fire and Police Commissioners. The Fire Chief shall serve for an unexpired term at the pleasure of the Mayor and City Council. (Ord. No. 1299-11; 07-12-11) (See 65 ILCS 5/11-6-1)

30-4-2 **SUPERVISION OVER DEPARTMENT — EQUIPMENT.** The Fire Chief shall have control, subject to the order and direction of the City Council, of the Fire Department and all fire apparatus belonging to the City. Whenever any fire apparatus needs repairing, the Fire Chief shall cause the same to be done without delay.

30-4-3 **COMMAND AT FIRES.** In case of fires, the Fire Chief shall take command of the Fire Department and direct the management thereof for the suppression of the fire in the best manner possible; and when it may be necessary of the conflagration, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible.

30-4-4 **ORGANIZATION.** The Fire Department shall consist of so many members as may be decided upon by the City Council. The Fire Department may have any organization approved by the City Council, and may hold meetings and engage in social activities with the approval of the Council. The secretary of the Fire Department shall keep a record of all meetings and all activities of the Fire Department. The Treasurer shall carry a bond as required by the Illinois Compiled Statutes.

30-4-5 **RECORDS.** The Fire Chief shall keep or cause to be kept a record of all meetings of the company and the attendance of the members, a record of all fires, and, during the last week of each month, file with the City Clerk a full report of such records and attendance and fires.

30-4-6 **DUTIES.** It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires, to prevent the occurrence or spread of fires.

30-4-7 **OBEEDIENCE TO ORDERS.** All firemen in attendance at a fire shall obey the orders of the officer in command at such fire.

30-4-8 **DUTIES OF SPECTATORS.** Every male person above the age of eighteen (18) years who shall be present at a fire, shall be subject to the orders of the officer in command at such fire and shall render all the assistance in his power, and in such manner as he may be directed, in the extinguishment of the fire and in the removal of and protection of property.

30-4-9 **MUTUAL AID AGREEMENTS.** When authorized by the City Council, 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.
HAZARDOUS WASTE FEES.

(A) Response to Hazardous Waste Incident. The Fire Department is authorized and directed to respond immediately upon being notified, and to do all things within its capabilities to contain, remove and dispose of any material hazardous to public health and safety that is leaked, spilled or otherwise improperly released within the corporate limits of the City.

(B) Services of Special Equipment. Should such response require the services of special personnel and equipment beyond the capabilities of the Fire Department to provide, the Chief of the Fire Department is authorized to obtain or contract for services of personnel or equipment sufficient to contain, remove and dispose of such hazardous materials.

(C) Cost of Special Equipment. The cost incurred for the use of such special personnel and equipment, in addition to the cost of the use of City personnel and equipment, shall be charged to the person, firm or organization, jointly and severally, in possession of or in the process of transporting or otherwise responsible for the containment of any hazardous material spilled, leaked or otherwise improperly released.

(D) Costs of Services. The amount of the costs incurred by the City from the use of special personnel and equipment is the amount to be charged to the person, firm or organization designated in paragraph (C) hereof. In addition, such person, firm or organization shall be charged for the use of City personnel, equipment and materials as follows:

<table>
<thead>
<tr>
<th>(1) Pumper Truck</th>
<th>$300.00 per hour</th>
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</thead>
<tbody>
<tr>
<td>(2) Aerial Ladder Truck</td>
<td>300.00 per hour</td>
</tr>
<tr>
<td>(3) Communications Unit</td>
<td>300.00 per hour</td>
</tr>
<tr>
<td>(4) Hazardous Material Truck</td>
<td>300.00 per hour</td>
</tr>
<tr>
<td>(5) Off Duty Personnel Call Back</td>
<td>Hourly O/T Rate plus 30%</td>
</tr>
<tr>
<td>(6) Other Personnel</td>
<td>Regular Hourly Rate</td>
</tr>
<tr>
<td>(7) Materials</td>
<td>Cost of Replacement</td>
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<tr>
<td>(8) Other Equipment</td>
<td>Regular Hourly Rate</td>
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(MUTUAL AID BOX ALARM SYSTEM. The City has entered into a "Mutual Aid Box Alarm System" agreement pursuant to 5 ILCS 220/1 and is fully included as Appendix "A" of this Chapter. (Ord. No. 1070-02; 09-10-02)

KEY LOCK BOX SYSTEM. The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Chief:

(A) **Commercial or Industrial structures** protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.

(B) **Multi-Family Residential Structures** that have restricted access through locked doors and have a common corridor for access to the living units.

(C) **Governmental Structures and Nursing Care Facilities.**

(D) All newly constructed structures subject to this Section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All in existence on the effective date of this Section and subject to this Section shall have **one (1) year** from the effective date of this Section to have a key lock box installed and operational.

(E) The Fire Chief shall designate the type of key lock box system to be implemented within the City and shall have the authority to require all structures to use the designated system.

(F) The owner/operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow access to the structure.

(G) The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.
(H) Any person who owns and operates a structure subject to this Section shall be subject to the penalties set forth regarding this Code for any violation of this Section, provided that the minimum fine for a conviction for a violation of this Section shall be Two Hundred Fifty Dollars ($250.00).
(Ord. No. 1369-15; 03-10-15)
ARTICLE V – AMBULANCE SERVICE

30-5-1 AMBULANCE FEES. Rates and charges for ambulance services provided by the City is hereby amended as follows:

(A) Basic Charge. There will be basic charge for ambulance services as follows:
- BLS – Emergency: $80.00
- BLS – Non-Emergency: $80.00
- ALS 1 – Emergency: $90.00
- ALS 1 – Non-Emergency: $90.00
- ALS 2 – Emergency: $1,000.00

(B) Additional Charge. In addition to the basic charges, there will be additional charges as follows:
- Loaded Mileage (per rounded mile): $1.00/mile

(C) Intercept. There will be a charge for the intercept as follows:
- For the City of Hurst, Illinois: $75.00
- For the City of Cambria, Illinois: $75.00

(Ord. No. 1439-18; 09-12-18)

30-5-2 DISPATCH SERVICES. The Ambulance Service shall have exclusive rights to be dispatched by Williamson County 911 emergency telephone system to all service calls within the City limits. (Ord. No. 881-97; 01-14-97)
ARTICLE VI – PUBLIC SAFETY EMPLOYEE BENEFITS ACT

30-6-1 PURPOSE. The purpose of this Article is to provide a fair and efficient method for determining the eligibility of a full-time employee for the benefits enumerated under PSEBA through an administrative process, including if necessary, an administrative hearing.

30-6-2 DEFINITIONS. For the purpose of this Article, the following terms will have the following meanings. These definitions are derived from the federal Public Health and Welfare Act, which enacted in 1944 and amended in 1984 to define, by inclusion or reference, the following terms.

For use in this Article, provisions containing the words “mayor,” “commissioner,” “alderman,” or “city council” also apply to the president, trustee, council member and boards of trustees so far as the provisions are applicable to them.

(A) Catastrophic Injury. An injury, the direct and proximate consequences of which permanently prevent an individual from performing any gainful work.

(B) Gainful Work. Full- or part-time activity that actually is compensated or commonly is compensated.

(C) Injury. A traumatic physical wound (or a traumatized physical condition of the body) directly and proximately caused by external force (such as bullets, explosives, sharp instruments, blunt objects, or physical blows), chemicals, electricity, climatic conditions, infectious disease, radiation, virus, or bacteria, but does not include:

1. Any occupational disease; or
2. Any condition of the body caused or occasioned by stress or strain.

30-6-3 APPLICATION PROCEDURE. As noted by the Court in Pedersen, “the Act, however, does not provide any guidance on the proper procedure for seeking [PSEBA] benefits.” ¶ 37. This Article and the application procedure of this Section establishes guidance on the proper procedure for Public Safety Officers seeking PSEBA benefits in the City.

(A) A Public Safety Officer, or family member(s) of an injured or deceased Public Safety Officer, ("Applicant") must file a full and complete PSEBA application in writing within thirty (30) days of filing a pension claim with the City or within thirty (30) days of the date of the adoption of this Article in the event that an Applicant has filed for a PSEBA claim prior to the date of adoption of this Article, whichever is later, if the Applicant is seeking benefits under PSEBA. The City shall notify Applicant if the PSEBA application is incomplete and Applicant shall have five (5) days to remedy their application. Failure to timely file the full and complete application shall result in a forfeiture of the benefits under PSEBA by failure to properly submit a complete application.

(B) A complete PSEBA application includes the following:

1. The name of the Applicant, date of hire, detailed information regarding the incident, including information relating to how the injury was sustained in the line of duty (date, time, place, nature of injury, and other factual circumstances surrounding the incident giving rise to said claim);

2. The Applicant’s firsthand knowledge explaining, to the City’s satisfaction, how the injury/death directly resulted from:

   (a) Response to fresh pursuit;
   (b) Response to what is reasonably believed to be an emergency;
   (c) Response to an unlawful act perpetrated by another; or
   (d) Participation during the investigation of a criminal act.

3. A signed PSEBA medical authorization release which authorizes the collection of information related to the incident including, but not limited to, disability pension proceedings, worker’s compensation records, and medical records and specifies the name and address for pertinent health care provider(s);
(4) A signed PSEBA general information release specifying the name and signature of the Applicant or his/her authorized representative along with legal proof of said representation and name and signature of witness authorizing the collection of information pertinent to the incident review process;

(5) The name(s) of witnesses to the incident;

(6) The name(s) of witnesses the Applicant intends to call at the PSEBA hearing;

(7) Information and supporting pension documentation filed with the appropriate pension board;

(8) Information supporting the PSEBA eligibility requirements; and

(9) Other sources of health insurance benefits currently enrolled in or received by the Applicant and/or family members if the Applicant is deceased.

(C) The PSEBA application must be submitted to the City Clerk in its entirety.

(D) The PSEBA application must be sworn and notarized to certify the truthfulness of the content of the information. A review of the application shall not occur until the application is complete.

(E) On the date that the PSEBA application is deemed complete by the City, the completed application shall then be submitted to the City as the Preliminary Record, and a copy of the same shall be date stamped and provided to the Applicant.

(F) Upon receipt of a complete application for PSEBA benefits, the City shall set the matter for an administrative hearing before a hearing officer to make a determination on whether to grant the Applicant PSEBA benefits based on the result of the administrative hearing.

(G) The Applicant will be given written notice of the date for the scheduled administrative hearing to be served not less than ten (10) days prior to the commencement of the hearing. If the Applicant, upon receiving written notice of the administrative hearing, cannot attend said date, the Applicant must contact the hearing officer in writing within seven (7) days after being served. The hearing officer shall establish an alternative hearing date which is within thirty (30) days of the original hearing date. Failure to appear at the administrative hearing shall result in denial of PSEBA benefits.

30-6-4 ADMINISTRATIVE COMPOSITION. The administrative hearing shall be scheduled and conducted by a hearing officer whose authority and limitations are as follows:

(A) Authority of the Hearing Officer. The hearing officer shall have all of the authorities granted to her/him under common law relative to the conduct of an administrative hearing, included the authority to:

(1) Preside over City hearings involving PSEBA;
(2) Administer oaths;
(3) Hear testimony and accept evidence that is relevant to the issue of eligibility under PSEBA;
(4) Issue subpoenas to secure attendance of witnesses and the production of relevant papers or documents upon the request of the parties or their representatives;
(5) Rule upon objections in the admissibility of evidence;
(6) Preserve and authenticate the record of the hearing and all exhibits in evidence introduced at the hearing; and
(7) Issue a determination based on the evidence presented at the hearing, the determination of which shall be in writing and shall include a written finding of fact, decision and order.

(B) Hearing Officer. The Mayor, with the advice and consent of the City Council, is hereby authorized to appoint a person to hold the position of hearing officer for each hearing on PSEBA benefits that shall come before this City. In making said selection, the following information should be considered, at a minimum:
Carterville City Code

30-6-5

(1) The individual’s ability to comply with the job description as set forth herein; and
(2) The individual must be an attorney licensed to practice law in the State of Illinois and have knowledge of an experience in employment and labor law, general civil procedure, the rules of evidence, and administrative practice.

30-6-5

ADMINISTRATIVE HEARING. The system of administrative hearings for the determination of eligibility for benefits under PSEBA shall be initiated either by the City or by the Applicant after the submission of a full and complete PSEBA application. An administrative hearing shall be held to adjudicate and determine whether the Applicant is eligible for benefits under PSEBA. If the Applicant is found eligible, the benefits shall be consistent with the Act.

(A) Record. The City shall ensure that all hearings are attended by a certified court reporter and a transcript of all proceedings shall be made by said certified court reporter and a copy be provided to the Applicant within twenty-eight (28) days of the date of the administrative hearing.

(B) Procedures. The City and the Applicant shall be entitled to representation by counsel at said administrative hearing and present witnesses, testimony and documents, may cross-examine opposing witnesses, and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents.

(C) Evidence. The Illinois Rules of Evidence shall apply to the extent practicable unless, by such application, the Hearing Officer determines that application of the rule would be an injustice or preclude the introduction of evidence of the type commonly relied upon by a reasonably prudent person in the conduct of her or his affairs. Such determination shall be in the sole discretion of the Hearing Officer. The Hearing Officer must state on the record her or his reason for that determination.

(D) Final Determination. A written determination by the hearing officer of whether the petitioning Applicant is eligible for the benefits under PSEBA shall constitute a final administrative determination for the purpose of judicial review under the common law writ of certiorari.

(E) Burden of Proof. At any administrative hearing, the Applicant shall have the obligation and burden of proof to establish that the Applicant is eligible and qualified to receive PSEBA benefits. The standard of proof in all hearings conducted under this Article shall be by the preponderance of the evidence.

(F) Administrative Records. All records pertaining to the administrative process shall be held in a separate file under the Applicant’s name with the City.

30-6-6

SEVERABILITY. If any provision of this Article or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Article that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Article is severable.

(Ord. No. 1424-17; 09-12-17)
ARTICLE VII – FALSE ALARMS

30-7-1 **PURPOSE.** The purpose of this Article is to regulate and assess penalties to those who negligently operate alarm systems within their establishments that result in the response of the City's Police Department when no threat exists.

30-7-2 **DEFINITIONS.**

(A) **Alarm System.** A device or assembly of equipment or devices designed or arranged to signal the presence or existence of a hazard requiring urgent attention of police personnel, including the following:

1. Burglar alarms and any other alarm which requires an emergency response by the Police Department;
2. Those systems terminating at a dedicated piece of equipment within the Police Department;
3. Automatic devices which transmit voice reproductions or messages over telephone lines; and
4. Systems which notify certain alarm stations who in turn notify the Police Department of such alarm.

(B) **Alarm User.** Any person who owns, possesses, controls, or otherwise exercises dominion over a premises or property, or who regularly supervises the operation of any business thereon, on or in regard to which premises or property an alarm system is maintained. A person owns or controls the property if he/she is the grantee under a deed, purchaser under a contract or a tenant or user of the premises.

(C) **False Alarm.** The activation of an alarm system resulting in signal or calls being received by the Police Department when there is no threat to life, safety, or property requiring their urgent attention in, on, or at the property in regard to which the signal or call was sent. A false alarm includes, but is not limited to, activation of an alarm system caused by human error, mechanical or system malfunction which results from neglect or failure to maintain; or an intentional activation when no threat is present.

(D) **Person.** A natural person or firm, organization, association, partnership or corporation.

30-7-3 **RESPONSIBILITY FOR FALSE ALARMS.** The alarm user shall be responsible for all false alarms sent because of the activation of an alarm system in, or in regard to his/her property, or because of the action or statement of any of his/her employees or agents, if such action or statement is likely to result in the sending of an alarm, except when the agent or employee making the statement, taking the action or sending the alarm does so with the specific intention of sending a false alarm or causing one to be sent.

30-7-4 **NOTIFICATION OF FALSE ALARMS.** The Police Chief, or their designee shall notify the responsible person in writing, by personal service or by U.S. Postal Service. The notification will inform the person after the 4th occurrence of a false alarm to take corrective action in regard to false alarms and inform them that any further false alarms will be subject to the alarm fee schedule.

30-7-5 **SERVICE FEE ASSESSED FOR FALSE ALARMS.** The fifth (5th) false alarm and every false alarm thereafter, from or in regard to the same premises or property, within a twelve (12) month period, shall result in the alarm user being assessed a service fee. The service fee for each false alarm (5-8) shall be One Hundred Dollars ($100.00) each; every subsequent false alarm after eight (8) will increase by an additional One Hundred Dollars ($100.00) each, to a maximum of One
30-7-6 FALSE ALARM PROHIBITED. It is unlawful for any person to send or give a false alarm. See also City Code Section 27-4-1(D).

(Ord. No. 1426-17; 10-10-17)
APPENDIX “A”

MUTUAL AID BOX ALARM SYSTEM AGREEMENT

This Agreement made and entered into the date set forth next to the signature of the respective parties, by and between the units of local government subscribed hereto (hereafter "Unit(s)") that have approved this Agreement and adopted same in manner as provided by law and are hereafter listed at the end of this Agreement.

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 in any manner not prohibited by law or ordinance; and,

WHEREAS, the “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; and,

WHEREAS, Section 5 of the 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 parties hereto 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, firefighting and the protection of life and property from an emergency or disaster; and,

WHEREAS, the parties hereto have determine that it is in their best interests to form an association to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster.

NOW, THEREFORE, in consideration of the foregoing recitals, the Unit’s membership in the Mutual Aid Box Alarm System and the covenants contained herein, THE PARTIES HERETO AGREE AS FOLLOWS:

SECTION ONE - PURPOSE

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an Individual Member Unit’s personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit’s personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.
SECTION TWO - DEFINITIONS

For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

A. "Mutual Aid Box Alarm System" (hereinafter referred to as "MABAS"). A definite and prearranged plan whereby response and assistance is provided to a Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the MABAS Member Units and amended from time to time.

B. "Member Unit". A unit of local government including but not limited to a city, village or fire protection district having a fire department recognized by the State of Illinois, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the MABAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS.

C. "Stricken Unit". A Member Unit which requests aid in the event of an emergency.

D. "Aiding Unit". A Member Unit furnishing equipment, personnel, and/or services to a Stricken Unit.

E. "Emergency". An occurrence or condition in a Member Unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Stricken Unit and such that a Member Unit determines the necessity and advisability of requesting aid.

F. "Division". The geographically associated Member Units or unit which have been grouped for operational efficiency and representation of those Member Units.

G. "Training". The regular scheduled practice of emergency procedures during non-emergency drills to implement the necessary joint operations of MABAS.

H. "Executive Board". The governing body of MABAS comprised of Division representatives.

SECTION THREE - AUTHORITY AND ACTION TO EFFECT MUTUAL AID

A. The Member Units hereby authorize and direct their respective Fire Chief or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the MABAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit. The judgment of the Fire Chief, or his designee, of the Aiding Unit shall be final as to the personnel and equipment available to render aid.

B. Whenever an emergency occurs and conditions are such that the Fire Chief, or his designee, of the Stricken Unit determines it advisable to request aid pursuant to this Agreement he shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel requested from the Aiding Unit.

C. The Fire Chief, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:

1. Determine what equipment, personnel and/or services is requested according to the system maintained by MABAS;

2. Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Stricken Unit;

3. Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Stricken Unit in accordance with the procedures of MABAS;

4. Notify the Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.
SECTION FOUR - JURISDICTION OVER PERSONNEL AND EQUIPMENT

Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the Fire Chief or Senior Officer of the Stricken Unit. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Fire Chief or his designee; provided, however, that the party withdrawing such aid shall notify the Fire Chief or Senior Officer of the party requesting aid of the withdrawal of such aid and the extent of such withdrawal.

SECTION FIVE - COMPENSATION FOR AID

Equipment, personnel, and/or services provided to this Agreement shall be at no charge to the party requesting aid for the first eight (8) consecutive hours of aid provided to the Stricken Unit. However, any expenses recoverable from third parties shall be equitably distributed among responding parties. Day to day mutual aid should remain free of charge and the administrative requirements of reimbursement make it unfeasible to charge for day-to-day mutual aid. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statute.

Any Aiding Unit is empowered to and may charge a Stricken Unit for reimbursement for costs of equipment, personnel and/or services provided under this Agreement for terms of more than eight (8) consecutive hours under the following terms and conditions:

(A) The amount of charges assessed by an Aiding Unit to a Stricken Unit may not exceed the amount necessary to make the Aiding Unit whole and should only include costs that are non-routine in nature.

(B) The Aiding Unit must assess no more than "usual and customary" charges for personnel costs pursuant to a collective bargaining agreement, benefit, ordinance or compensation policy.

(C) The fee structure for apparatus and equipment shall be based on FEMA or OSFM rate schedules. If a particular piece of apparatus or equipment is not listed within the FEMA/OSFM rate schedules, a market rate for reimbursement shall be established.

(D) In no event shall the amount assessed by an Aiding Unit to a Stricken Unit exceed the amount of fees permitted to be assessed under Illinois law.

(E) Aiding Units must invoice the Stricken Unit within thirty (30) days after the completion of the emergency: Once thirty (30) days pass, the aid shall be considered to be a donation of service.

(F) Mutual Aid and assessing costs for mutual aid cannot in any way be conditioned upon any declaration of a federal disaster.

(Ord. No. 1389-15; 12-08-15)

SECTION SIX - INSURANCE

Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: comprehensive liability, personal injury, property damage, worker's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of $1,000,000 auto and $1,000,000 combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the 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. The MABAS may require that copies or other evidence of compliance with the provisions of this Section be provided to the MABAS. Upon request, Member Units shall provide such evidence as herein provided to the MABAS members.
SECTION SEVEN - INDEMNIFICATION

Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

Each party requesting or providing aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement. Provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

SECTION EIGHT - NON-LIABILITY FOR FAILURE TO RENDER AID

The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Stricken Unit of the Aiding Unit's inability to respond; however, failure to immediately notify the Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this Section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there by any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

SECTION NINE - 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 hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the Board of their Division and to the Executive Board specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

SECTION TEN - EFFECTIVENESS

This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

SECTION ELEVEN - 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. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto; and this Agreement shall not be assigned by MABAS without prior written consent of the parties hereto.
SECTION TWELVE - VALIDITY

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

SECTION THIRTEEN - NOTICES

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such addresses as shall be agreed upon.

SECTION FOURTEEN - GOVERNING LAW

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

SECTION FIFTEEN - EXECUTION IN COUNTERPARTS

This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

SECTION SIXTEEN - EXECUTIVE BOARD OF MABAS

An Executive Board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The Executive Board shall consist of a member elected from each Division within MABAS who shall serve as the voting representative of said Division on MABAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective division and shall have all rights and privileges attendant to a representative of that Member Unit.

A President and Vice President shall be elected from the representatives of the Member Units and shall serve without compensation. The President and such other officers as are provided for in the by-laws shall coordinate the activities of the MABAS.

SECTION SEVENTEEN - DUTIES OF THE EXECUTIVE BOARD

The Executive Board shall meet regularly to conduct business and to consider and publish the rules, procedures and by-laws of the MABAS, which shall govern the Executive Board meetings and such other relevant matters as the Executive Board shall deem necessary.

SECTION EIGHTEEN - RULES AND PROCEDURES

Rules, procedures and by-laws of the MABAS shall be established by the Member Units via the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the MABAS.
SECTION NINETEEN - AMENDMENTS

This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures and by-laws of the MABAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to, and approves this Mutual Aid Box Alarm System Agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.
# Chapter 33 - Street Regulations

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CHAPTER 33

STREET REGULATIONS

ARTICLE I - DEPARTMENT ESTABLISHED

33-1-1 DEPARTMENT ESTABLISHED. There is hereby established a Department of the municipal government which shall be known as the Street Department. It shall embrace the Street Committee, the Superintendent, and the employees. The City Engineer shall serve as ex-officio officer.

33-1-2 COMMITTEE ON STREETS. The City Council Standing Committee on Streets shall exercise a general supervision over the affairs of the Street Department. It shall ascertain the needs and conditions thereof and shall, from time to time, report the same to the Mayor and City Council.

ARTICLE II - GENERAL REGULATIONS

33-2-1 UNDERMINING. No person shall undermine in any manner, any street or any other ground or real estate situated in the City or belonging to any private person.

33-2-2 OPEN DOORS. No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the City for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-2-3 VAULTS. No person shall dig or cause to be dug, in any street or sidewalk, any vault without covering the opening thereof in such a manner as to prevent persons, animals and vehicles from falling into the excavation. Such vault shall be in conformance with other code provisions.

33-2-4 STAIRWAY - RAILING. Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

33-2-5 CLOSING STREET. Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

33-2-6 SIGNS ACROSS STREET. No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the City, unless he has written approval of the City Council. (See 65 ILCS Sec. 5/11-80-17)
33-2-7 **Vehicles and Skateboards on Sidewalks.** No person shall operate any skateboard or motor vehicle on or over any sidewalk, except in crossing the same to go into a yard or parking lot.

33-2-8 **Deposits on Sidewalks and Streets.** 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 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.

33-2-9 **Obstructing Street.**

(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, 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. *(see Section 33-2-18)*

(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. *(65 ILCS 5/11-80-3)*

33-2-10 **Rainwater Drains.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the City Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Street Superintendent and no such permit shall be issued unless he shall have found that the City Code would be complied with by the installation of such storm water drain or drainage pipe and, that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the City.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the City and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than eighteen (18) inches above the ground or pavement.

33-2-11 **Building Materials in Street.** The Street Superintendent may move any obstruction on any street or sidewalk of the City, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than one-half (1/2) of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material. *(65 ILCS 5/11-80-3)*

33-2-12 **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. *(65 ILCS 5/11-80-13)*
33-2-13 **BUSINESS MERCHANDISE ON SIDEWALKS.** Any business may use any paved sidewalk for the display of goods or merchandise for sale; and/or can make any signs or advertisements on any paved sidewalk in accordance with the following:

(A) Sidewalks may be used for merchandise/signs only on weekends and/or holidays when the City Hall is closed.

(B) There must be a thirty-six (36) inch wide clearance on any public sidewalk.

(C) Merchants must restrict their display of sale items or signage to the above measurements, while also taking into account street signs, flower pots, trees, telephone poles, etc. that are installed by the City.

(D) All items placed on public sidewalk are restricted to display only during business hours and must be removed nightly.


33-2-14 **ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-15 **POSTING BILLS.** It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private well, 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 unless approved by the City Council.

33-2-16 **SIGNS ON POLES.** No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

33-2-17 **INJURY TO NEW PAVEMENTS.** It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

33-2-18 **BARBED-WIRE FENCES.** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within 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.

33-2-19 **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. (Ord. No. 703-92; 12-08-92)

33-2-20 **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 eight (8) inches.
ARTICLE III - TREES AND SHRUBS

33-3-1 PLANTING. It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the City Council. All trees and shrubs so planted shall be placed subject to the directions and approval of the City Council.

33-3-2 PLANTING TREES IN RIGHT-OF-WAY. It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement.

33-3-3 REMOVAL. It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the City Council before permission shall be granted.

33-3-4 INJURY. It shall be unlawful to injure any tree or shrub planted in such public place.

33-3-5 ADVERTISEMENTS OR NOTICES. It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

33-3-6 DANGEROUS TREES. Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than eight (8) feet or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Street Superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

33-3-7 WIRES. It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the City Council.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

33-3-8 GAS PIPES. Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

(See 65 ILCS 5/11-80-2)
ARTICLE IV

CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

33-4-1  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. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the City, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

2. Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the City and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
(F) **Conflicts With Other Articles or Chapters.** This Article supersedes all Articles or Chapters or parts of Articles or Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The City shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the City so determines. Nothing herein shall be construed to limit the ability of the City to regulate its rights-of-way for the protection of the public health, safety and welfare.

### 33-4-2 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.
- **"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.
- **"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 of Public Works 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.


"Major Intersection": The intersection of two or more major arterial highways.

"Occupancy": The presence of facilities on, over or under right-of-way.

"Parallel Facility": A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway": Any portion of the right-of-way not improved by street or sidewalk.

"Pavement Cut": The removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee": That entity to which a permit has been issued pursuant to Sections 33-4-4 and 33-4-5 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 33-4-10.

"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 of Public Works": The Superintendent of Public Works or his or her designee, hereinafter referred to as "Superintendent".

"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 enables 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 1994 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the City through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

"Telecommunications Provider": Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer": Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

"Trench": A relatively narrow open excavation for the installation of an underground facility.

"Utility": The individual or entity owning or operating any facility as defined in this Article.

"Vent": A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video Service": That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Water Lines": Pipelines carrying raw or potable water.

"Wet Boring": Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.
33-4-3 **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 33-4-8 of this Article, in the form of a certificate of insurance.

33-4-4 **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, 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 33-4-8 of this Article;

(8) Evidence of posting of the security fund as required in Section 33-4-10 of this Article;

(9) Any request for a variance from one or more provisions of this Article (See Section 33-4-21); 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.

33-4-5 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 or new construction or (b) twenty-five (25) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.

(3) Upon the provision of such specification by the City, where a permit is required for work pursuant to Section 33-4-4 of this Article the telecommunications retailer shall submit to the City an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) Additional City Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five (45) days after submission to the City, unless otherwise acted upon by the City, provided the holder has complied with applicable City codes, ordinances, and regulations.
33-4-8 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;

(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 Administrator 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.

33-4-9 **INDEMNIFICATION.** By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the City and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the City, its officials, officers, employees, agents or representatives.

33-4-10 **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.

**PERMIT SUSPENSION AND REVOCATION.**

(A) **City Right to Revoke Permit.** The City may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
(2) Noncompliance with this Article;
(3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
(4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) Notice of Revocation or Suspension. The City shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 33-4-11.

(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 use exists for the revocation or suspension;
(2) Immediately correct, to the satisfaction of the City, the deficiencies stated in the written notice, providing written proof of such correction to the City within five (5) working days after receipt of the written notice of revocation; or
(3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the City providing written proof of such removal to the City within ten (10) days after receipt of the written notice of revocation.

The City may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the City may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of paragraph (C) of this Section, the City or its designee may, at the option of the City:

(1) correct the deficiencies;
(2) upon not less than twenty (20) days notice to the permittee, remove the subject facilities or equipment; or
(3) after not less than thirty (30) days notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the City. The permittee shall be liable in all events to the City for all costs of removal.

33-4-12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) Notification of Change. A utility shall notify the City no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) Amended Permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the City's right-of-way.

(C) Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.
33-4-13 GENERAL CONSTRUCTION STANDARDS.

(A) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

1. Standard Specifications for Road and Bridge Construction;
2. Supplemental Specifications and Recurring Special Provisions;
3. Highway Design Manual;
4. Highway Standards Manual;
5. Standard Specifications for Traffic Control Items;
7. Flagger’s Handbook; and

(B) Interpretation of Municipal Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Article, the 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.

33-4-14 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 33-4-20 of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility’s attention by the City.

33-4-15 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.
Carterville City Code

(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)).

**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.

**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.

**Facilities Installed Above Ground.** Above ground facilities may be installed only if:
(1) No other existing facilities in the area are located underground;
(2) New underground installation is not technically feasible; and
(3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

**Facility Attachments to Bridges or Roadway Structures.**
(1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
(2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
   (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
   (b) The type, length, value, and relative importance of the highway structure in the transportation system;
(c) The alternative routings available to the utility and their comparative practicability;
(d) The proposed method of attachment;
(e) The ability of the structure to bear the increased load of the proposed facility;
(f) The degree of interference with bridge maintenance and painting;
(g) The effect on the visual quality of the structure; and
(h) The public benefit expected from the utility service as compared to the risk involved.

Appearance Standards.
(1) The City may prohibit the installation of facilities in particular locations in order to preserve visual quality.
(2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

CONSTRUCTION METHODS AND MATERIALS.
Standards and Requirements for Particular Types of Construction

(A) 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:

<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Minimum Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric Lines</td>
<td>30 inches (0.8m)</td>
</tr>
<tr>
<td>Communication, Cable or Video Service Lines</td>
<td>18 to 24 inches (0.6m, as Determined by City)</td>
</tr>
<tr>
<td>Gas or Petroleum Products</td>
<td>30 inches (0.8m)</td>
</tr>
<tr>
<td>Water Line</td>
<td>Sufficient Cover to Provide Freeze Protection</td>
</tr>
<tr>
<td>Sanitary Sewer, Storm Sewer, Or Drainage Line</td>
<td>Sufficient Cover to Provide Freeze Protection</td>
</tr>
</tbody>
</table>

**Standards and Requirements for Particular Types of Facilities.**

(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
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.)
**Carterville City Code**

**STREET REGULATIONS 33-4-18**

**(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.

**33-4-18 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.
Carterville City Code

STREET REGULATIONS 33-4-19

(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.

33-4-19 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.

33-4-20 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.
33-4-21 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 of Public Works 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.

33-4-22 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. (See Section 1-1-20 for additional penalties.)

33-4-23 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.
ARTICLE V - STREET IMPROVEMENTS

33-5-1 SIDEWALKS.
(A) Grade. No sidewalk shall be built above or below the established grade of the City, and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the Street Committee of the City Council.
(B) Permit. It shall be unlawful for any person, company, partnership, or individual 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 a permit from the City Clerk to do so.
(C) Street Committee. All such structures or improvements made in the City shall be made under and through the cooperation and direction of the Street Committee of the City, duly authorized and empowered by the Mayor and Council thereof.
(D) Request for New Sidewalks. Any owner of property who desires new sidewalks constructed upon City property adjoining his premises, and who agrees to pay the cost of the material, the City may provide the labor for the construction of the sidewalks, and the applicant shall file a written request with the City Clerk, giving the location of the property and the dimensions of the sidewalks requested. Upon approval of the request by the City Council, and the payment of the costs of the materials, the City shall construct the sidewalks. (65 ILCS 5/11-80-13)

33-5-2 CURBS AND GUTTERS.
(A) Request in Writing. Any person owning property within the City who desires to have new curbs and gutters constructed along the street adjoining his premises shall file a request with the City Clerk, giving the location of the property and the length of the curbs and gutters requested.
(B) Cost to Owner. The cost will be negotiable with the City Council, depending on the availability of City Funds and the extent of the cost.
(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 is not applicable to new subdivisions. (See 65 ILCS 5/11-80-11)

33-5-3 STORM SEWERS.
(A) Description of Storm Water Sewers. Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders or storm waters, rain waters, or other waters other than sanitary sewage.
(B) Supervision. The Superintendent of the Water and Sewer Departments shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.
(C) Permits. Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Superintendent or his designated representative.
(D) Requirements: Use of Storm Water Sewers. Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the City. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system. (See 65 ILCS Sec. 5/11-80-7)
ARTICLE VI - DRIVEWAYS

33-6-1 PERMITS REQUIRED. No person shall construct a driveway for vehicles or animals across any sidewalk in the City without having first obtained a permit therefor.

Applications for such 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 Superintendent of Streets.

33-6-2 FEE. The fee for all such construction shall be One Dollar ($1.00).

33-6-3 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.

33-6-4 SPECIFICATIONS. Driveways across sidewalks shall be constructed in compliance with the specifications required by the Street Superintendent.

33-6-5 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.

33-6-6 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.

(See 65 ILCS Sec. 5/11-80-2)
ARTICLE VII - CULVERTS

33-7-1 OBSTRUCTION OF DRAIN OR STORM SEWER. It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

33-7-2 PERMIT FOR CULVERT. It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the City Clerk.

33-7-3 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 'B' attached hereto.

33-7-4 TERMINATION OF PERMIT. All such permits shall terminate upon the expiration of one (1) year following the date of issue.

33-7-5 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 Street 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.

33-7-6 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 Street Superintendent determines necessary depending on the conditions existing.

33-7-7 BACKFILL COST. Any person installing or replacing a culvert shall, at his own expense, provide and place such backfill material as the Street Superintendent determines necessary to complete the project.

33-7-8 REPLACEMENT COST. The expense of replacing any culvert shall be borne by the person making application for the permit to install the same.

(See 65 ILCS Sec. 5/11-80-7)
ARTICLE VIII - MOVING BUILDINGS

33-8-1  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".

33-8-2  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 Street 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.

33-8-3  INVESTIGATION. Upon the filing of the application, the Street 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.

33-8-4  DENIAL OF PERMIT. No person shall be issued to move any building or structure which, in the opinion of the Street 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 laws of the City;
(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 Street Superintendent, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

33-8-5  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.
33-8-6 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 Street 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.

33-8-7 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.

33-8-8 OWNER'S 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.

33-8-9 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 pipelines 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 secure 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 Street Superintendent.
(4) Remove any buried underground tanks formerly used for storage of flammable liquids.
(5) Removal 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 Street 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 Street 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.

33-8-10 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.

33-8-11 Issuance of Permit. The Street 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.

33-8-12 Suspension or Revocation of Permit. The Street Superintendent, at any time, and for sufficient cause, may revoke or suspend any permit granted under this Article.

33-8-13 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 Street 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 Street Superintendent. This Section in no way relieves the person having charge of the moving of any building of his obligation to furnish proper supervision.

33-8-14 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.

33-8-15 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 Street 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 Street 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.

33-8-16 APPROVAL OF ROUTE. The streets over which any building or structure is to be moved must be recommended by the Street Superintendent and the Chief of Police to the City Council for approval.

33-8-17 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.

33-8-18 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.

33-8-19 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.

33-8-20 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 Street 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 Street 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.
33-8-21 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 Street 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 Street 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 Street Superintendent may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

33-8-22 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 Street Superintendent, and all costs of repairing damages or performing other work as provided herein have been paid and the deposit as required by Section 33-8-6, 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 Street 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 IX - SNOW REMOVAL

33-9-1 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Article.

"BUSINESS DAY" is any day not a Sunday or a National Holiday.

"BUSINESS DISTRICT" shall include all those areas zoned for business, commercial and industrial purposes in the Zoning Code and accompanying map as amended or other applicable regulations.

"BUSINESS HOURS" are the hours between 8:00 A.M. and 5:00 P.M. on any business day.

"ROADWAY" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

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

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

33-9-2 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.

33-9-3 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. (See 65 ILCS Sec. 5/11-80-13)

33-9-4 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 X – STRUCTURE NUMBERS

33-10-1 STRUCTURE NUMBERS REQUIRED. Pursuant to Section R319 of the 2009 International Residential Code, the City has, pursuant to statutory right, the right to require property owners to post address numbers on their property.

33-10-2 RESTRICTIONS. This Article shall apply to all buildings, residential dwellings and/or commercial structures located within the City as follows:

(A) All buildings, residential dwellings and/or commercial structures shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background.

(B) The address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of four (4) inches (102 mm) height with a minimum stroke width of one-half (1/2) inch (12.7 mm).

(C) Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure with the appropriate address.

(D) The property owner, upon being notified by the City that their property is in violation of this Article, shall take the necessary steps to correct said violation within thirty (30) days of notification.

(E) If the property owner does not remedy this situation by placing the appropriate address numbers on said property as described above within the thirty (30) day time frame, then said property owner shall be fined.

(F) Anyone in violation of this Article shall be subject to a fine in the amount of One Dollar ($1.00) to Five Hundred Dollars ($500.00), which shall compound upon each thirty (30) day time frame that the property owner does not comply with said Article.

(Ord. No. 1271-10; 12-14-10)
CITY OF CARTERVILLE
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)

CITY/VILLAGE ___________________ CITY/VILLAGE OFFICIAL

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)
APPLICATION FOR CULVERT/DRIVEWAY PERMIT

I, __________________________, do hereby request permission and authority to construct a culvert/driveway on the right-of-way of the City in accordance with the information provided on this application and the accompanying sketch. (Applicant must prepare a sketch showing location, length and pertinent details.)

ADDRESS: __________________________________________________________

Pipe material will be: ________________________________

Wall thickness or gauge will be: ________________________________

Type of joint will be: ________________________________

DATED: ______________________, 20___ SIGNED: ______________________

(APPLICANT)

CULVERT/DRIVEWAY PERMIT

APPLICATION

Approved ( ) Disapproved ( )

If disapproved, state reasons:

______________________________________________________________

______________________________________________________________

______________________________________________________________

DATED: ______________________, 20___ SIGNED: ______________________

CERTIFICATION

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is not) in accordance with the permit.

DATED: ______________________, 20___ SIGNED: ______________________
# Carterville City Code

## CHAPTER 34 - SUBDIVISION CODE

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CHAPTER 34
SUBDIVISION CODE

ARTICLE I — TITLE

34-1-1  ESTABLISHED. This Code shall be known as and cited as the Subdivision Code of the City.

ARTICLE II — GENERAL REGULATIONS

34-2-1  REGULATIONS ENUMERATED.

(A) No land shall, after the adoption of this Subdivision Code, be subdivided without complying with the provisions of this Code.

(B) No lot, tract or parcel of land within any such subdivision shall be offered for sale nor shall any sale, contract for sale, or option be given until such subdivision plans have been properly reviewed by the Planning Commission and officially approved by the City Council of the City.

(C) No improvements, such as sidewalks, water supply, storm water drainage, sewerage facilities, gas service, electric service or lighting, or grading, paving or surfacing of any street, shall be made within any such subdivision by any owner or owners or his or their agent; or by any public service corporation at the request of such owner or owners or by his or their agent until the plans for the subdivision and also the plans for the improvement have been properly reviewed by the Planning Commission and officially approved by the City Council.

(D) Where a tract of land is proposed to be subdivided in several stages over a period of years, and the subdivider requests approval in parts, he shall, at the time of submission of the first part, submit a detailed plan of the entire tract to be eventually developed, with appropriate sectioning to demonstrate to the Planning Commission that the total design as proposed for the entire subdivision is feasible. The Planning Commission may give preliminary approval to the overall plan and final approval on the parts as submitted from time to time.

(E) The provisions of this Code shall be held to be the minimum requirements necessary in the subdivision of land.
ARTICLE III - DEFINITIONS

34-3-1 DEFINITIONS ENUMERATED. As used in these regulations and in this Code, the following words shall have the meanings and references given, unless the context clearly indicates otherwise:

Administrative Officer: The officer designated and authorized by the City Council to enforce the Subdivision Regulations.

Alley: A permanent public service way or right-of-way, dedicated to public use, other than a street, place, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of abutting property.

Block: A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, or other barriers, or combination thereof.

Building Setback Line – Building Line: The line nearest the front or side of and across a lot establishing the minimum yard to be provided between the principal building or structure and the lot line.

Commission: The Planning Commission of the City.

Comprehensive Plan: The complete plan, or any of its parts, for the development of the City, prepared by the Commission and adopted by the Council, in accordance with the authority conferred by Division 12, Illinois Municipal Code, as amended.

Council: The City Council of the City of Carterville.

County: The County of Williamson, Illinois.

Crosswalk: A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

Cul-de-Sac (Court or Dead-End Street): A short street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround.

Drainage Right-of-Way: The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Easement: A grant by the property owner of the use of a strip of land by the public or a person for specified purposes.

Final Plat: The final map of all or a portion of the subdivision which is presented to the commission for final approval in accordance with these regulations, and which, if approved, shall be filed with the proper county recording officer.

Jurisdiction: The corporate area of the City and the unincorporated area contiguous thereto that is within one and one-half (1 1/2) miles of the corporate limits.

Lot: A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or development.
**Performance Guarantee:** Any security which may be accepted in lieu of a requirement that certain improvements be made before the commission or other approving body approves a final plat; including performance bonds, escrow agreements, and other similar collateral or surety agreements.

**Person:** A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

**Place:** An open, unoccupied, officially designated space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

**Preliminary Plan:** The drawings and documents described in Article V indicating the proposed layout of the subdivision which is submitted to the Planning Commission for consideration and tentative approval.

**Street:** A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name. For the purpose of this Code, streets shall be classified as follows:

- **(A)** Arterial and primary streets are those designated for large volumes of traffic movement. Certain arterial streets may be classified as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting property.
- **(B)** Secondary streets are important streets planned to facilitate the collection of traffic from neighborhood streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.
- **(C)** Neighborhood streets are those designated primarily to provide access to abutting properties. Certain neighborhood streets may be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

**Subdivider:** Any person responsibly engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this Code.

**Subdivision:** The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres in area, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange does not create additional buildings sites, shall not be considered a subdivision; or the improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by the owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities; provided, however, that where no new streets or roads are involved, divisions of land for agricultural purposes where the resulting parcels are more than three (3) acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property upon court order shall not be considered subdivisions.

**Thoroughfare Plan:** The part of the comprehensive plan, now or hereafter adopted, which includes a major street and highway plan and sets forth the location alignment, dimensions, identification, and classification of existing and proposed streets, highways, and other thoroughfares.

**Yard:** A space on the same lot with a building, which is open, now or hereafter adopted, which includes an ordinance and zone map which divides the area within and without the City into districts, with regulations and requirements and procedures for the establishment of land use controls.
ARTICLE IV - PROCEDURE

34-4-1 PRELIMINARY CONSIDERATIONS. In order to make the most of opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider shall consult with the Planning Commission, the City Engineer and other public officials prior to the preparation of the preliminary plat for the subdivision. The Comprehensive Plan of the City shall be reviewed to determine how the Preliminary Plat will fit into the Comprehensive Plan. Requirements for major and minor streets; school and recreation sites; community facilities; shopping centers; sanitation, water supply and drainage; and the relationship to other developments, existing and proposed, in the vicinity shall be determined in advance of the preparation of the preliminary plat.

34-4-2 FILING OF PRELIMINARY PLATS. A subdivider desiring approval of a plat for a subdivision shall submit a written application therefore, to the Planning Commission. Such application shall be accompanied by the information, requirements and plans set forth in Article V, all in accordance with the requirements set forth in this Code.

(A) Three (3) copies of the completed application for subdivision approval form, together with at least six (6) prints of each drawing submitted as a part of the preliminary plat shall be submitted to the City Clerk no later than two (2) weeks prior to the time of filing; a fee of Seventy-Five Dollars ($75.00) shall be paid to the City Clerk to cover the costs of publishing notices and of notifying the persons concerned with the pending hearing on said subdivision. The City Clerk shall immediately notify the Planning Commission upon receipt of the application and preliminary plat. (Ord. No. 1317-12; 04-10-12)

(B) If the preliminary plat is approved by the Planning Commission, the applicant shall be authorized to proceed with the preparation of the final plat. The City Clerk shall attach to a copy of the preliminary plat a certified copy of the resolution approving or disapproving the preliminary plat; in case of disapproval, giving reasons and specifying aspects of non-conformance with existing ordinances. A copy of the resolution shall be filed in the City Clerk's office and shall be signed by the chairman or vice-chairman of the Planning Commission.

34-4-3 APPROVAL OF FINAL PLATS.

(A) The final plat shall be submitted to the City Clerk for transmittal to the Planning Commission for final approval. The submission shall include the plans and specifications for the required improvements as set forth in Article VII. All documents shall bear the approving signature of the City Engineer and the transmittal to Council shall include a letter from the City Engineer describing such approval and setting forth an estimate to cover the cost of the proposed improvements for performance guarantee purposes.

(B) Upon review by the Planning Commission and the City Engineer, the final plat shall be returned to the City Clerk for submission to the City Council with all recommendations from the Planning Commission attached. If the final plat is approved from the Planning Commission, the original tracing shall bear the signature of the chairman of the Planning Commission.

(C) The City Clerk shall attach a copy of the final plat to a certified copy of the City Council's ordinance approving or disapproving the final plat, in the case of disapproval giving reasons and
specifying aspects of non-conformance with existing ordinances. The approved copy of the final plat shall be filed in the office of the City Clerk.

The approval of the final plat by the City Council shall be indicated on the document to be filed for record by the affixing of the signatures of the Mayor and the City Clerk. The approved final plat shall then be returned to the City Clerk to be held until such time as the subdivider has posted the performance guarantee as set forth in Article V, Section 34-5-4.
ARTICLE V – REQUIREMENTS

34-5-1 Preliminary Plat. A preliminary plat shall be provided by the subdivider and consist of the following:

(A) Location Map (which shall be prepared by indicating the following data on available maps) showing:

1. Boundary line of the proposed subdivision indicated by a solid heavy line and the total approximate acreage involved.
2. Subdivision name and location, specifying U.S. Survey and Township lines, County and State.
3. Any and all thoroughfares related to the subdivision.
4. Existing elementary and secondary schools, parks and playgrounds available for serving the area proposed to be subdivided, and other community features.
5. Title, scale, north arrow and date.

(B) Preliminary Plat showing:

1. Proposed name of the subdivision and location.
2. Names and addresses of the owner, subdivider and registered land surveyor who prepared the plat.
3. Streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including roadway widths; approximate gradients; types and width of pavement, curbs, sidewalks, planting strips and other pertinent data.
4. All lot lines adjacent to and abutting the subdivision.
5. Layout of lots, showing approximate dimensions and numbers.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
7. Easements, existing and proposed, showing locations, widths and purposes.
8. Building setback or front yard lines and dimensions.
9. Location and size of nearest water main, sewer outlet and other pertinent utilities.
10. Location, type and approximate size of utilities to be installed.
11. Tract boundary lines showing dimensions, bearing, angles, and references to known land lines.
12. Contours at vertical intervals of two (2) feet except where the slope exceeds fifty percent (50%); elevations at top and bottom of slopes shall be indicated.
13. Tree masses and all individual trees having a caliper of twelve (12) inches or greater. Key plan, legend and noted.
14. Location of existing structures.
15. A preliminary outline of the deed restrictions and covenants that would be placed upon the subdivision.
16. Landscaping plans and proposed limits on the location and intensity of signs, advertising and off-street parking shall be included in the case of a proposed subdivision for Industrial or commercial use.
17. Scale*, north arrow and date.

*The preliminary plat of the subdivision shall be drawn to a scale of twenty (20) feet to one (1) inch, fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch; provided, however, that if the resulting drawing would be over thirty-six (36) inches in the shortest dimension, a scale as recommended by the Commission may be used. (Ord. No. 1317-12; 04-10-12)
34-5-2 FINAL PLAT. The final plat shall be provided by the subdivider and meet the following specifications:

(A) The final plat may include all or only a part of the preliminary plat which has received approval.

(B) The original drawing of the final plat shall be drawn on a new Mylar with waterproof black India Ink to the scale of twenty (20) feet to one (1) inch, fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch; provided that if the resulting drawing would be greater than thirty-six (36) inches in the shortest dimension, a scale of up to one hundred (100) feet to one (1) inch may be used. Four (4) black or blue line prints shall be submitted with the original final plat; or, in order to conform to modern drafting and reproduction methods, four (4) black or blue prints and a reproducible cloth or film positive of the final plat should be submitted. Prints filed with the City shall include one (1) cloth print made after recording the final plat and bearing the official stamp attesting the fact of the recording, and a reproducible cloth print of the final plat, as approved. (Ord. No. 1317-12; 04-10-12)

(C) All elevations shall be referenced to the established datum and the said reference shall be clearly stated on any plans or drawings showing such datum, providing bench marks are located within a reasonable distance.

(D) All dimensions shall be shown in feet and decimals of a foot.

(E) The title shall be placed in the lower right corner and a suitable border line shall be placed on all tracings with a margin of not less than one-half (1/2) inch on all sides.

(F) The following basic information shall be shown; all surveys for a final plat shall be made under the active and personal direction of a Registered Surveyor of Illinois.

1. Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than one (1) foot in five thousand (5,000) feet. Coordinates shall be established for all property owners.

2. Accurate distances and directions to the nearest established street corner or official monuments. Reference corners shall be accurately described on the final plat.

3. Accurate locations of all existing and recorded streets intersecting and boundaries of the tract, shown by heavy solid lines.

4. Accurate metes and bounds description of the boundary and the included area to the nearest one hundredth of an acre.

5. Right-of-way line of streets, easements and other rights-of-way, and property lines of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles.

6. Name of right-of-way width for each street or other right-of-way.

7. Location, dimensions and purposes of any easement, shown by light dashed lines.

8. Number to identify each lot or site.

9. Purpose for which sites, other than residential lots, are dedicated or reserved.

10. Building setback or front yard lines and dimensions.

11. Floor elevation and siting of each proposed building.

12. Location, type, material and size of all monuments and lot markers, including elevations related to mean sea level as established by the U.S. Geological survey.

13. Names of owners and mortgagees accepting said plat, with owner or owners personally signing all plans or drawings.

14. Names of record owners of adjoining unplatted land, shown by medium and two (2) dotted lines.
(15) Reference to recorded subdivision plats of adjoining platted land by record name, date and number, shown by medium dashed and two (2) dotted lines.

(16) Restrictions of all types which will run with the land and become covenants in the deeds for lots. Restriction line should be shown by medium dashed lines.

(17) Title, north arrow, scale and date.

(18) Certification by Registered Survey or with registration number and seal affixed to all documents of the final plat.

(19) Certification by the Registered Surveyor stating all lots conform to the requirements of the zoning district in which they are located.

(20) Certification by the Registered Surveyor to the absence if, or presence, location and depth of mine openings, subsurface mine workings or unmined coal.

(21) Certificate of dedication of all public areas.

(22) Certificate that all taxes due have been paid.

(23) Certificate for approval by the Planning Commission.

(24) Certificate for approval by the City Council.

34-5-3 IMPROVEMENT PLANS AND SPECIFICATIONS. The final plat submission to the City Council shall be accompanied by the plans and specifications for the improvements required under Article VII. The plans and profiles of all streets, storm and sanitary sewers, water lines and drainage structures, together with their drainage area, shall be prepared on standard plans and profile sheets and shall bear the seal and signature of the Registered Professional Engineer responsible for their preparation. A cross-section of the proposed streets shall be included showing the widths of roadways, location and width of sidewalks and the location of underground utilities. The plans shall show the lines of all proposed sidewalks and the location of all proposed street lights. The plans, cross-sections and specifications for the proposed improvements shall be submitted to and approved by the City Engineer prior to submission to the City Council with the final plat. Four (4) black or blue prints of the approved documents shall be included with the final plat submission. After the completion of the construction of the improvements, a set of reproducible prints showing the as-built details and changes, if any, shall be filed with the City Engineer.

34-5-4 PERFORMANCE GUARANTEE. A performance guarantee shall be and is required from the subdivider in the amount of the estimate approved by the City Engineer for the cost of the proposed improvements. The performance guarantee shall run to the City Council and be with good and sufficient surety satisfactory to the Council and as approved by the City Attorney, conditioned upon the installation of the required improvements within two (2) years after the approval of the final plat. Filing of the actual bond or other security shall not be required until after the final plat approval, but with sufficient information concerning the form of guarantee to be used shall be submitted with the final plat documents to permit Council approval at that time.
ARTICLE VI - MINIMUM DESIGN AND DEVELOPMENT STANDARDS

34-6-1 DESIGN STANDARDS. The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof.

34-6-2 GENERAL. The subdivision plan shall conform to design standards that will encourage good development patterns and particularly to the principles and standards exhibited in the comprehensive plan. The streets, drainage rights-of-way, school sites, public parks, playgrounds and other public facilities shown on the officially adopted comprehensive plan or official map shall be considered in the approval of subdivision plats.

34-6-3 STREETS.
   (A) The street and alley layout shall provide access to all lots and parcels of land within the subdivision. Street jogs of less than one hundred twenty-five (125) feet shall be avoided. Cul-de-sacs should not exceed five hundred (500) feet in length, unless necessitated by site topography.
   (B) Neighborhood streets shall be designated so as to discourage through traffic.
   (C) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
   (D) Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
   (E) Wherever there are dedicated or platted portions of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley shall be platted to the prescribed width within the proposed subdivision.
   (F) Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the City Council under conditions approved by the Planning Commission.
   (G) Widths of arterial, primary and secondary street rights-of-way shall conform to the widths specified in Plate 1, attached, and made a part of this Code. These widths may be increased or decreased or varied in unusual circumstances by the Planning Commission and the City Engineer.
   (H) The minimum right-of-way of neighborhood streets, including marginal access streets and cul-de-sacs, shall be fifty (50) feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet under normal conditions, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
   (I) Streets shall be laid out so as to intersect as nearly at right angles as possible.
   (J) If the smaller angle of intersection of two (2) streets is less than sixty degrees (60°), the radius of the arc of the intersection of the property lines shall be as deemed advisable by the City Council.
   (K) At the intersection of other streets, the property line corners shall be rounded by arcs with radius of not less than twenty (20) feet or chords of such arcs.
   (L) At intersection of streets and alleys, the property line corners shall be rounded by arcs with radius of not less than fifteen (15) feet or chords of such arcs.
   (M) Intersection of more than two (2) streets at one (1) point shall be avoided.
   (N) Where parkways or special types of streets are involved, the City Council may apply special standards to be followed in the design of such parkways or streets.
   (O) Whenever the subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
(P) Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the center line as follows:

1. Arterial and primary streets: 300'
2. Secondary streets and parkways: 250'
3. Neighborhood streets: 200'

(Q) Horizontal curvature measured along the center line shall have a minimum radius as follows:

1. Arterial and primary streets: 400'
2. Secondary streets and parkways: 300'
3. Neighborhood streets: 200'

(R) All changes in grade shall be connected by vertical curves of sufficient radii to provide smooth transitions and required sight distances.

(S) Between reversed curves on arterial and primary streets there shall be a tangent of not less than one hundred (100) feet and on secondary and neighborhood streets such tangent shall not be less than forty (40) feet.

(T) Maximum grades for streets shall be as follows:

1. Arterial and primary streets: not greater than six percent (6%) or as approved by the City Engineer and the City Council.
2. Other streets and alleys: not greater than ten percent (10%) or as approved by the City Engineer and the City Council.

(U) The minimum grade of any street gutter shall not be less than seventy-five hundredths of one percent (0.75%).

(V) No street shall have a name which will duplicate or so nearly duplicate as to be confused with the name of an existing street; unless the proposed street is an extension of or in alignment with an existing street, in which case, the duplication shall be mandatory.

(W) Alleys shall be discouraged in residential areas, but shall be included in commercial and industrial areas where needed for unloading and loading or access purposes; and, where platted, shall be at least twenty (20) feet wide.

(X) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the City Council.

34-6-4 BLOCKS.

(A) Blocks shall not normally exceed twelve hundred fifty (1,250) feet in length, unless unusual circumstances justify greater length.

(B) Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, arterial street or railroad right-of-way.

(C) No other specific rule is made concerning the shape of blocks, but blocks shall fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.

(D) Within blocks of over seven hundred (700) feet in length, the Planning Commission may require, at or near the middle of the block, a public walk connecting adjacent streets or other public areas, shopping centers, etc. Width of right-of-way for such walks shall be at least ten (10) feet and should be intended for the use of pedestrians only.

34-6-5 LOTS.

(A) All lots should abut on a street or place.

(B) Side lines of lots shall be approximate right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be voided.
(C) Double frontage lots shall not be platted, except that where desired along arterial streets, lots may face on an interior street and back on such thoroughfare. In that event a planting strip, or a planting screen, at least twenty (20) feet in width shall be provided along the rear of the lot.

(D) Minimum lot areas, widths and building setback lines shall be as provided in the Zoning Code for the district in which the subdivision is located within the incorporated area of the City and the area up to one and one-half (1 1/2) miles of the City limits, except that where a water main supply system or a sanitary sewer system is not available, the lot area necessary to install a private water supply or sewage disposal system on the lot in accordance with Chapter 36 of the Revised Code.

(E) Wherever possible, a unit shopping center, based on sound development standards, shall be designed in contrast to the platting of lots for individual commercial use.

(F) Corner residential lots shall be wider than normal to permit appropriate setbacks from both streets. Interior residential lots abutting a corner lot shall be wider than the average interior lot in order to permit a wider side yard adjacent to the corner lot.

34-6-6 EASEMENTS.

(A) Where alleys are not provided, easements for utilities shall be provided. Such easements shall have a minimum width of fifteen (15) feet, and where located along interior lot lines, one-half (1/2) the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local utility companies to assure the proper placing for the installation of services.

(B) Whenever a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage right-of-way which shall be for the purpose of widening, improving or protecting the stream at the subdivision's expense. The width of the drainage right-of-way shall be adequate for any necessary channel relocations and straightenings and shall be reviewed by the City Engineer and shall relate as closely as possible to the requirements of the comprehensive plan. Parallel streets or parkways may be required in connection therewith.

34-6-7 PUBLIC USE AREAS. Where sites for parks, schools, playgrounds or other public use areas as shown in the comprehensive plan or official map are located within the subdivision area, the City Council shall require that such areas be so designated on the final plat. Within one (1) year after the approval of the final plat, the authority having jurisdiction shall acquire the designated land or commence proceedings to acquire it by condemnation, otherwise the owner may make any other permitted use of the site, as permitted by the zoning district within which it lies.

34-6-8 TOPOGRAPHY, NATURAL VEGETATION AND FLOODING.

(A) In the subdividing of any land within the jurisdiction, due regard will be shown for all natural features, such as tree growth, water courses, or other similar elements, which, if preserved, would add attractiveness to the proposed development.

(B) The natural topography shall be retained wherever possible in order to reduce excessive run-off onto adjoining property and to avoid extensive grading of the site.

(C) Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing twelve (12) inch and over caliper trees, and other pertinent site features.

(D) Consideration shall be given to varying the setback line required in the zoning district where the subdivision is proposed in order to retain wherever possible existing topography, rock formations and large trees.

(E) Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Commission shall consider withholding approval of such lots.
ARTICLE VII – IMPROVEMENTS

34-7-1 IMPROVEMENTS REQUIRED. Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following sections.

34-7-2 STREETS. Streets shall be completed in accordance with the plans, profiles, specifications and cross-sections prepared for the subdivider by a registered professional engineer and approved by the City Engineer.

(A) The streets shall be surfaced with Asphalt, Concrete or Portland Cement Concrete to a minimum width of twenty-two (22) feet and wider according to the City Engineer, as specified in Plat 1, attached hereto and made part of this Code.

(B) Curb and gutter can be platted by the City Engineer when the developer is including curb and gutter in the subdivision. Curb and gutter can be provided with surfaced streets of twenty-two (22) feet in width and wider. [Depressed curb and gutter (V-gutter) up to twenty-eight (28) feet. (Plat 2) Barrier Curb or Mountable curb with streets over twenty-eight (28) feet. (Plat 2)] The City recommends all subdivision have curb and gutter. The City provides an incentive for all new subdivisions to provide curb and gutter and sidewalks. The City will provide Two Dollars ($2.00) per running foot for curb and gutter and Two Dollars ($2.00) per running foot for sidewalk payable to the developer when the City accepts the completed street.

(C) The streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and work shall be performed in the manner prescribed in the current edition of the Illinois State Highway Specifications. Streets shall be surface to a minimum width of twenty-two (22) feet. Cul-de-sac turnarounds shall be paved to within five (5) feet of the right-of-way. Grading for street improvements shall not create soil slopes exceeding a vertical rise of one (1) foot for each two (2) feet of horizontal distance unless retaining walls are to be provided.

(D) The street surface shall be of Portland Cement Concrete or Asphalt Concrete, and shall be constructed in accordance with design characteristics at least equal to those given below, and specifications approved by the City Engineer.

(E) Prior to the construction of street or alley pavements, adequate surface (if required) drainage facilities shall be installed by the subdivider. Pipe used for drainage purposes shall be of bituminous coated corrugated metal, reinforced concrete or extra strength vitrified clay of an approved design, or plastic approved by the State of Illinois Highway Department, size and strength to meet the requirements of the specified conditions which may be encountered. Minimum diameters of pipe to be used shall be as follows:

| (1) | Roadway Crossdrains | Twelve (12) inches |
| (2) | Entrance Culverts | Twelve (12) inches |
| (3) | Perforated Underdrains | Six (6) inches |

(F) All construction shall be completed in accordance with the specific conditions in the agreement for improvements and the accepted plans and specifications, and in a manner acceptable to the authorities having jurisdiction. When changes from the accepted plans and specifications become necessary during constructions, written approval from the authorities having jurisdiction shall be secured prior to the execution of such changes.

(G) Adequate provision for the maintenance of all street improvements shall be made by dedication to and acceptance for maintenance by the local authorities having jurisdiction, or by other suitable means.

(H) This Subdivision Code requires developers to provide street construction plans for Asphalt Concrete or Portland Cement Concrete (and if the developer provides curb and gutter/sidewalks with the incentive) the following mandatory requirements must be met:

(1) Curb and gutter completed prior to first layer of Asphalt Concrete.
(2) First layer of Asphalt Concrete completed after **fifty percent (50%)** of all lots sold in the subdivision.

(3) Certification by City Engineer that all street construction in compliance with all codes before final layer of Asphalt Concrete or Portland Cement Concrete applied. Completion of finishing layer of Asphalt Concrete or Portland Cement Concrete is allowed after **seventy percent (70%)** of lots are sold. Final inspection by City Engineer must be submitted to the City Council before final layer is applied.

(4) The City Engineer and Street Superintendent will inspect completed subdivision street for compliance to this Revised Subdivision Code. Once approved by the City Engineer, the City will assume responsibility for the new City street.

(Ord. No. 1317-12; 04-10-12)

34-7-3 CURBS AND GUTTERS.

(A) Curbs and gutters shall be constructed in conjunction with the street pavements on all streets where parking is to be permitted and shall be of Portland Cement Concrete at least eighteen (18) inches wide and not less than six (6) inches thick where the curb abuts the street pavement.

**DESIGN CHARACTERISTICS OF STREET PAVEMENT, CONCRETE**

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*Arterial; or as required to meet State Highway Department Standards.

**DESIGN CHARACTERISTICS OF STREET PAVEMENT, ASPHALT**

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**DESIGN CHARACTERISTICS OF STREET PAVEMENT, ASPHALT**

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<tbody>
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<tr>
<td>Base: Bituminous Crushed Stone or As Approved by City Engineer</td>
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<td>9&quot;</td>
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*Arterial; or as required to meet State Highway Department Standards.

(Ord. No. 1317-12; 04-10-12)
Carterville City Code

34-7-4  SIDEWALKS.
(A) Sidewalks on each side of a street shall be provided within a subdivision when the subdivision averages three and one-half (3 1/2) lots or more per gross acre. Sidewalks shall be of Portland Cement Concrete with a minimum thickness of four (4) inches on a four (4) inch gravel or crushed stone base and a minimum width of four (4) feet, and the edge of walks adjacent to the property line of the street shall be placed at least one (1) foot from the property line.
(B) Crosswalks within the blocks shall be improved with a four (4) foot walk of either Portland Cement Concrete four (4) inches thick or asphaltic concrete two (2) inches thick on a four (4) inch compacted aggregate base. The base should be extended beyond the sidewalk on either side to a distance equal to depth of base.
(C) If, for any reasons, sidewalks are not provided, the street grade shall be completed so that additional grading will not be necessary for any future provision of sidewalks.

34-7-5  SEWAGE DISPOSAL AND WATER SUPPLY.
(A) The subdivider shall provide for the disposal of sewage in the subdivision by a Public Collection System. In all cases, the subdivider shall construct a collection system which should connect to the public sewerage system of the City when available, or, in the case that such a system is unavailable to the subdivider, the collection system should connect with an approved drainage ditch or canal.
(B) The subdivider shall provide the subdivision with a source of water for domestic use by a complete water main supply system which shall be connected to the water facility system serving the City. Fire hydrants should be spaced a maximum of six hundred (600) feet apart. All water mains should be a minimum of six (6) inches in size.
(C) Plans and specifications for public and local sewage disposal and water supply systems shall be prepared for the subdivider by a Registered Professional Engineer in accordance with the requirements of the Illinois Department of Public Health and the City Engineer. Private sewage disposal systems shall be installed in accordance with the regulations of the local health authorities and the Bi-County Health Department, or other agency designated by the City Council.
(D) The subdivider shall furnish the City a complete set of plans and profiles as approved by the various authorities.

34-7-6  STORM DRAINAGE.
(A) Adequate surface and subsurface drainageways for the removal of storm water shall be provided by the subdivider. The extent to which storm drainage facilities shall be required shall be based upon an analysis of need prepared for the subdivider by a Registered Professional Engineer. The analysis shall be based upon the rational method of computing storm water run-off using the one-hour rainfall to be expected at a five (5) year frequency. Times of concentration, soil infiltration rates and other variable factors to be used in the analysis shall be discussed with and approved by the City Engineer during the preliminary consideration of the subdivision.
(B) A storm water sewer system, which shall be separate and independent of the sanitary sewer system, with surface inlets shall be provided by the subdivider in all cases where curb and gutter is to be installed and whenever the available evidence indicates that such a system is necessary due to the inadequacy of the natural surface drainage.
(C) Distance from Streams or Main Drainage Channels. Any person proposing to locate a structure or a use within one hundred (100) feet of any stream or main drainage channel in any zoning district shall include with the application for a building or use permit a statement by a competent engineer, based on a study of the watershed area and the probable run-off, that the structure or use in the location proposed shall leave adequate space for the flow of flood water, provided, however, that no building shall be permitted within fifty (50) feet of the top of the bank of any stream or main drainage channel.
(D) The subdivider shall furnish the City a complete set of plans and profiles as approved by the various authorities.
34-7-7 **PUBLIC UTILITIES.**
(A) All utility lines for telephone and electric service when carried on overhead poles shall be provided with rear and side lot line easements.
(B) Where telephone and/or electric service lines are to be placed underground throughout the subdivision, the conduit or cables shall be located within easements of public rights-of-way in separate trenches, in a manner which will not conflict with other underground services. Furthermore, all transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public.
(C) All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place.

34-7-8 **STREET LIGHTING.**
(A) Provisions shall be made by the subdivider for the adequate lighting of public streets within the subdivision in accordance with the standards and requirements of the City and the Electric Utility.
(B) Street lights shall be provided with a maximum spacing of three hundred (300) feet with concrete or steel poles connected by underground wiring, except in residential zones (R-1, R-2, R-3) where an agreement and/or covenant calls for yard lights that meet specifications of the City Engineer and City Council.

34-7-9 **STREET SIGNS.**
(A) Appropriate street signs of aluminum extrusions with reflectorized lettering mounted on aluminum posts and as specified by the City, shall be installed by the subdivider at all street intersections on diagonally opposite corners so that they will be on the far right hand side of the intersection for traffic on the more important streets. Signs indicating both streets shall be placed at each location mounted as close to the corner as practical, facing traffic on the cross street, with the nearest portion of each sign not less than one (1) foot nor more than ten (10) feet back from the curb line.
(B) Before the final plat is approved, the subdivider shall submit to the City Council a statement from the local postmaster approving the names of the proposed streets and of the proposed systems of postal addresses along such streets, if such addresses are to be used instead of Rural Routes.

34-7-10 **LANDSCAPE DEVELOPMENT.**
(A) All unpaved or otherwise unimproved areas within the public rights-of-way or public use areas, shall be graded and seeded in an approved manner.
(B) Trees may be provided on lots by the subdivider. However, trees shall be located at a minimum of twenty-five (25) feet from the intersection of the street right-of-way lines, otherwise, they shall be located so as not to interfere with utilities or sidewalks.
(C) All residential lots shall have an appropriate cover of undisturbed existing vegetation, seeding, fresh cut sod, plugs or spot sod.

34-7-11 **MONUMENTS AND MARKERS.**
(A) Permanent monuments shall be set:
(1) At the intersection of all lines forming angles in the boundary of the subdivision.
(2) In slope areas at principal changes in alignment in the boundary of the subdivision.
(B) Markers shall be set, unless otherwise located by a monument:
(1) At all points where lot lines intersect street right-of-way lines.
(2) At all angles in the lot property line.
(3) At all other lot corners.

(4) At the intersection of street property lines and at the beginning and end of all curves along street property lines.

(C) Monuments shall be of concrete with minimum dimensions of four (4) inches by four (4) inches (4" x 4") at the top and six (6) inches by six (6) inches (6" x 6") at the bottom and thirty-six (36) inches in length, and shall be marked at the top with either a copper or steel dowel imbeded so that the top of the dowel shall be flush with the top surface at the center of the monument. Markers shall consist of galvanized steel or wrought iron pipe or steel bars at least thirty (30) inches in length and one-half (1/2) inch in outside diameter.

(D) Monuments and markers shall be provided by the subdivider and so placed that the center point shall coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading.

34-7-12 PRIVATELY DEVELOPED FACILITIES. Where the subdivision is to contain sewage treatment facilities, water supply system, park areas, or other physical facilities which will not be maintained by existing public agencies, provision shall be made by trust agreement, which is a part of the deed restrictions and which is acceptable to the proper public agencies for jurisdiction over the continuous maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision. Other restrictions not inconsistent or in conflict with the provisions of this Code or other Codes of the City may also be included.

34-7-13 CLUSTER DEVELOPMENT.

(A) The City Council may grant a developer the right to develop a subdivision with houses grouped in clusters, wherein the minimum lot area shall be two-thirds (2/3) of the minimum normally required in the zoning district in which the land occurs. Such plans should be submitted to the City Engineer and to the City Council for special consideration individually. An overall plan of the entire tract showing roads, lot lines, easements, encumbrances, and other relevant data shall be submitted in accordance with Article IV, V, VI, and VII of this Code.

(B) Minimum yard requirements in a cluster development, unless variance is allowed by the City Council shall be:

- Front Yard: 10 feet
- Side Yard: 8 feet (Save that garages or carports upon adjacent lots may join at the property line or be grouped on land away from the individual lot.)
- Rear Yard: 15 feet

34-7-14 STREET BONDS/GUARANTEES.

(A) All new roads will require a developer to secure a cash deposit or bond in the amount of one hundred twenty-five percent (125%) of our engineer's cost estimate or the higher of two bids supplied with specifications to meet the requirement of the City (cost of the estimate to be paid by the builder).

(B) At the time the City accepts said road, the builder shall post cash deposit or bond for fifty percent (50%) of original bond as a maintenance bond for a period of twenty-four (24) months, at which time the road will have a final inspection for release of the bond. Any expense incurred by the City for engineering of road shall be reimbursed by the developer.

(Ord. No. 1383-15; 07-14-15) (See also Section 34-5-4)
ARTICLE VIII – INSPECTIONS

34-8-1 INSPECTIONS REQUIRED. All public improvements proposed to be made under the provisions of this Code shall be inspected during the course of construction by the City Engineer or a duly designated representative. All fees and costs connected with such inspections and in reviewing the plans and specifications for such improvements shall be paid for by the subdivider. The subdivider shall pay to the City an amount equal to one percent (1%) of the estimated cost of the paving, storm drainage, sanitary sewers and site grading to defray the cost of processing the subdivision application and for inspection of improvements during construction.

ARTICLE IX – VARIATIONS AND EXCEPTIONS

34-9-1 PROCEDURE. When a subdivider shall show that a provision of this Code would cause unnecessary hardship if strictly adhered to, and when, in the opinion of the City Council, because of topographical or other condition peculiar to the site, a departure may be made without destroying the intent of such provision the City Council may grant a variance or modification by a resolution to that effect, and a copy attached to the final plat.

An exception may be made from the specifications and procedures in the case of a subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel and not in conflict with any provisions or portion of the comprehensive plan, official map, or Zoning Code. A plat of the proposed minor subdivision shall be submitted to the City Clerk’s office, thence to the City Council at least one (1) week prior to a meeting at which consideration is desired. Approval of the Council may be indicated on the original drawing by the affixing of the signatures of the Mayor and City Clerk and the plat will be returned to the applicant to be filed for record in the miscellaneous record of the County Clerk.

ARTICLE X – GENERAL PROVISIONS

34-10-1 BUILDING PERMIT – ZONING CERTIFICATE. No building permit or zoning certificate shall be issued by any governing official for the construction of any building, structure, or improvement to the land or any lot within the subdivision as defined herein, which has been approved for platting or re-planting, until all requirements shall have been fully complied with.

34-10-2 ENFORCEMENT. No plat of any subdivision shall be permitted to be recorded by the County Clerk or to have any validity until it shall have been fully complied with.

34-10-3 RECORD OF PLATS. All such plats of subdivisions, after the same have been submitted and approved, shall be filed in a book of plats of the City and shall be filed and kept by the City among the records of the City.
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## CHAPTER 35 — TAX INCREMENT FINANCE

### ARTICLE I
**INTERESTED PARTIES REGISTRY REGISTRATION RULES**

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TAX INCREMENT FINANCE 35-1-1

Carterville City Code

CHAPTER 35
TAX INCREMENT FINANCE

ARTICLE I – INTERESTED PARTIES REGISTRY REGISTRATION RULES

35-1-1 DEFINITIONS. As used in these Registration Rules, the following terms shall have the definitions set forth below.

"Act" shall mean the Tax Increment Allocation Redevelopment Act 65 ILCS § 5/11-74.4-1 et seq. as amended from time to time.

"City" shall mean the City of Carterville, a home rule unit of government under Section 6(a) Article VII of the 1970 Constitution of the State of Illinois.

"Interested Party(s)" shall mean (a) any organization(s) active within the City (b) any resident(s) of the City, and (c) any other entity or person otherwise entitled under the Act to register in a specific Registry who has registered in such Registry and whose registration has not been terminated in accordance with these Registration Rules.

"Redevelopment Project Area" shall mean a redevelopment project area that (a) is intended to qualify (or has subsequently qualified) as a "redevelopment project area" under the Act and (b) is subject to the "interested parties" registry requirements of the Act.

"Registration Form" shall mean the form appended to these Registration Rules or such revised form as may be approved by the City consistent with the requirements of the Act.

"Registry" or "Registries" shall mean each interested parties registry, and all such registries, collectively, established by the City pursuant to Section 5/11-74.4-4.2 of the Act for the Redevelopment Project Area.

35-1-2 ESTABLISHMENT OF REGISTRY. The City shall establish a separate interested parties registry for each Redevelopment Project Area, whether existing as of the date of the adoption of these Rules or hereafter established. The City shall establish a new registry whenever it has identified an area for study and possible designation as a Redevelopment Project Area. In any event the process of establishing the new registry must be completed prior to the deadline for sending any of the notices required by Section 35-1-10 of these rules or any other notices required by the Act with respect to the proposed Redevelopment Project Area.

35-1-3 MAINTENANCE OF REGISTRY. The Registries shall be maintained by the City Clerk or his or her designee. In the event the City determines that someone other than the Clerk should maintain the Registries, the City may transfer the responsibility for maintaining the Registries to such other Department provided that the City (i) gives prior written notice to all Interested Parties not less than thirty (30) days prior to such transfer and (ii) publishes notice of such transfer in a newspaper of general circulation in the City.

35-1-4 REGISTRATION BY RESIDENTS. An individual seeking to register as an Interested Person with respect to a Redevelopment Project Area must complete and submit a Registration Form to the City Clerk. Such individual must also submit a copy of a current driver's license, lease, utility bill, financial statement or such other evidence as may be acceptable to the Clerk to establish the individual's current City residency.
35-1-5 REGISTRATION BY ORGANIZATIONS. An organization seeking to register as an Interested Person with respect to a Redevelopment Project Area must complete and submit a Registration Form to the City Clerk. Such organization must also submit a copy of a one-page statement describing the organization's current operations in the City.

35-1-6 DETERMINATION OF ELIGIBILITY. All individuals and organizations whose Registration Form and supporting documentation complies with these Registration Rules shall be registered in the applicable Registry within ten (10) business days of the City Clerk's receipt of all such documents. The Clerk shall provide written notice to the registrant confirming such registration. Upon registration Interested Parties shall be entitled to receive all notices and documents required to be delivered under these Rules or as otherwise required under the Act with respect to the applicable Redevelopment Project Area. If the City Clerk determines that a registrant's Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Clerk shall give written notice to the registrant specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation.

35-1-7 RENEWAL AND TERMINATION. An Interested Person's registration shall remain effective for a period of three (3) years. At any time after such three (3) year period the City Clerk may provide written notice by regular mail to the Interested Person stating that such registration shall terminate unless the Interested Person renewes such registration within thirty (30) days of the Clerk's mailing of written notice. To renew such registration, the Interested Person shall, within such thirty (30) day period, complete and submit the same Registration Form and supporting documentation then required of initial registrants in order to permit the Clerk to confirm such person's residency or such organization's operations in the City. The registration of all individuals and organizations whose Registration Form and supporting documentation is submitted in a timely manner and complies with these Regulation Rules shall be renewed for an additional, consecutive three (3) year period. If the City Clerk determines that a registrant's renewal Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Clerk shall give written notice to the registrant at the address specified in the renewal Registration Form submitted by such registrant, specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation within thirty (30) days of receipt of the Clerk's notice. If all defects are not corrected within thirty (30) days of the Interested Person's receipt of the City Clerk's notice, the Interested Person's registration shall be terminated. Any Interested Person whose registration is terminated shall be entitled to register again as if a first-time registrant.

35-1-8 AMENDMENT TO REGISTRATION. An Interested Party may amend its registration by giving written notice to the City Clerk by certified mail of any of the following:
(A) a change in address for notice purposes;
(B) in the case of organizations, a change in the name of the contact person; and
(C) a termination of registration.
Upon receipt of such notice, the Clerk shall revise the applicable Registry accordingly.

35-1-9 REGISTRIES AVAILABLE FOR PUBLIC INSPECTION. Each Registry shall be available for public inspection during normal City business hours. The Registry shall include the name, address and telephone number of each Interested Person and for organizations, the name and phone number of a designated contact person.
35-1-10 NOTICES TO BE SENT TO INTERESTED PARTIES. Interested Parties shall be sent the following notices and any other notices required under the Act with respect to the applicable Redevelopment Project Area:

(A) Pursuant to subsection 5/11-74.4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information, such notice shall be sent by mail within a reasonable period of time after the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan.

(B) Pursuant to subsection 5/11-74.4-5(a) of the Act, notice of changes to proposed redevelopment plans that do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project, or (4) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed ten (10); such notice shall be sent by mail not later than ten (10) days following the City’s adoption by ordinance of such changes.

(C) Pursuant to subsection 5/11-74.4-5(c) of the Act, notice of amendments to previously approved redevelopment plans that do not: (1) add additional parcels of property to the redevelopment project area, (2) substantially affect the general land uses in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than five percent (5%) after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan or (6) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed ten (10); such notice shall be sent by mail not later than ten (10) days following the City’s adoption by ordinance of any such amendment.

(D) Pursuant to subsection 5/11-74.4-5(d)(9) of the Act for redevelopment plans or projects that would result in the displacement of residents from ten (10) or more inhabited residential units or that contain seventy-five (75) or more inhabited residential units, notice of the availability of the annual report described by subsection 5/11-74.4-5(d), including how to obtain the annual report; such notice shall be sent by mail within a reasonable period of time after completion of the certified audit report.

(E) Pursuant to subsection 5/11-74.4-6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed Redevelopment Project Area that will result in the displacement of ten (10) or more inhabited residential units or which will contain seventy-five (75) or more inhabited residential units, such notice shall be sent by certified mail not less than fifteen (15) days before the date of such preliminary public meeting.

35-1-11 NON INTERFERENCE. These Registration Rules shall not be used to prohibit or otherwise interfere with the ability of eligible organizations and individuals to register for receipt of information to which they are entitled under the Act.

35-1-12 AMENDMENT OF REGISTRATION RULES. These Registration Rules may be amended by the City subject to and consistent with the requirements of the Act.

(See 65 ILCS 5/11-74.4-4.2)

(Ord. No. 1445-19; 02-12-19)
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TIF INTERESTED PARTIES REGISTRATION FORM

Registration for City Residents: If you are a City resident and would like to register on the Interested Parties Registry for one or more tax increment financing (TIF) redevelopment project areas, please complete Part A of this form. Proof of residency is required. Please attach to this form a photocopy of one of the following: Driver’s License, lease, utility bill, financial statement, or such other evidence as may be suitable to establish your current City residency.

Registration for Organizations: If your organization is active in the City and would like to register on the Interested Parties Registry for one or more tax increment financing (TIF) redevelopment project areas, please complete Part B of this form. Please attach a one-page statement which describes the organization’s current operations in the City. Note: existing organizational documents that provide this information will also be accepted.

PART A: CITY RESIDENT REGISTRATION (Please Print)

Name: ____________________________
Street Address: ____________________________
City State Zip: ____________________________
Home Telephone: ____________________________

I have attached a copy of ____________________________ as proof that I am a resident of the City of Carterville as of the date of this form.

Please list the TIF(s) you are interested in below:

Signature/Title ____________________________ Date ____________________________

Please return this form to:

TIF Interested Parties Registry
City Clerk – City of Carterville
103 South Division St
Carterville, IL 62918
PART B: ORGANIZATION REGISTRATION (Please Print)

Organization Name: ________________________________

Contact Name: ________________________________
Street Address: ________________________________
City State Zip: ________________________________
Phone Number: ________________________________

Check here ______ if a statement describing your organization's current operations in the City of Carterville is attached.

Please list the TIF(s) you are interested in below:

Signature/Title ___________________________ Date ___________________________

Please return this form to:

TIF Interested Parties Registry
City Clerk – City of Carterville
103 South Division St
Carterville, IL 62918
# CARTERVILLE CITY CODE

## CHAPTER 36 - TAXATION

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ARTICLE I — GENERALLY

36-1-1 CORPORATE RATE. The maximum rate for general corporate purposes of the City be and the same is hereby established at a rate of .25%. (See 65 ILCS Sec. 5/8-3-1)

36-1-2 POLICE TAX. The maximum rate for police protection purposes of the City be and the same is hereby established at a rate of .075%. (See 65 ILCS Sec. 5/11-1-3)

36-1-3 AUDIT TAX. The City Council may levy a "Municipal Auditing Tax" upon all taxable property in the City which will produce an amount which will equal the cost of all auditing for the City. (See 65 ILCS Sec. 5/8-8-8)

36-1-4 F.I.C.A. TAX. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to participate in the federal Social Security System. (See 40 ILCS Sec. 5/21-101 et seq.)

36-1-5 GENERAL LIABILITY. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to purchase general liability insurance for the City.

36-1-6 FIREFIGHTER'S PENSION FUND. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to produce the amount of revenue needed to meet the requirements of the fund. (40 ILCS 5/4-118)

36-1-7 GARBAGE TAX. The maximum tax for garbage collection purposes, be and the same is hereby established at a rate of .20%. (See 65 ILCS Sec. 5/11-19-4)

36-1-8 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)

36-1-9 STREET AND BRIDGE. The maximum tax for Street and Bridge purposes, be and the same is hereby established at a rate of .06%. (See 65 ILCS Sec. 5/11-81-1 and 5/11-81-2)

36-1-10 POLICE PENSION FUND. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to produce the amount of revenue needed to meet the requirements of the fund. (40 ILCS 5/3-125)
ARTICLE II

TAXPAYERS’ RIGHTS CODE

36-2-1 TITLE. This Article shall be known as, and may be cited as, the “Locally Imposed and Administered Tax Rights and Responsibility Code”.

36-2-2 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.

36-2-3 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’s Treasurer, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator’s stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act.

(E) City. “City” means the City of Carterville, 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.

36-2-4 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.

36-2-5 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.
36-2-6 **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.

36-2-7 **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 or refund shall bear interest at the rate of six percent (6%) 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.

36-2-8 **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.
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.

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.

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.

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.

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.

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.
36-2-10 HEARING.  
(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section 36-2-9, 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.

36-2-11 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 six percent (6%) 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 for 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.

36-2-12 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.

36-2-13 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.

36-2-14 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.

36-2-15 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.

36-2-16 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.

36-2-17 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.

36-2-18 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.

(See 50 ILCS 45/1 et seq.)
ARTICLE III

SIMPLIFIED TELECOMMUNICATIONS TAX

36-3-1 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 Charges" 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
subsidary, 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, telegrapher, 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 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.

36-3-2 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.

36-3-3 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.

36-3-4 RETURNS TO DEPARTMENT. Commencing on January 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.

36-3-5 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.

(65 ILCS 5/8-11-17)
ARTICLE IV – GAS TAX

36-4-1 TAX IMPOSED. A tax is imposed on all persons engaged in the following occupations or privileges:
(A) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within City and not for resale, at the rate of five percent (5%) of the gross receipts therefrom.

36-4-2 EXCEPTIONS. None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and Statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any person engaged in the business of distributing, supplying, furnishing or selling gas, be subject to taxation under the provisions of this Section for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Chapter 65, Sec. 5/8-11-1, Illinois Compiled Statutes, nor shall any tax authorized by this Section be imposed upon any person engaged in the business unless such tax is imposed in like manner and at the same rate upon all persons engaged in the business of the same class in the Municipality, whether privately or municipally owned or operated.

36-4-3 ADDITIONAL TAXES. Such tax shall be in addition to the payment of money, or value of products or services furnished to this Municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

36-4-4 DEFINITIONS. For the purposes of this Article, the following definitions shall apply:

"GROSS RECEIPTS" means the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, except for that consideration received from the City; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of transmitting such messages without any deduction on account of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expenses whatsoever.

"PERSON" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court.

36-4-5 REPORTS TO MUNICIPALITY. On or before the last day of September, each taxpayer shall make a return to the City Treasurer for the months of June, July and August, 1997, stating:
(A) His name.
(B) His principal place of business.
(C) His gross receipts during those months 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.
On or before the last day of every third month thereafter, each taxpayer shall make a like return to the City Treasurer for a corresponding three (3) month period.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

36-4-6 **CREDIT FOR OVER-PAYMENT.** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.

36-4-7 **PENALTY.** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willingly violates any other provision of this Article shall, upon conviction, be fined as provided in Section 1-1-20 of the City Code and in addition, shall be liable in a civil action for the amount of tax due.

(Ord. No. 306; 02-15-68)

(See 65 ILCS Sec. 5/8-11-2)
ARTICLE V

ELECTRIC UTILITY TAX

36-5-1 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
   Rate: 0.401 cents per KWH

2. Next 48,000 KWH
   Rate: 0.253 cents per KWH

3. Next 50,000 KWH
   Rate: 0.267 cents per KWH

4. Next 400,000 KWH
   Rate: 0.280 cents per KWH

5. Next 500,000 KWH
   Rate: 0.244 cents per KWH

6. Next 2,000,000 KWH
   Rate: 0.211 cents per KWH

7. Next 2,000,000 KWH
   Rate: 0.207 cents per KWH

8. Next 5,000,000 KWH
   Rate: 0.204 cents per KWH

9. Next 10,000,000 KWH
   Rate: 0.201 cents per KWH

10. Over 2,000,000 KWH
    Rate: 0.197 cents per KWH

(B) 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).

36-5-2 TYPE OF CUSTOMER – RATE EFFECTIVE. Pursuant to 65 ILCS Sec. 5/8-11-2, the rates set forth in Section 36-5-1 above shall be effective:

1. On September 1, 1999 for residential customers; and
2. On the earlier of:
   (a) the last bill issued prior to December 31, 2000, or
   (b) the date of the first bill issued pursuant to 220 ILCS 5/16-104, for non-residential customers.

36-5-3 EFFECTIVE DATE FOR ARTICLE. The provisions of this Section shall not be effective until September 1, 1999.

36-5-4 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 Retailer’s Occupation Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the Municipality, whether privately or municipally owned or operated, or exercising the same privilege within the Municipality.

36-5-5 ADDITIONAL TAXES. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.
36-5-6 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 Municipality 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 Municipality 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 Municipality in the manner prescribed by the Municipality. Persons delivering electricity who file returns pursuant to this Section shall, at the time of filing such return, pay the Municipality the amount of the tax collected pursuant to this Article.

36-5-7 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.

36-5-8 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.

36-5-9 PENALTY. Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) in addition, shall be liable in a civil action for the amount of tax due.

(Ord. NO. 983-99; 08-10-99)

(See 65 ILCS 5/8-11-2)
ARTICLE VI
FOREIGN FIRE INSURANCE COMPANIES

36-6-1 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.

36-6-2 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.

36-6-3 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.

36-6-4 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 agents, by an action in the name of and for the use of the City as for money had and received. Nothing in this Section shall 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.

36-6-5 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.

36-6-6 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.

(In Part Ord. No. 16-143; 1917)
ARTICLE VII — RETAILERS' OCCUPATION TAX

36-7-1 IMPOSITION OF TAX. The Corporate Authorities of the City shall and do hereby impose a tax upon all persons engaged in the City in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of the State of Illinois, at retail in the City at a rate of one and one-half percent (1.5%) on and of gross receipts from those sales made in the course of such business. This tax shall only be imposed at the rate of one and one-half percent (1.5%) as authorized by the Act, which is at the same rate that the City imposes a Home Rule Municipal Retailers' Occupation Tax under the Home Rule Municipal Retailers' Occupation Tax Act. Under the Act, this additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

36-7-2 COLLECTION AND ENFORCEMENT. The tax imposed by the City under this Article and the Act and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Illinois Department of Revenue.

36-7-3 LIMITATION. Nothing in this Article shall be construed to authorize the City to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State of Illinois. Notwithstanding anything herein to the contrary, this Article shall be given effect in such a manner as to comply with the Act as it shall from time to time be in effect.

36-7-4 EFFECTIVE. Pursuant to the City's home rule authority, Sections 1-2-4 and 4-5-13 of the Illinois Municipal Code shall not apply to this Article. This Article shall become effective immediately upon its adoption and approval and the tax under Section 36-7-1 above shall be given effect in the time and manner as provided in the Act.

(Ord. No. 1314-12; 04-10-12)
ARTICLE VIII – SERVICE OCCUPATION TAX

36-8-1 IMPOSITION OF TAX. The Corporate Authorities of the City shall and do hereby impose a tax upon all persons engaged in the City in the business of making sales of service at the rate of one and one-half percent (1.5%) of the selling price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. This tax shall only be imposed at the rate of one and one-half percent (1.5%) of the selling price, as authorized by the Act which is at the same rate that the Municipal Service Occupation Tax under the Home Rule Municipal Service Occupation Tax Act. Under the Act, this additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

36-8-2 COLLECTION AND ENFORCEMENT. The tax imposed by the City under this Article and the Act and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Illinois Department of Revenue.

36-8-3 LIMITATION. Nothing in this Article shall be construed to authorize the City to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State of Illinois. Notwithstanding anything herein to the contrary, this Article shall be given effect in such a manner as to comply with the Act as it shall from time to time be in effect.

36-8-4 FILING. Upon becoming effective, a duly certified copy of this Article shall be filed with the Illinois Department of Revenue, as required by the Act.

(Ord. No. 1313-12; 04-10-12)
ARTICLE IX – GASOLINE TAX

36-9-1 IMPOSITION OF TAX. There is hereby levied and imposed upon the purchase of each gallon of motor fuel, or fraction thereof, sold at retail within the corporate limits of the City, a tax at the rate of Two Cents ($0.02) per gallon, which shall be paid in addition to all taxes and charges.

(A) In the event motor fuel is dispensed in a unit of measure other than the gallon, the tax shall be imposed at the same ratio to Two Cents ($0.02) as the unit is to the gallon. The tax shall be paid in addition to all other taxes and charges.

(B) The incidence and liability for payment of the tax is to be borne by the retail purchaser of motor fuel. Nothing in this Article shall be construed to impose a tax upon the occupations of persons engaged in the retail sale of motor fuel.

(C) It shall be the responsibility of every retail gasoline dealer to secure the tax from the purchaser at the time the dealer collects the purchase price for the motor fuel and to pay over to the City the amount as provided in this Article.

(D) A retail gasoline dealer may make tax free sales only when the sale is made to the federal, state or local unit of government, as those terms are defined in Section 1 of Article VII of the Constitution of the State of Illinois, or any school district.

36-9-2 DEFINITIONS. For purposes of this Article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this Section:

(A) Bulk User. Any person who purchases motor fuel for storage in bulk storage facilities located within the City, which facilities are owned, leased or controlled by the person, for subsequent dispensing into the supply tanks of internal combustion engines operated by the person.

(B) Gasohol. A fuel used chiefly in internal combustion engines which is compromised of gasoline and ethyl alcohols in variable quantities.

(C) Gasoline or Diesel Fuel. A volatile, highly flammable or combustible liquid mixture of hydrocarbons produced by the distillation of petroleum and used as a fuel in internal combustion engines, but shall not include mixtures commonly known as kerosene and aviation fuel, or mixtures used in the heating of buildings.

(D) Motor Fuel. “Gasohol” and “gasoline” and “diesel fuel” as defined in this Section.

(E) Person. Any natural person, trustee, court appointed representative, association, partnership, firm, club, company, corporation, business, trust, institution, agency, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees, or other representatives acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties.

(F) Retail Gasoline Dealer. Any person who engages in the business of selling fuel in the City to a purchaser for use or consumption and not for resale in any form.

(G) Sale, Resale, Selling. Any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for valuable consideration.

36-9-3 PAYMENT OF FUNDS.

(a) Every retail gasoline dealer shall transmit to the City Clerk's Office on or before the fifteenth (15th) day of each calendar month, the sum of money equal to the amount of motor fuel tax collected for preceding month, accompanied by a report upon forms supplied by the City, which shows the gross gallons of motor fuel sold for the particular month and such other Information as the City Clerk's Office may require for the enforcement of this Article.

(b) Every bulk user shall transmit to the City Clerk's Office on or before the fifteenth (15th) day of each month a sum of money equal to the amount of gasoline tax owing for the preceding calendar month, accompanied by a report upon forms provided by the City, which shows the...
gross gallons of gasoline purchased for the preceding calendar month and such other information as the City Clerk's Office may require for the enforcement of this Article.

(C) All reports and returns submitted by any person or dealer in compliance with this Article shall be kept confidential, provided that the aggregate totals of gasoline sold, and tax received for the entire City may be periodically released.

36-9-4 RECORD KEEPING.
(A) Every retail gasoline dealer shall keep complete and accurate books and records, including, but not limited to, records showing all purchases, receipts, sales and losses.
(B) Every bulk user shall keep complete and accurate records of purchases of gasoline including the dates of purchases, the gross gallons purchased on each date and the names and addresses of the gasoline dealers from which each of the purchases was made.
(C) For the purpose of administering and enforcing this Article, the City Clerk's Office or its designee, shall have the right to inspect all books, records, and reports of retail gasoline dealers and bulk users during normal business hours.

36-9-5 PENALTY.
(A) Any violation of this Article shall be subject to a fine of not less than Five Hundred Dollars ($500.00). Each day the violation continues shall be considered a separate punishable offense.
(B) If for any reason the tax is not paid when due, a penalty of one and one-half percent (1.5%) per month shall be imposed on the amount of tax which remains unpaid. Whenever any person shall fail to pay the tax as provided herein, an action to enforce the payment shall be brought on behalf of the City to enforce the provisions of this Article and collect any delinquent tax, interest and penalties.

(Ord. No. 1115-04; 10-15-04)
ARTICLE X — HOTEL AND ROOM TAX

36-10-1 DEFINITIONS. Where used in this Article, the following terms and phrases shall be defined as follows, unless a different meaning clearly appears from the context:

(A) **Hotel Room or Motel Room.** A room within a structure kept, used or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment, lodging house, or place where sleeping, rooming, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room.

(B) **Operator.** Any person operating a hotel or motel.

(C) **Owner.** Any person or persons having a sufficient proprietary interest in conducting the operation of a hotel and motel room or receiving the consideration for the rental of such hotel and motel room so as to entitle such person or persons to all for a portion of the net receipts thereof.

(D) **Permanent Resident.** Any person who occupied or has the right to occupy any room or rooms in motel or hotel for more than thirty (30) consecutive days.

(E) **Person.** Any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government, corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstance.

36-10-2 TAX.

(A) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room within the City a tax of five percent (5%) of the rental or leasing charge for each such hotel or motel room or rooms rented for each twenty-four (24) hour period or any portion thereof, provided, however, that the tax shall not be levied and imposed upon any permanent resident or to a person who works and lives in the same hotel or motel.

(B) The ultimate incidence of any liability for payment of said tax shall be borne by the person who seeks the privilege of occupying any such hotel or motel room or rooms, said person hereinafter referred to as "renter."

(C) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager or operator of every hotel or motel to act as trustee for and on account of the City and to secure said tax from the renter of the hotel or motel room and pay over to the City Treasurer said tax under procedures prescribed by the City Treasurer or as otherwise provided in this Article.

(D) Every person required to collect the tax levied by this Article shall secure said tax from the renter at the time he collects payment for the rental of the hotel or motel room or rooms. Upon the invoice receipt or other statement or memorandum of the payment given to the renter at the time of payment, the amount due under the tax provided in this Article shall be stated separately on said documents, or combined with the amount of the Illinois hotel operator's occupation tax act.

(E) The City Treasurer may promulgate rules and regulations not inconsistent with the provisions of this Article concerning the enforcement and application of this Article. The term "rules and regulations" includes, but is not limited to, a case by case determination whether or not the tax imposed by this Article applies.

36-10-3 BOOKS AND RECORDS. The City Treasurer or any person certified as his delegate may, during regular business hours, enter the premises of the hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this Article and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to
prevent, hinder or interfere with the City Treasurer or his duly authorized delegate in the discharge of his duties and the performance of this Article. It shall be the duty of every owner to keep accurate and complete books and records to which the City Treasurer or his delegate shall at all times have full access, which records shall include:

(A) the amount of taxable receipts collected within the twenty-four (24) hour period, and

(B) the actual hotel or motel tax receipts collected for the dates or period in question.

36-10-4 TRANSMITTAL OF TAX REVENUES.

(A) The owner or owners of each hotel or motel within the City shall file tax returns showing tax receipts received during each month period on forms prescribed by the City Treasurer. The returns shall be due on or before the last calendar day of the calendar month succeeding the end of the monthly filing period.

(B) The first taxing period for the purpose of this Article shall commence on __________, 2016, and the tax return and payment for such period shall be due on or before __________, 2017. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this Article. At the time of filing said tax returns, the owner shall pay to the City Treasurer all taxes due for the period to which the tax return applied.

(C) If for any reason any tax is not paid when due, a penalty at the rate of one and one-half percent (1.5%) per monthly filing period, or portion thereof, from the day of delinquency shall be added and collected.

36-10-5 COLLECTION. Whenever any person shall fail to pay any tax as herein provided, the City Attorney shall, upon the request of the City Treasurer, bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction.

36-10-6 PROCEEDS OF TAX, FINES AND PENALTIES. All proceeds resulting from the imposition of the tax under this Article including fines and penalties may be used to pay for general corporate and municipal purposes, supporting tourism in the City, and paying the administrative expenses of collecting the tax.

36-10-7 SUSPENSION OF LICENSES. If the City Council of said City, after hearing held by it, shall find that any person has willfully avoided payment of the tax imposed by this Article, the City Council may suspend or revoke all City licenses held by such tax evader. The owner, manager, or operator of the hotel or motel shall have an opportunity to be heard at such hearing to be held not less than five (5) days after notice of the time and place of the hearing to be held, addressed to the said owner, manager or operator at his last known place of business.

36-10-8 PENALTIES. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Article or the rules and regulations authorized by this Article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars ($100.00), nor more than Seven Hundred Fifty Dollars ($750.00), and in addition shall be liable in a civil action for the amount of tax due. Each day of any violations of this Article shall constitute a separate offense.

(Ord. No. 1408-16; 09-13-16)
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CITY OF CARTERVILLE, ILLINOIS

MUNICIPAL GASOLINE TAX RETURN

For Filing Month of: ___________________ Due on or Before: ___________________

Name of Business: ___________________

Business Address: ___________________ City State Zip

Mailing Address: ___________________ City State Zip

State Identification Number: ___________________

Municipal Gasoline Tax – Carterville Ordinance No. 1115-04

NOTE: Gasoline measurement is necessary to complete this Return. If your records are in liter measurement, multiply the number of liters by .2641721 to convert to U.S. gallons.

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Type #:
1. LEADED
2. UNLEADED
3. PREMIUM UNLEADED
4. GASOHOL
5. DIESEL

TOTAL NUMBER OF GALLONS: ___________________ *
COLUMN 4 LESS COLUMN 3: ___________________

*Transfer Total Gallons to Page 2, Line 1.
Line 1. Municipal Gasoline Tax Amount

____ Gallons x $0.02 (enter amount).  

$________________

Line 2. Correction of Prior Period Return(s)  

$________________

Line 3. Penalty if filed late: (1.5 per month or part thereof)  

$________________

Line 4. TOTAL TAX TO BE REMITTED (Add Lines 1, 2 and 3)  

$________________

Note:  This return must be filed on or before the 15th day of the calendar month succeeding the end of the month filing period. If the return is filed late, a penalty is assessed at the rate of 1.5% per month, or portion thereof, for as long as the return remains outstanding.

IF THIS IS A FINAL RETURN OR THERE HAS BEEN A CHANGE IN OWNERSHIP, COMPLETE THE FOLLOWING:

Business Sold: ____________________________  Business Discontinued: ____________________________

Date  Date

New Owners Name: ____________________________

New Owners Residence Address: ____________________________

Former Owners Residence Address: ____________________________

Under penalties as provided by law, I declare that I have examined this return, including any accompanying schedules and statements, and to my knowledge and belief, it is true, correct and complete. I further declare that the information set forth is taken from the books and records of the business for which this return is filed.

Name of Taxpayer  Name of person preparing this Form

Signature of Taxpayer  Signature of person preparing this Form

Title  Name of Company or Employer

Date Signed: __________  Telephone No. __________  Date Prepared: __________
## CARTERVILLE CITY CODE

### CHAPTER 37 - TRASH

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CHAPTER 37

TRASH

ARTICLE I - GENERAL REGULATIONS

37-1-1 DEFINITIONS. As used in this Code, the following definitions shall apply:

"GARBAGE" shall mean wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.

"RUBBISH" shall mean combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; non-combustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles, provided, however, that refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

37-1-2 LICENSE REQUIRED; FEE. No person shall engage in the business as a residential or commercial collector of garbage and rubbish unless such person shall have first made application to and secured a license from the City.

The license fee shall be Twenty-Five Dollars ($25.00) per year. The fee shall be paid on or before May 1st of each year.

Only two (2) licenses shall be issued per year.

37-1-3 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 for liability and property damage, and at that time, they shall file with the Clerk a rate schedule for services to be performed for a residential application. The rate schedule shall set forth the type of service to be offered and the price for same, including the size and number of cans per pickup for the charge, the charge for any extra cans, the charge for the bags, the size of the bags, and the charge for bundles and size of the bundles; also a rate schedule shall include an unlimited service charge; the schedule shall set forth whether this is once-a-week or twice-a-week pickup.

The rate schedule shall also set forth the day or days of each week that the collector shall schedule his pickup within the City. The rate schedule as filed shall be valid for one (1) year and the licensee shall not be permitted to increase the price on the schedule for a period of one (1) year from the date of filing of the rate schedule. The rate schedule shall be effective upon approval by the City Council.

37-1-4 TRUCK REQUIREMENT - CLEANLINESS. The firm that handles the collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which
shall be so designed that garbage and rubbish that is collected will be covered at all times or placed in containers that will be covered at all times except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the City. The trucks and all containers in which garbage is collected and transported shall be cleaned daily and the collector shall not collect any garbage on any day without having a clean truck and hand containers if containers are used.

37-1-5 PARKED GARBAGE TRUCKS. No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the City except as provided for in Section 37-1-10 any longer than is necessary to pick up containers; however, providing that the standing of such vehicle was made necessary by mechanical trouble, traffic conditions, accident or obedience to the direction of policemen or traffic signals, shall not be considered a violation of this Code.

37-1-6 TRUCK WASTEWATERS. A garbage truck or other equipment shall not be washed on City streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

37-1-7 WINDBLOWN GARBAGE UNLAWFUL. It shall be unlawful to place garbage or rubbish in such a manner as to allow the same to be blown by the wind onto the property of other residents.

37-1-8 GARBAGE FALLING FROM TRUCK. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the City, provided that this Code shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Code, preparatory to having such material collected and disposed of in the manner provided herein.

37-1-9 ACCUMULATION OF GARBAGE 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.

37-1-10 LOCATION OF YARDS FOR EQUIPMENT. A licensee shall designate the location of the yards on which his equipment will be parked while not in use and the equipment shall not be parked within the City limits unless the designated location shall not, in the opinion of the Code Enforcement Officer, create any nuisance for adjoining property owners.

The licensee shall have as additional equipment a truck for the disposal of large or unusual items of rubbish which cannot be placed in the designated containers and shall have available for such pickups such equipment at least one (1) day each week or on such additional days as may be necessary to satisfy the needs of the public.
37-1-11  INDUSTRY, CONSTRUCTION, ETC. Nothing in this Code shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, from construction projects or other matter not normally collected on a regular schedule and haulers of rubbish not normally collected in regular collections shall be excused from the requirements of obtaining a collector's license as provided in this Chapter.

37-1-12  REVOCATION OF PERMIT. If the licensee fails to perform any services according to his application and rate schedule, the Mayor may revoke his permit.

(See 65 ILCS Sec. 5/11-19-1, et seq.)
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# Carterville City Code

## CHAPTER 38 - UTILITIES

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ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 DEPARTMENT ESTABLISHED. There shall be an executive department of the City known as the Water and Sewer Department. It shall include the Water and Sewer Board, appointed by the Mayor, and its employees. The designated office shall be in the City Hall.

38-1-2 SUPERVISION. The Water and Sewer Board shall exercise a general supervision over the affairs of the Water and Sewer Departments. 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 acts necessary to promote the efficiency of the Department. (See 65 ILCS 5/11-129-8)

38-1-3 DUTIES OF DIRECTOR. It shall be the duty of the Director to manage and control all aspects of the Water and Sewer Departments, under direction of the Water and Sewer Board. He may be referred to as the Superintendent in this Chapter.
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, thereafter called a "customer" who accepts and uses utility services 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 utility services from the City without paying therefor, or who shall be found guilty of breaking any 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 1-1-20 of this Code.

(D) Service Obtained By Fraud. All contracts for utility services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings, or by substituting other persons' or firms' names will be considered a subterfuge and service will be denied. If service has been discontinued because of nonpayment 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 appropriate account.

(E) Failure to Receive Bill. Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the 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) Billing; Utility Shut-off; Hearing.

(1) All bills for Utility Services for all regular and wholesale customers shall be due and payable upon presentation. If a bill is not paid within fifteen (15) days of the billing, a penalty equal to ten percent (10%) of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charges heretofore established for the Utility Services. (Ord. No. 548-89)

(2) If a delinquent utility bill is not paid within fifteen (15) days following billing, then the City shall notify the customer of such failure to pay by first-class mail. The notice to the consumer shall state:

(a) Name and address of the consumer and the amount of his bill;
(b) That the customer has a right to be heard and to present evidence in his behalf;
(c) The date, time and location of the hearing to be held;
(d) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings;
(e) The date of termination.
(3) The time, date and location of the hearing shall be determined by the Mayor, the City Clerk or the designee of the Mayor. The Mayor, City Clerk or designee 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 consumer and the City based on the information received at the hearing.

(4) The consumer shall be notified within five (5) working days of the decision rendered by the hearing officer. If the 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.

(5) If the hearing officer decides in favor of the City, the City shall have the right to discontinue the consumer's utility service. Should the consumer fail to appear at the hearing or should the notice be returned non-accepted, then the City shall also have the right to terminate the consumer's utility service without further proceedings.

(6) Once utility service has been disconnected (terminated), the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of Twenty-Five Dollars ($25.00) for each connection of such utility service.

(H) Lien — Notice of Delinquency. Unpaid charges for Water and Sewer Services shall be a lien upon the premises as provided by statute. Whenever a bill for Utility Services remains unpaid sixty (60) days after it has been rendered, the City Clerk shall file with the Recorder of Deeds of the County in which such real estate is located, a sworn statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, the date when such amount became delinquent, and a notice that the City claims a lien for this amount, as well as for all charges for Utility Services subsequent to the period covered by the bill.

If the consumer 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 address is known to the Clerk, whenever such bill remains unpaid for a period of sixty (60) days after it has been rendered.

The failure of the City Clerk to record such lien claim 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 utility bills as mentioned in the foregoing paragraph.

(I) Foreclosure of Lien. Property subject to a lien for unpaid utility charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be 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 sixty (60) days after it has been rendered.

(J) 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 lawful act by any customer, his agent or employee herein prohibited, or upon failure to comply with any other rules and regulations of the Department, such service shall be disconnected.

(K) 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.

(L) Request to Disconnect Service: Notice. Utility Services shall be deemed to have been supplied to any property connected to a Utility System during any month, unless the consumer, prior to the first (1st) day of the month has given written notice to the City Clerk that service should be disconnected on or prior to the first (1st) day of such month. Upon receipt of such notice, the
Utility Service shall be disconnected and shall not be resumed until a request for resumption of Utility Service shall be made.

(M) City Not Liable for Damage. All connections to the Utility Systems under the provisions of this Chapter shall be upon the express conditions that the City, its agents and employees and officials shall not be liable for damage caused by reason of the breakage of any main, branches, service pipes, apparatus, or appurtenances connected with the Utility Systems, or any part or portion of the Utility Systems, or by reason of stoppage, alterations, extensions or renewals.

38-2-2 LIABILITY FOR CHARGES. 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 services to such lot, parcel of land or premises and all services are rendered to the premises by the City only on the condition that such owner, occupant, and user shall be jointly and severally liable therefor to the City.

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 passing through the same, the consumer shall be charged the average charge of the previous three (3) months' usage. If no record of the previous three (3) months exists, then it shall be the duty of the Superintendent to estimate the amount of water consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-4 CONSUMER LISTS. It is hereby made the City Collector's duty, or his designated representative'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.

38-2-5 NO FREE SERVICE. No free service 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 Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

38-2-6 UTILITY DEPOSITS.
(A) Residential - Rental. When any application is made for Utility Services in accordance with the provisions of this Chapter, if the applicant is not the recorded owner of the property for which the service is requested, he shall deposit with his application the sum of Seventy-Five Dollars ($75.00) for water and sewer services.
(B) Commercial. In the case of a commercial or industrial user, the advanced payment shall be a minimum of Seventy-Five Dollars ($75.00), or an amount equal to one (1) month of estimated charges for water and sewer, based upon the history of similar establishments. Where the amount of the deposit provided above is not sufficient to adequately protect the Water Department, a greater amount that stated above may be required, based on the consumer's estimated bill for a customary billing period.
(C) 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, gas or sewer used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the water, sewer or gas bill in accordance with this Chapter. The deposit shall earn no interest.
(Ord. No. 1320-12; 05-08-12)
38-2-7 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.

38-2-8 RETURNED CHECKS. If any check, ACH transaction or credit card transaction is submitted in payment for utility services, deposits, or other utility related charges, is returned unpaid due to insufficient funds, or for any other reason, there shall be a Service Fee of Twenty-Five Dollars ($25.00) assessed and added to the account. This fee shall be in addition to any other amounts due and payable on the account.
ARTICLE III - WATER SYSTEM

DIVISION I - DEFINITIONS

38-3-1  DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

(A) Federal Government.
   (1) "Federal Act" means the federal 1996 Safe Drinking Water Acts Amendments.
   (2) "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(B) State Government.
   (2) "Director" means the Director of the Illinois Environmental Protection Agency.
   (3) "State Loan" shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

(C) Local Government.
   (1) "Approving Authority" means the City Council of the City of Carterville or where such authority is specifically delegated, the Superintendent of the Water and Sewer Department.

(D) "Person" shall mean any and all persons, natural or artificial, including any individual, firm or company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(E) Clarification of Word Usage. "Shall" in mandatory; "may" is permissible.

(F) Water and Its Characteristics.
   (1) "ppm" shall mean parts per million by weight.
   (2) "milligrams per liter" shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.
   (3) "PH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(G) "Curb Cock" shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called a curb stop.
   (2) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
   (3) "Service Box" shall mean a valve box used with corporation or curb cock.

(H) Types of Charges.
   (1) "Water Service Charge" shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in this Article, and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.
   (2) "User Charge" shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.
   (3) "Basic User Charge" shall mean the basic assessment levied on all users of the public water system.
(4) "Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(5) "Capital Improvement Charge" shall mean a charge levied on users to improve, extend or reconstruct the water works.

(6) "Local Capital Cost Charge" shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.

(7) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(8) "Useful Life" shall mean the estimated period during which the water works will be operated.

(9) "Water and Sewer Fund" is the principal accounting designation for all revenues received in the operation of the water system.
DIVISION II - REGULATIONS

38-3-4 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. (See Appendix "B")

38-3-5 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing, and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Superintendent of Utilities. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

38-3-6 SPECIFICATIONS. The City reserves the right to follow its own specifications for both material, construction and installation in all matters and at all locations within its jurisdiction, including the size, kind, type and condition of the utility piping to which connection will be made, and it is the duty of the Superintendent of Utilities to determine that specifications are followed before accepting or connecting to any new work.

38-3-7 WATER LINE SIZE. The City reserves the right, through its Superintendent, to select and specify the kind, make, type and size of any and all material and appliances used in services and meter installations, except that in no case shall pipe of less than three-fourths (3/4) inch inside diameter be installed for service. A service shall be considered as only that pipe which extends from connection to the main in a street or thoroughfare directly to an abutting property.

38-3-8 METER DAMAGED. Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus, or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repairing and replacing of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-9 INSPECTION.
(A) Access to Premises. The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water, and the consumer's pipe, fixtures, plumbing and any other apparatus, in any manner connected to the 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.
(B) Meters to be Open to Inspection. All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the City shall be open to the inspection of the proper officers and employees of the City at all reasonable hours.
**38-3-10 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 appliance, the operation of which will be detrimental to the Water System of the City, or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer, or any danger to the Water System or other customer's plumbing shall be immediately repaired or removed upon notice from the City, or at its option, the City may immediately discontinue service, without notice, and without any liability for direct or resulting damages therefrom.

**38-3-11 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.

**38-3-12 SHORTAGE AND PURITY OF SUPPLY.** The City shall not be held responsible for, or in any manner, liable to any person, company, consumer, or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply, or any fire or water damage.

**38-3-13 NON-COMPLIANCE WITH RULES.** 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 case 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.

**38-3-14 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 from any fire hydrant. All public fire hydrants outside of any City limits owned by the City shall be maintained in as good working 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 fire, 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.

**38-3-15 LAWN WATERING.** The right is reserved to suspend the use of lawn fountains and hose for sprinkling lawns and gardens, whenever, in the opinion of the City Council, public exigencies require it.
38-3-16 RULES TO BECOME PART OF CONTRACT. All of the rules and regulations concerning the use of the facilities of the Water System and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

38-3-17 AUTHORITY FOR MAKING AND REPAIRING WATER CONNECTIONS. Water taps and repairs on City right-of-ways or property shall be made only during regular business hours in the City, unless it is in case of an emergency. In case of an emergency, the excavator/owner shall notify the City before beginning work. Scheduled repairs or taps on weekends or holidays is not permitted on City right-of-ways or property.

38-3-18 WATER WELL PERMITS REQUIRED. It shall be unlawful to drill a water-well in the City without the proper permits from the State of Illinois and the City Council. All wells shall comply with the Cross-Connection Code in this Chapter. No wells shall be drilled when the property is within two hundred (200) feet of the municipal water main.

38-3-19 ABANDONED CONNECTION. Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Director may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Director shall notify the owner of the real estate if the owner's name and address is known, and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least thirty (30) days before any action is taken under this Section. If water is leaking, the Director shall take immediate action, and send the notices within three (3) working days of the time action was taken.

38-3-20 ALTERNATIVE WATER SOURCE. Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

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 reason of fire or any other cause and all water service furnished shall also be conditional upon acts of God, inevitable accidents, failure of supply, fire, strikes, riots or any other causes.

38-3-21 - 38-3-30 RESERVED.
DIVISION III – CROSS-CONNECTION CODE

38-3-31  **APPROVED BACKFLOW DEVICE.** All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the 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 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.

38-3-32  **CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-33  **INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply 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.

38-3-34  **RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Superintendent any information which he may request regarding the piping systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Superintendent, be evidence of the presence of improper connections as provided in this Chapter.

38-3-35  **NOTICE TO CUSTOMER; RECONNECT FEE.**

(A) The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of One Hundred Dollars ($100.00) is paid to the City Clerk.

(B) Immediate disconnection with verbal notice can be effected when the 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.

(C) The public water supply, the Superintendent or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

38-3-36 CONTAMINATIONS COST AND THE CONSUMER. 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, shall bear the cost of clean-up of the potable water supply system.

38-3-37 - 38-3-40 RESERVED.
DIVISION IV - CROSS-CONNECTION POLICY

38-3-41 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.

38-3-42 APPLICATION. These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-43 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 authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 38-3-47(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.

38-3-44 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. Adm. 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 64 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, 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, alkalies 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 fifteen (15) service connections or which regularly serve at least twenty-five (25) persons at least sixty (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 (2) 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.

38-3-45  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.

38-3-46  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.

38-3-47  SURVEY AND INVESTIGATIONS.
(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.
(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent 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 premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Comp. Stat., Ch. 225, Sec. 320/3.
(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:
   (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
   (2) Cross-connection control devices shall be installed in accordance with the manufacturer's Instructions.
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.

Testing and Records
(a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
(b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Comp. Stat., Ch. 415, Sec. 5/4(e).
(c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
(d) A maintenance log shall be maintained and include:
   1. date of each test;
   2. name and approval number of person performing the test;
   3. test results;
   4. repairs or servicing required;
   5. repairs and date completed; and
   6. serving performed and date completed.

**38-3-48 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 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 and/or the Cross-Connection Control Device Inspector, 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 or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:
(1) Hospitals, mortuaries, clinics, nursing homes.
(2) Laboratories.
(3) Piers, docks, waterfront facilities.
(4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
(5) Food or beverages processing plants.
(6) Chemical plants.
(7) Metal plating industries.
(8) Petroleum processing or storage plants.
(9) Radioactive material processing plants or nuclear reactors.
(10) Car washes.
(11) Pesticide, or herbicide or extermination plants and trucks.
(12) Farm service and fertilizer plants and trucks.

38-3-49 TYPE OF PROTECTION REQUIRED.
(A) The type of protection required under Section 38-3-48 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 38-3-48 of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

(C) Where a public water supply or an 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.

38-3-50 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 specifications.
38-3-51 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 bypassed air gaps shall be made within twenty-four (24) hours.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five (5) days.

(3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently, if recommended by the manufacturer, and required service performed within five (5) days.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

(1) date of each test or visual inspection;

(2) name and approval number of person performing the test or visual inspection;

(3) test results;

(4) repairs or servicing required;

(5) repairs and date completed; and

(6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by Section 38-3-41(A).

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-52 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.

(C) Booster pumps shall not be installed on any residential services.

38-3-53 VIOLATIONS AND PENALTIES.

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by
these regulations is not installed, tested, maintained and repaired in a manner acceptable to the
Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if
an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these
regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has
corrected or eliminated such conditions or defects in conformance with these regulations and to the
satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Water service to such premises shall not be restored until the consumer has
corrected or eliminated such conditions or defects on conformance with these regulations and to the
satisfaction of the Superintendent.

(D) Neither the City, the Superintendent, or its 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 Code, whether or not said termination of the
water supply was with or without notice.

(E) The consumer responsible for back-siphoned material or contamination through
backflow, if contamination of the potable water supply system occurs through an illegal cross-connection
or an improperly installed, maintained or repaired device, or a device which has been bypassed, must
bear the cost of clean-up of the potable water supply system.

(F) Any person found to be violating any provision of this Code shall be served with
written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory
correction thereof. The offender shall, within the period of time stated in such notice, permanently cease
all violations.

(G) Any person violating any of the provisions of this Code in addition to the fine
provided, shall become liable to the City for any expense, loss or damage occasioned by the City by
reason of such violation, whether the same was caused before or after notice.

(H) Any person convicted of a violation of any section or provision of Divisions III and
IV shall be fined, upon conviction, a minimum of One Hundred Dollars ($100.00) and a sum not to
exceed One Thousand Dollars ($1,000.00) for any offense; and a separate offense shall be deemed
committed on each day during or on which the violation occurs or continues.

38-3-54 - 38-3-60 RESERVED.
DIVISION V - EXTENSION OF MAINS

38-3-61  MAIN EXTENSION AGREEMENTS. Upon application for water service in areas not served by a City-owned water main, the Water and Sewer Board may, with approval of the City Council, authorize the extension of the main at the expense of the applicant. (See Appendix "H")

38-3-62  EASEMENTS. Applicants for main extensions shall deliver, without cost to the City, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The City shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

38-3-63  SIZE AND TYPE. The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City will pay the difference in cost.

38-3-64  TITLE. Title to all main extensions shall be vested in the City and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

38-3-65  MAINTENANCE AND REPLACEMENT. The City, at its own expense, shall maintain and when necessary, replace the City-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense.

38-3-66  CONTRACT. Upon a deposit of the moneys by the applicant as hereinbefore required, a contract shall be entered into between the applicant and the City.

38-3-67 - 38-3-69  RESERVED.
ARTICLE IV—UTILITY RATES

DIVISION I—GENERAL

38-4-1 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 and sewer account, according to the number of families or individual residents residing therein. When two (2) or more families live in one (1) dwelling, one (1) minimum per dwelling shall be charged. If more than the minimum is used, the owner or occupant of such dwelling shall pay the additional over such minimum as provided. (See Section 38-3-5 requiring each unit to have separate meters.)

38-4-2 ANNEXATION REQUIRED. Any person desiring City water service outside the corporate limits shall annex the property to the City, provided, however, the property is contiguous to the City. If the property cannot legally be annexed, then the person desiring utility services shall sign a pre-annexation agreement wherein the property will be annexed when it is legally possible to do so.

38-4-3 - 38-3-4 RESERVED.

DIVISION II—WATER RATES

38-4-5 WATER REVENUES. All revenues and moneys derived from the operation of the Water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the City Treasurer separate and apart from its private funds and separate and apart from all other funds of the City Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the City Council. The City Treasurer shall receive all such revenues from the water system and all other funds and moneys 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 "Water and Sewer System Fund of the City". The Treasurer shall administer such fund in every respect in the manner provided by 65 ILCS 5/3.1-35-40 et seq.

38-4-6 WATER ACCOUNTS. The City Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the system, and at regular annual intervals shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

(A) Flow data showing total gallons received at the water plant for the current fiscal year.

(B) Billing data to show total number of gallons billed per fiscal year.

(C) Debt service for the next succeeding fiscal year.

(D) Number of users connected to the system.

(E) Number of non-metered users.
38-4-7 ACCESS TO BOOKS. The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any Loan Agreement with the City.

38-4-8 NOTICE OF RATES. A copy of this Article, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the City on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services.

38-4-9 APPEALS. The method for computation of rates and service charges established for user charges in Article IV Division I shall be made available to a user within fifteen (15) days of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within ninety (90) days after notification of a formal written appeal outlining the discrepancies.

38-4-10 ADEQUACY OF SERVICE CHARGES. The adequacy of the water service charge shall be reviewed, not less often than annually by the City Council with assistance if requested by the Council from the City Engineer and any accountant performing audit services for the City. The water service charge rates shall be revised periodically to reflect the change in local capital costs or operation, maintenance and replacement costs. The rates established by the City from time to time shall include a basic user charge, a debt service charge, and a capital improvement charge. The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters. The basic user charge shall be computed as follows:

(A) Estimate the annual water volume;
(B) Estimated the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories;
(C) Compute costs per one thousand (1,000) gallons.

The debt service charge is computed by apportioning the annual debt service as a charge per one thousand (1,000) gallons. The capital Improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the water works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per one thousand (1,000) gallons.

38-4-11 COMPUTATION. The method for computation of rates and service charges established for user charges in this Article shall be made available to a user within twenty (20) days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the City within forty-five (45) days after notification of a formal written appeal outlining the discrepancies.

38-4-12 WATER SERVICE CONNECTIONS. The water tap connection fees shall be as follows:

(A) Water Connection - ¾” Inside City $700.00
(B) Water Connection - 1” Inside City $1,000.00

(Ord. No. 1407-16; 08-09-16)
Carterville City Code

38-4-12

The City will run up to sixty (60) feet or one (1) foot inside the property line of water pipe and all pipe over that length shall be billed to the applicant in addition to the time and material costs.

(D) 2" Tap (including tap, tapping saddle, corp) $2,000.00

(C) Utility of additional materials, including meter or meters, will be the responsibility of the customer. (Ord. No. 1407-16; 2016)

(E) If a water connection is over two (2) inches in size, then the applicant shall pay for the time and materials, plus ten percent (10%) prior to the installation of the meter and connection.

(F) All outside connections shall be approved by the City Council.

38-4-13 WATER RATES.

(A) Property Located Inside Corporate Limits: For One (1) Month: There shall be and there are hereby established rates and charges for the use of and for the water service only supplied within the corporate limits of the City, by the waterworks and sewerage system of the City, based upon the water consumed as shown by the water meters, as follows:

<table>
<thead>
<tr>
<th>Gallons Used per Month</th>
<th>Cost per 1,000 Gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,500</td>
<td>22.77 Minimum Charge</td>
</tr>
<tr>
<td>5,000</td>
<td>6.53</td>
</tr>
<tr>
<td>7,500</td>
<td>5.27</td>
</tr>
<tr>
<td>15,000</td>
<td>4.47</td>
</tr>
<tr>
<td>70,000</td>
<td>4.11</td>
</tr>
<tr>
<td>Over 100,000</td>
<td>3.80</td>
</tr>
</tbody>
</table>

There shall be charged a minimum amount of Twenty-Two Dollars Seventy-Seven Cents ($22.77) per month per user of the water service supplied to users within the corporate limits of the City for the initial two thousand five hundred (2,500) gallons of water used.

A debt service charge of Nine Dollars ($9.00) to each user within the corporate limits of the City is hereby established. (Ord. No. 1506-19; 06-18-19)

(B) Property Located Outside Corporate Limits: For One (1) Month: There shall be and there are hereby established rates and charges for the use of and for the water service only supplied outside the corporate limits of the City, by the waterworks and sewerage system of the City, based upon the water consumed as shown by the water meters, as follows:

<table>
<thead>
<tr>
<th>Gallons Used per Month</th>
<th>Cost per 1,000 Gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,500</td>
<td>33.56</td>
</tr>
<tr>
<td>5,000</td>
<td>8.68</td>
</tr>
<tr>
<td>7,500</td>
<td>6.78</td>
</tr>
<tr>
<td>15,000</td>
<td>6.78</td>
</tr>
<tr>
<td>70,000</td>
<td>6.78</td>
</tr>
<tr>
<td>Over 100,000</td>
<td>6.78</td>
</tr>
</tbody>
</table>

There shall be charged a minimum amount of Thirty-Three Dollars Fifty-Six Cents ($33.56) per month per user of the water service supplied to users of water service only outside the corporate limits of the City for the initial two thousand five hundred (2,500) gallons of water used.

A debt service charge of Nine Dollars ($9.00) to each user of water service outside the corporate limits of the City is hereby established. (Ord. No. 1506-19; 06-18-19)

(C) There shall be a Twenty-Five Dollar ($25.00) charge for all checks returned for insufficient funds or closed accounts; for any ACH returned payment; or for any disputed credit card payment. (Ord. No. 1403-16; 06-14-16)

(D) There shall be a One Hundred Dollar ($100.00) meter deposit charged for all rental property and business accounts. (Ord. No. 1412-17; 01-10-17)

(65 ILCS 5/11-129-10)

38-4-14 - 38-4-15 RESERVED.
DIVISION III – WASTEWATER SERVICE CHARGES

38-4-16 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges and local capital cost charge composed of a debt service charge and a capital improvement charge.

(A) The debt service charge is computed by dividing the annual debt service of all outstanding bonds by the number of users. Through further divisions, the monthly debt service charges can be computed.

(B) The basic user charge shall be based on water usage as recorded by water meters for wastes having the following normal domestic concentrations:

1. A five (5) day twenty degree centigrade (20°C) biochemical oxygen demand BOD of 200 mg/l.
2. A suspended solids (SS) content of 250 mg/l.

(C) It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

1. Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
2. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all work categories.
3. Proportion the estimated OM&R costs to each user class by volume, suspended solids and BOD.
4. Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by volume, Suspended Solids and BOD.
5. Compute costs per 1000 gal. for normal sewage strength.
6. Compute surcharge costs per pound per 1000 gal. in excess of normal sewage strength for BOD and SS.

(D) A surcharge will be levied to all users whose waste waters exceed the normal domestic concentrations of BOD 200 mg/l and SS 250 mg/l. The surcharge will be based on water usage as recorded by water meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS respectively. (Section 38-4-20 specifies the procedure to compute a surcharge.)

(E) The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or a change in operation and maintenance costs including replacement costs.

(F) The users of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance and replacement.

38-4-17 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 hundred (100) gallons.

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the City for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the Superintendent if these volumes cannot otherwise be determined from the metered water consumption records.
(C) Metering devices for determining the volume of waste shall be installed, and maintained by the person and owned by the City. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Superintendent.

(D) All multi-unit buildings, residents, businesses or both constructed after the date of this Division shall have a water meter installed for each unit with the following exceptions: Customary Incidental Home Occupations operating within a residence, hotels, motels, boarding houses, lodging houses and other multi-unit buildings which do not contain a minimum of a lavatory and water closet per unit.

38-4-18 DEBT SERVICE CHARGE. A debt service charge of Five Dollars Twenty-Nine Cents ($5.29) per user per month, to each user of wastewater facility of the City is hereby established.

A capital improvement charge will be levied on all users as a charge of Zero Dollars ($0.00) per one thousand (1,000) gallons, or a fixed charge of Zero Dollars ($0.00) per month, to provide funds for extension, improvement of reconstruction of the sewage treatment works. (Ord. No. 1321-12; 05-08-12)

38-4-19 BASIC USER RATE.

(A) Basic User Rate. There shall be and there is hereby established a basic user rate for the use of and for service supplied by the wastewater facilities of the City. The Basic User Rate includes Five Dollars ($5.00) for fixed administrative costs and Three Dollars Fifty Cents ($3.50) per one thousand (1,000) gallons of water metered for operation, maintenance and replacement. (Ord. No. 1379-15; 06-23-15)

A basic user rate of One Dollar Seventy Cents ($1.70) per one thousand (1,000) gallons shall be applied to all users for water consumption in excess of two thousand (2,000) gallons per month.

(B) All housing units belonging to the Williamson County Housing Authority which are not individually metered shall pay a minimum rate charge of Eight Dollars ($8.00) per unit per month for water consumption equal to or less than two thousand (2,000) gallons per unit per month and a One Dollar Seventy Cents ($1.70) per one thousand (1,000) gallons for all water consumption in excess of two thousand (2,000) gallons per unit per month. Water consumption per unit per month shall be determined by dividing the total water consumption per month registered on the water meter for the multi-housing units by the number of connected housing units.

(C) All other non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month adequate to cover the costs of the minimum accrual capital cost charge, the minimum service charge and the basic user rate of Ten Dollars Fifty-Five Cents ($10.55). The flat rate charge will allow a maximum of three thousand five hundred (3,500) gallons per month.

(D) In the event use of the wastewater facilities is determined by the Superintendent to be in excess of three thousand five hundred (3,500) gallons per month, the Superintendent may require such flat user to install metering devices on the water supply to measure the amount of service supplied.

(E) Industrial User Rate. There shall be and there is hereby established an industrial user rate for the use of and for services supplied by the wastewater facilities of the City. The Industrial User Rate shall be Twenty-Five Dollars ($25.00) per month fee for fixed administrative costs, and in addition thereto, an additional monthly charge calculated at the rate of Three Dollars Thirty Cents ($3.30) per one thousand (1,000) gallons of water metered for operation, maintenance and replacement. (Ord. No. 1206-07; 08-14-07)
38-4-20 **SURCHARGE RATE.** The rates of surcharges for BOD5 and SS shall be as follows:

- Per lb. of BOD: $0.23
- Per lb. of SS: $0.25

38-4-21 **COMPUTATION OF SURCHARGE.** The concentration of wastes for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges.

38-4-22 **COMPUTATION OF WASTEWATER SERVICE CHARGE.** The wastewater service charge shall be computed by the following formula:

\[ CW = CD + CA + (Vu) \cdot CU + CS \]

Where

- \( CW \) = Amount of waste service charge ($ per billing period.
- \( CD \) = Debt Service Charge. (See Section 38-4-18)
- \( CA \) = Fixed Administrative Costs. (See Section 38-4-19)
- \( Vu \) = Wastewater Volume for the billing period.
- \( CU \) = Basic User Rate for Operation, Maintenance and Replacement. (See Section 38-4-19)
- \( CS \) = Amount of Surcharge. (Section 38-4-20 and 38-4-21)

38-4-23 **RATE FOR DISCHARGE OF PRIVATE SEWAGE DISPOSAL WASTE.** There shall be and there is hereby established a charge of Twelve Dollars Fifty Cents ($12.50) per one thousand (1,000) gallons for the discharge of domestic waste obtained from the cleaning of private sewage disposal systems to the public sewers.

38-4-24 **REVENUES.**

(A) All revenues and moneys derived from the operation of the sewerage system shall be deposited in the Sewerage Account of the Sewerage Fund. All such revenues and moneys shall be held by the City Treasurer separate and apart from his private funds and separate and apart from all other funds of the City and all of the sum, without any deductions whatever, shall be delivered to the City Treasurer not more than ten (10) days after the receipt of the same, or at such more frequent intervals as may from time to time be directed by the Mayor and City Council.

(B) The City Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys 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 "Sewerage Fund of the City."

(C) The Treasurer shall administer such fund in every respect in the manner provided by this Code and by state statute.

38-4-25 **ACCOUNTS.**

(A) The City Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

(B) 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. In this regard, the financial information to be shown in the audit report shall include the following:
Flow data showing total gallons received at the wastewater plant for the current fiscal year.

Billing data to show total number of gallons billed per fiscal year.

Debt service for the next succeeding fiscal year.

Number of users connected to the system.

Number of non-metered users.

A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

38-4-26 NOTICE OF RATES. Each user will be notified by the City in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services, including the financial information of Section 38-4-25.

38-4-27 ACCESS TO RECORDS. The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City’s system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

38-4-28 EFFECTIVE DATE OF RATES. The rates and service charges established for user charges in Article IV shall be effective as of August 1, 1989 and on bills to be rendered for the next succeeding month being September, 1989 for monthly users.

38-4-29 APPEALS. The method for computation of rates and service charges established for user charges in Article IV, shall be made available to a user within thirty (30) days of receipt of a written request for such. Any disagreement over the method used or in computations thereof shall be remedied by City Engineer within thirty (30) days after notification of a formal written appeal outlining the discrepancies.

38-4-30 ANNEXATION. All persons owning property contiguous to the City shall annex such property to the City prior to and as a requirement for the issuance of a Sewer Permit by the City.

38-4-31 PRE-ANNEXATION. All persons owning property that is not contiguous to the City shall enter into a Pre-Annexation Agreement with the City whereby the property owner agrees to annex the property to the City immediately upon the property becoming contiguous to the City prior to and as a requirement for the issuance of a Sewer Permit by the City.
ARTICLE V - WASTEWATER SYSTEM

DIVISION I - DEFINITIONS

38-5-1  DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

"GOVERNMENT, FEDERAL".
(A) "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
(C) "Federal Grant" shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

"GOVERNMENT, LOCAL".
(A) "Approving Authority" shall mean the Director of the Village or his authorized deputy, agent, or representative.
(B) "NPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
(C) "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.
(D) "Director" shall mean the Director or other person or persons duly authorized by the Village to inspect and approve the installation of building sewer and their connection to the sanitary sewer system.

"GOVERNMENT, STATE".
(A) "Director" means the Director of the Illinois Environmental Protection Agency.
(B) "State Act" means the Illinois Anti-Pollution Bond Act of 1970.
(C) "State Grant" shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of State of Illinois.

"CLARIFICATION OF WORD USAGE". "Shall" is mandatory; "may" is permissible.

"WASTEWATER TYPES AND APPURTENANCES".
(A) "Building Drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
(B) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
(C) "Combined Sewer" shall mean a sewer which is designed and intended to receive sewer, storm, surface and groundwater drainage.
(D) "Easement" shall mean an acquired legal right for the specific use of land owned by other.
(E) "Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewer within or outside the Village boundaries that serve one (1) or more persons and ultimately discharge into the Village sanitary sewer or combined sewer system, even though those sewers may not have been constructed with Village funds.
(F) "Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwater or unpolluted industrial wastes are not intentionally admitted.

(G) "Sewer" shall mean the system of sewer and appurtenances for the collection, transportation and pumping of sewage.

(H) "Storm Sewer" shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(I) "Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewer.

"TREATMENT":
(A) "Pretreatment" shall mean the treatment of sewer from sources before introduction into the sewer treatment works.

(B) "Sewer Treatment Works" shall mean an arrangement of devices and structures for treating sewer, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "sewer treatment plant" or "pollution control plant".

"TYPES OF CHARGES":
(A) "Basic User Charge" shall mean the basic assessment levied on all users of the public sewer system.

(B) "Capital Improvement Charge" shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.

(C) "Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(D) "Local Capital Cost Charge" shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

(E) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(F) "Sewer Fund" is the principal accounting designation for all revenues received in the operation of the sewer system.

(G) "Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) "Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) "User Charge" shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) "Sewer Service Charge" shall be the charge per quarter or month levied on all users of the Sewer Facilities. The service charge shall be computed as outlined in Article IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) "Reserve Fund Charge" shall mean a revolving fund for expansion and construction of the sewer system.

"USER TYPES":
(A) "Control Manhole" shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

(B) "Industrial User" shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) "Residential User" shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.
"User Class" shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

"Commercial User" shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

"Institutional/Governmental User" shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

"WASTEWATER FACILITIES" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

"WATERCOURSE AND CONNECTIONS":
(A) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
(B) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"WASTEWATER AND ITS CHARACTERISTICS":
(A) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade (20°C), expressed in milligrams per liter.
(B) "Effluent Criteria" are defined in any applicable "NPDES Permit".
(C) "Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from sewer by treatment in an approved pretreatment facility. A sewer shall be considered free of floatable fat if it is properly pretreated and the sewer does not interfere with the collection system.
(D) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
(E) "Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.
(F) "Major Contributing Industry" shall mean any non-governmental user of the publicly owned treatment works that:
   (1) Has a flow of 50,000 gallons or more per average work day; or
   (2) Has a flow greater than ten percent (10%) of the flow carried by the municipal system receiving the waste; or
   (3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
   (4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(G) "Milligrams per Liter" (mg/l) shall mean a unit of the concentration of water or sewer constituent. It is 0.001 gram of the constituent in 1,000 milliliters of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and sewer analysis.

(H) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(I) "Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(J) "ppm" shall mean parts per million by weight.

(K) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried...
freely under the flow conditions normally prevailing in public sewer, with no particle greater than one (1/2) half inch (1.27 centimeters) in any dimension.

"Sewage" is used interchangeably with "sewer".

"Slag" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"Suspended Solids" (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.

"Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer and sewer treatment facilities provided.

"Sewer" shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

"Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.
DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-5-4 SEWAGE ON PUBLIC OR PRIVATE PROPERTY. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

38-5-5 NATURAL OUTLET DISCHARGE. It shall be unlawful to discharge to any natural outlet within the City, or in area under the jurisdiction of the City, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

38-5-6 PRIVATE SYSTEM. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

38-5-7 CONNECTION REQUIRED. The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet (91.5 meters) of the property line or within one thousand (1,000) feet of the property line of any commercial or multi-family dwelling.

38-5-8 AUTHORITY FOR MAKING AND REPAIRING SEWER CONNECTIONS.

(A) It shall be unlawful for any person to make, install, repair, alter, disturb, uncover, open, or break any sewer connection to the sanitary sewerage system of the City without first obtaining, on application filed with the City Clerk, a written permit therefore issued by the Superintendent or his authorized representative.

(B) Sewer taps and repairs on City right-of-ways or property shall be made only during regular City business hours, unless it is in case of an emergency. In case of an emergency, the excavator/owner shall notify the City before beginning work. Scheduled repairs or taps on weekends or holidays is not permitted on City right-of-ways or property.

38-5-9 DESTROYING EQUIPMENT. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the sewerage works and/or water works. (See Chapter 33; Article IV)
DIVISION III
PRIVATE SEWAGE DISPOSAL

38-5-10 PRIVATE SYSTEM REQUIRED. Where a public sanitary sewer is not available under the provisions of Section 38-5-7, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Division.

38-5-11 PRIVATE SEWER SYSTEM PERMIT. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of One Hundred Dollars ($100.00) shall be paid to the Superintendent at the time the application is filed. (See Appendix "C")

38-5-12 INSPECTION OF INSTALLATION. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of written notice by the Superintendent.

38-5-13 REQUIREMENTS OF PRIVATE SYSTEM. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than seven thousand five hundred (7,500) square feet (667 meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-5-14 AVAILABILITY OF PUBLIC SEWER. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 38-5-7, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

38-5-15 OPERATION OF SYSTEM. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

38-5-16 ADDITIONAL REQUIREMENTS. No statement contained in this Division shall be construed to interfere with any additional requirements that may be imposed by the FRANKLIN-WILLIAMSON BI-COUNTY HEALTH DEPARTMENT.

38-5-17 CONNECTION TO PUBLIC SEWER. When a public sewer becomes available, the building sewer shall be connected to the sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

38-5-18 - 38-5-20 RESERVED.
DIVISION IV - BUILDING SEWERS AND CONNECTIONS

38-5-21 PERMIT REQUIRED. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

38-5-22 UNLAWFUL DISCHARGES. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-23 APPLICATION FOR PERMIT.
(A) There shall be two (2) classes of building sewer permits as follows:
(1) For residential wastewater service, and
(2) For commercial, institutional/govermental or industrial wastewater service.
(B) In either case, the owner or his agent shall make applications on a special form furnished by the Sewer Department of the City. (See Appendix “D”)
(C) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of One Hundred Dollars ($100.00) for a residential or commercial building sewer permit shall be paid to the City at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

38-5-24 CAPACITY OF SEWER FACILITIES. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-5-25 COST AND EXPENSES. All costs and expenses incident to the installation and connection of the building sewer shall be borne 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.

38-5-26 INDEPENDENT BUILDING SEWER REQUIRED. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

38-5-27 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article.

38-5-28 CONSTRUCTION OF BUILDING SEWER. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
38-5-29 **ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section 38-5-22, and discharged to the building sewer.

38-5-30 **DOWNSPOUTS.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

38-5-31 **PLUMBING CODE REQUIREMENTS.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

38-5-32 **NOTIFICATION FOR INSPECTION.** The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

38-5-33 **BARRICADES.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

38-5-34 **BACKWATER VALVES.**
(A) **Definitions.** For the purposes of this Section, the following words and terms shall have the meanings prescribed:
(1) "Backflow Preventer" shall mean a valve to prevent sewage from the main sewer backing up into the private sewer lines.
(2) "Clean Out" shall mean a serviceable pipe for access to the sewer line.

(B) **Required Installation and Use of Backflow Preventers.** Installation of a backflow preventer, to prevent sewage from the main sewer backing up into the private sewer lines due to cleaning or plugs in the main, is required for the following customers:
(1) New Construction - plans, specifications and other information indicating the type and location of the proposed backflow preventer must be included in the building permit application.
(2) Replacements or repairs made to an existing sanitary sewer lateral.
(3) Building Permit applicants who are remodeling more than twenty-five percent (25%) of the structure area or where plumbing fixtures are added to a property.
(4) On all structures where a pump is used to lift sewage to the sanitary sewer system main line. The backflow preventer shall be located to protect the structure from damage in the event that the pump is pumping against a closed backflow preventer.
(5) If the elevation of any floor is at or below the elevation of the invert of the adjacent City sanitary sewer line and/or basements that have plumbing fixtures will require a backflow preventer installed.

(C) **Exemptions.** Buildings which have plumbing drain outlets at an elevation twelve (12) inches or more above the ground surface of the next upstream manhole, where the elevation of any floor is above the invert of the adjacent City sanitary sewer main or is more than twelve (12) inches above the ground surface of the next upstream manhole.

(Ord. No. 1413-17; 01-10-17)

38-5-35 **RESERVED.**
DIVISION V

USE OF PUBLIC SEWERS

38-5-36 DISCHARGE OF STORM WATER. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-5-37 STORM SEWERS. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, or natural outlet.

38-5-38 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

38-5-39 PROHIBITED DISCHARGES BY APPROVAL. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than One Hundred Fifty degrees Fahrenheit (150°F), (65°C).

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of One Hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (0 and 65°C).

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(F) Any waters or wastes containing phenols or other waste odor-producing substances, in such concentration exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(H) Any wastes or waters having a pH in excess of 9.5.

(I) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Superintendent in compliance with applicable State and Federal regulations.

(J) Any cyanide in excess of 2.0 mg/l at any time except as permitted by the Superintendent in compliance with applicable State and Federal regulations.

(K) Materials which exert or cause:
   (1) unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
   (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
   (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
   (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(L) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

### 38-5-40 ACTION BY SUPERINTENDENT.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 38-5-39 of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
   (1) reject the wastes;
   (2) require pretreatment to an acceptable condition for discharge; and/or;
   (3) require control over the quantities and rates for discharge; and/or;
   (4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 38-5-46 of this Division.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, articles, and laws.

### 38-5-41 GREASE TRAP INTERCEPTORS.

(A) **Definitions.** For the purposes of this Section, the following words and terms shall have the meanings prescribed:
"Grease Trap" shall mean a constructed device and its appurtenant surfaces and working parts, with the function of removing fats, oils and grease from wastewaters before such wastewaters are discharged to City sewers.

"Prohibited Concentration" shall mean discharges of wastewaters from a grease trap in the City shall not exceed 100 mg/l (total of fats, oil and grease in any sample, whether obtained as a composite or grab sample.

(B) Required Installation and Use of Grease Traps. Each person constructing or operating a facility within the City, other than a private residence, which will be used for the manufacture, processing, or preparation of food or food products must install and use, at its own expense, a grease trap adequate to prevent a discharge of fats, oils and grease to City sewers in prohibited concentrations. Any such facility in operation without such a grease trap on the date of enactment of this Section shall be required to install and use such a grease trap within one (1) month of enactment. Said grease trap shall be sized and installed according to the Illinois Plumbing Code, Section 890.510.

(C) Required Maintenance of Grease Traps. Each person who owns or operates a grease trap as required by paragraph (B) of this Section shall cause collected or trapped fats, oils or grease to be cleaned and removed from such device on a periodic basis (every three (3) months or more if necessary), and delivered to a facility authorized to use, treat, or dispose of such materials. Such cleanout and removal shall be accomplished on a frequency determined by the City upon receipt of proof from the owner or operator or on the basis of its own inspection of the grease trap, and records must be kept as proof to minimize the discharge of a prohibited concentration of fats, oils and grease. Customer may request less frequent cleaning with written approval from the City Water and Sewer Department.

(D) Prohibition on Discharge of Fats, Oils and Grease.

(1) No person shall discharge a prohibited concentration of fats, oils or grease into City sewers, from a facility required to install and use a grease trap.

(2) No person shall reintroduce or deposit into the City sewers any fats, oils or grease which have been removed from the sewer system by the grease traps.

(3) No person shall deposit or discharge into the City sewers any fats, oils or grease which have been removed from a grease trap or sewer system outside the City.

(E) Prohibition on Introduction of Enzymes and Emulsifiers. No person shall introduce, nor allow the introduction of physical, chemical, or biological agents into grease traps for the purpose of resuspending, dissolving, emulsifying, or rendering soluble fats, oils, or grease removed from a wastewater by such grease traps and reintroducing them into the City sewer system.

(F) Requirements for Grease Haulers.

(1) No person may cause or allow the transportation of fats, oils or grease away from the grease trap at which such materials were collected unless such materials are accompanied by a shipping paper containing the information prescribed in subparagraph (2). No specific form of shipping paper is required, unless the City prescribed and publishes public notice of the requirement to use a specific form.

(2) Each shipping paper shall contain at a minimum the following information:

(a) The name, address and telephone number of the transporter, an acknowledgement of receipt of the collected materials, the legible signature of an authorized representative of the transporter, and the date of collection; and

(b) the name, street address, and telephone number of the facility to which the material was delivered for use, treatment or disposal, the date and the time of delivery, the volume delivered, and the legible signature of an authorized representative of the receiver verifying the delivery.
(3) The grease trap owner or operator and transporter shall each retain a copy of the shipping document for a minimum of two (2) years, and shall produce the documents upon request of the City or the owner or operator of the sewage treatment to which the City’s sewers are tributary.

(G) Penalties for Violation.

(1) Any person violating paragraphs (B), (D)(2) or (D)(3) shall be liable to a civil penalty of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) for such violation. Each day the violation continues shall be a separate offense.

(2) Any person violating paragraphs (C), (E) or (F)(3) shall be liable to a civil penalty of not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00) for such violation. Each day the violation continues shall be a separate offense.

(3) Any person violating paragraphs (D)(1), (F)(1), or (F)(2) shall be liable to a civil penalty of not less than Fifty Dollars ($50.00) or more than One Hundred Dollars ($100.00) for such violation. Each day the violation continues shall be a separate offense.

(Ord. No. 1365-14; 11-10-14)

38-5-42 FACILITY MAINTENANCE. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-5-43 INDUSTRIAL CONTROL MANHOLE. Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

38-5-44 LABORATORY ANALYSES.

(A) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Article and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge.

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such a manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.

38-5-45 TESTING REQUIREMENTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at the control
manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

38-5-46 **SPECIAL ARRANGEMENTS.** No statement contained in this Division shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Article, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System.

38-5-47 **BASIS OF RATES.** In order that the rate 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 sewerage 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, into the City wastewater system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

38-5-48 **INDUSTRIAL COST RECOVERY.** No industrial user may discharge wastewater into any public sewer until the City has adopted an industrial cost recovery system which:

(A) Meets the requirements of Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 (Citation) and applicable federal regulations and

(B) Has been approved by the Agency in accordance with the conditions of any grant made to the City of Carterville by the United States Environmental Protection Agency or by the Illinois Environmental Protection Agency for the construction of any part of the sewer system or wastewater treatment works of the City of Carterville.

38-5-49 **DISCHARGE INFORMATION REQUIRED.** Prior to authorization and issuance of a permit to discharge industrial wastes, or wastes other than of a domestic nature from sanitary convenience, into the public sewer or treatment facility, the person or industry shall provide complete information describing the volume, rate of discharge, constituents, and character of the wastewater, industrial waste or waste to be conveyed to the wastewater system. The information shall be detailed in every respect to the satisfaction of the City and other agencies having jurisdiction over the discharge.
DIVISION VI - EXTENSION OF COLLECTING WASTEWATERS

38-5-55 PERMIT REQUIRED; AUTHORIZED PERSONNEL. No person, other than an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City. (See Appendix "H")

38-5-56 EXTENSION PERMITS. Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the City and IEPA.

If the application is in proper form, and the sewer extension indicated therein appears to be in accordance with this Chapter and all state and federal requirements, the City shall issue the permit for construction of the sewer. If otherwise, the application for permit shall be denied by the City. There shall be no fee charged for sewer extension application or permits.

If the application is denied by the City, they shall state the reason or reasons therefore in writing, mailed or personally delivered to the applicant. The applicant shall have the right to amend such application in conformity with the reasons given for denial, and resubmit it to the City for further consideration.

All permits issued under this Article IV shall have an expiration date of two (2) years after the date of issuance. Any sewer not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

The applicant for the permit shall furnish a corporate surety bond in an amount one and one-half (1 1/2) times the cost of the contemplated work for which the permit is to be issued.

38-5-57 MATERIALS. All sewer extensions shall be constructed of the following materials:

(A) Sewer pipe with diameters eight (8) inches and larger shall be one of the following:

(1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.

(2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or 03034 with joints conforming to ASTM D3212.

(B) Laterals and fittings from the sewer to the property lines shall be six (6) inch diameter and

(1) of comparable material to the sewer main for VCP and PVC pipe.

(2) for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

38-5-58 INSPECTIONS OF CONSTRUCTION. Construction of the sewer shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the City before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewer shall be subjected to:
(A) A lamp test which shall provide that from one manhole to another, at least one-half (1/2) of the pipe end area shall be visible.

(B) Infiltration or exfiltration test with acceptable allowance of 200 gallons per day per inch diameter per mile;

(C) Under special circumstances, when approved by the City, air pressure testing with allowance to be specified by the City.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the City's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the City.

38-5-59 MANHOLES REQUIRED. Manholes shall be installed at all changes in grade and/or direction and at distances not greater than four hundred (400) feet apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

38-5-60 - 38-5-64 RESERVED.
DIVISION VII

POWERS AND AUTHORITY OF INSPECTORS

38-5-65  INSPECTION AND TESTING.
(A) The Superintendent and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Article.
(B) The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

38-5-66  OBSERVATION OF SAFETY RULES. While performing the necessary work on private properties referred to in Section 38-5-65 above, the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in Section 38-5-44.

38-5-67  PRIVATE PROPERTY INSPECTIONS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-5-68  DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-5-69 - 38-5-70  RESERVED.
DIVISION VIII – MISCELLANEOUS PROVISIONS

38-5-71 NPDES PERMIT. Any NPDES Permit shall be acquired by the City and the wastewater treatment facility and wastewater collection system shall be operated and maintained in accordance with the conditions and terms of the permit at all times.

38-5-72 UNPOLLUTED DRAINAGE. It shall be unlawful to discharge into the wastewater collection system any surface drainage, storm water or unpolluted cooling water and any other discharge of waters from any storm drain or storm sewer.

38-5-73 CHIEF OPERATOR. A Chief Operator shall be employed by the City at all times to be in charge of the operation and maintenance of the wastewater treatment facility and wastewater collection system; and the operator shall at all times be properly certified under state and federal laws.

38-5-74 FEDERAL REGULATIONS. The federal regulations contained in 40 CFR, Part 35, as published in the Federal Register on February 11, 1974, shall be incorporated into and by reference be made a part of this Division.

38-5-75 PRE-TREATMENT OF SEWERAGE.
(A) No user shall deposit into the sanitary sewer system of the City any material which will clog or substantially impede the flow in sanitary sewer, or impeded the operations of the sewerage treatment plant. The user shall be subject to the enforcement by the City of all existing City sewer ordinances in effect, at all times. The user shall further provide, install, and maintain screening facilities if required by the City and approved by the City operator for the removal of solids from its wastes so that such materials going into the wastewater collection system are maintained at a minimum size level to prevent undue problems in the wastewater treatment facility of the City. This screening shall be required upon finding the need for such screening, by the City. The user shall install said screens, at its own cost, upon receipt or written notice by the City to the user.
(B) Whenever the waste from any user is found to interfere with the aerobic processes of the wastewater treatment facility of the City, written notice shall be given by the City to the user, and the user shall be required to construct a waste treatment system and to pre-treat all waste before it is discharged into the City wastewater collection system. Pre-treatment shall be sufficient to reduce the strength or characteristic of the wastes to such a degree that it will not interfere with the aerobic processes of the wastewater treatment facility of the City. Such notice shall be served upon the user and shall set a date and time for compliance with this Section.
(C) It shall be a prima facie case that a waste interference with the aerobic processes of the wastewater treatment facility exists if the waste contains acidity below pH 5.5; or the waste contains alkalinity of above pH 9.5; or any grab-sample taken at any time of any day has materials or constituents immediately noticeable that are detrimental to the aerobic processes existing in the wastewater treatment facility as determined by the City operator.
(D) Plans, specifications, and design data for such pre-treatment facilities shall be submitted to and approved by the City Engineer and by the Environmental Protection Agency of the State of Illinois before any construction work on the pre-treatment system is begun. Construction, maintenance and operation of the pre-treatment facilities shall be the sole responsibility of the user, and shall be maintained continuously in satisfactory and effective operating condition by the user at its expense.
(E) The pre-treatment standards as published in the Federal Register on November 8, 1973, and all amendments thereto are incorporated and be reference made a part of this Division.
38-5-76  **NEW SANITARY SEWERAGE SYSTEM CONSTRUCTION.** Any new sewer construction tributary to and with final discharge into the wastewater treatment facility shall be limited solely to the wastewater collection system constructed under and approved by the terms and conditions of this Code.

38-5-77  **USER CHARGE REVIEWED ANNUALLY.** The user charges provided herein shall be reviewed annually and revised periodically to reflect actual treatment works operation and maintenance cost; and to assure that the user charge system will generate sufficient revenue to offset the costs of all treatment facility operation and maintenance.

38-5-78  **REJECTION OF REDUCTION OF INDUSTRIAL DISCHARGES.** The Superintendent 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 sewerage service connection when the total capacity of the wastewater collection system is exceeded and no longer capable of proper treatment of wastewater which would be placed into the wastewater treatment system as a result of the connections.

38-5-79  **ANNUAL AUDIT OF COST ACCOUNTING SYSTEM.** An audit of the sewerage treatment works cost accounting system shall be conducted on an annual basis by a qualified and licensed certified public accountant.

38-5-80  **DEPRECIATION AND REPLACEMENT.** The wastewater treatment facility will be depreciated upon a straight line basis with a useful life of twenty (20) 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 the useful life of one hundred percent (100%) of its existing fair market value when purchased and installed as a part of the total wastewater treatment facility.

38-5-81 - 38-5-85  **RESERVED.**

DIVISION IX – PENALTIES

38-5-86  **PENALTY.** Any person found to be violating any provision of this Code except Section 38-5-68 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The City may revoke any permit for sewage disposal as a result of any violation of any provision of this Division.

38-5-87  **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in Section 38-5-86 shall be, upon conviction, fined in the amount not exceeding One Thousand Dollars ($1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-5-88  **LIABILITY TO CITY.** Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.
ARTICLE VI – PUBLIC WORKS MUTUAL AID

38-6-1 MUTUAL AID AGREEMENT. The Illinois Public Works Mutual Aid Network Agreement as adopted by the City of Carterville is hereby included as Exhibit "A" at the conclusion of this Chapter. (Ord. No. 1242-09; 06-09-09)

(See 5 ILCS 220/1 et seq.)
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ILLINOIS PUBLIC WORKS
MUTUAL AID NETWORK AGREEMENT

This Public Works Agreement (hereinafter "Agreement") is entered into by the City of Carterville, Illinois which has, by executing this Agreement, manifested its intent to participate in an Intrastate Program for Mutual Aid and Assistance, hereinafter entitled the "Illinois Public Works Mutual Aid Network (IPWMAN); and

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, (hereinafter "Act") authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, any community that is a home rule unit of local government under the 1970 Constitution of the State of Illinois and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Act provides that any one or more public agencies may contract with any one or more other public agencies to set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting Parties; 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 a unit of local government from another state; and

WHEREAS, the Parties to this Agreement may voluntarily agree to participate in mutual aid and assistance activities conducted under the State of Illinois Intrastate Mutual Aid and Assistance Program and the Interstate Emergency Management Assistance Compact (EMAC). Parties may voluntarily agree to participate in an Interstate Mutual Aid and Assistance Program for public works related agencies including, but not limited to; local municipal public works departments, township road districts, unit road districts, county highway departments, public water agencies and public wastewater agencies or any other governmental entity that performs a public works function through this Agreement if such a program were established.

WHEREAS, the Parties hereto are units of local government as defined by the Constitution of the State of Illinois and the Intergovernmental Cooperation Act; and

WHEREAS, the Parties recognize that they are vulnerable to a variety of potential, natural and man-made disasters; and

WHEREAS, the Parties to this Agreement wish to provide mutual aid and assistance to one another during times of disaster or public works emergencies.

NOW, THEREFORE, the Parties agree as follows:

Section 1 - Purpose

The Illinois Public Works Mutual Aid Network (IPWMAN) program is hereby established to provide a method whereby public works related agencies, including, but not limited to, local municipal public works
Utilities
departments, township road districts, unit road districts, county highway departments, public water
agencies and public wastewater agencies or any other governmental entity that performs a public works
function in need mutual aid assistance may request aid and assistance in the form of personnel,
equipment, materials and/or other associated services as necessary from other public works related
agencies. The purpose of this Agreement is to formally document such a program.

Section II - Definitions

The following definitions will apply to the terms appearing in this Agreement.

A. "Agency" means any municipal public works agency, township road district, unit road district,
   county highway departments, publicly-owned water organization and publicly-owned wastewater
   organization or any other governmental entity that performs a public works function that abides
   by the provisions as found in this Agreement.

B. "Aid and Assistance" includes, but is not limited to, personnel, equipment, facilities, services,
   materials and supplies and any other resources needed to provide mutual aid response.

C. "Authorized Representative" means a Party's employee who, by reason of his or her position, has
   been authorized, in writing by that Party, to request, offer, or provide aid and assistance
   pursuant to this Agreement. Each Party's initial authorized representative, and the
   representative's title, is listed on the contact list. If the title of the authorized representative as
   listed by name on the contact list has changed, such change shall have no effect on the authority
   of the authorized representative and the named person shall continue to be the authorized
   representative until a different person is named as the authorized representative in writing by the
   Party. In the event that the person who is listed as authorized representative is no longer
   employed by the Party, the successor in the office formerly held by the authorized representative
   shall automatically become the authorized representative unless the Party indicates otherwise in
   writing. Each Party's authorized representative shall be responsible to designate someone to
   supervise that Party's employees who are engaged in the receipt or furnishing of aid and
   assistance, including but not limited to, opening of public ways; removal of debris; building of
   protective barriers; management of physical damage to structures and terrain; transportation of
   persons, supplies, and equipment; and repair and operation of municipal utilities.

D. "Board of Directors" is a group of representatives from the Parties to the IPWMAN Agreement
   elected to organize and maintain the program. The Board of Directors shall consist of members
   of the IPWMAN. Qualifications and terms for the Board members shall be defined in the By-Laws
   of the Illinois Public Works Mutual Aid Network, Inc.

E. "Board Member" is a representative of the Association (IPWMAN) serving on the Board of
   Directors.

F. "Disaster" means a calamitous incident threatening loss of life or significant loss or damage to
   property, including, but not limited to, flood, winter storm, hurricane, tornado, dam break, or
   other naturally-occurring catastrophe or man-made, accidental, military, or paramilitary incident,
   or biological or health disasters or a natural or manmade incident that is, or is likely to be,
   beyond the control of the services, personnel, equipment and facilities of a Party that requires
   assistance under this Mutual Aid and Assistance Agreement, but must be coordinated through the
   appropriate local accredited/certified Emergency Management Agency coordinator.

G. "IPWMAN" is the acronym for the Illinois Public Work Mutual Aid Network.

H. "Local Emergency" is defined as an urgent need requiring immediate action or attention beyond
   normal capabilities, procedures and scope for aid and assistance by an agency.

I. "Mutual Aid Resource List" means the list of the equipment, personnel and other resources that
   each Party has available for the provision of aid and assistance to other Parties. This list shall be
   periodically updated in accordance with the Operational Plan.

J. "National Incident Management System (NIIMS)" means a Presidential directive that provides a
   consistent nationwide approach that allows federal, state, local and tribal governments as well as
private-sector and nongovernmental organizations to work together to manage incidents and disasters of all kinds.

K. "Party" means an agency which has adopted and executed this Agreement.

L. "Period of Assistance" means a specified period of time when a Responding Agency assists a Requesting Agency. The period commences when personnel, equipment, or supplies depart from a Responding Agency's facility and ends when the resources return to their facility (portal to portal). All protections identified in the Agreement apply during this period. The specified Period of Assistance may occur during response to or recovery from an emergency, as previously defined.

M. "Responding Agency" means the Party or Agency which has received a request to furnish aid and assistance from another Party and has agreed to provide the same.

N. "Requesting Agency" means the Party or Agency requesting and receiving aid and assistance from a Responding Agency.

Section III - Responsibility of Parties

A. Provision of Aid. Each Party recognizes that it may be requested to provide aid and assistance at a time when it is necessary to provide similar aid and assistance to the Party's own constituents. This Agreement shall not be construed to impose any unconditional obligation on any Party to provide aid and assistance. A Party may choose not to render aid and assistance at any tie, for any reason.

B. Recruitment. The Parties hereby encourage each other to enlist other agencies to adopt and execute this Agreement.

C. Agreement for Benefit of Parties. All functions and activities performed under this Agreement are for the benefit of the Parties to this Agreement. Accordingly, this Agreement shall not be construed to be for the benefit of any third parties and no third parties shall have any right or cause of action against the Parties to this Agreement.

D. Immunities. All immunities provided by law to the Parties shall be fully applicable to the Parties providing or receiving aid and assistance pursuant to this Agreement, including, but not limited to, the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 et seq.

E. Membership. To be a member in good standing, a Party shall be responsible for dues and other obligations as specified in the IPWMAN By-Laws and Operational Plan.

Section IV - Annual Review

At a minimum, the Board of Directors shall meet annually at a meeting place designated by the Board of Directors to review and discuss this Agreement and, if applicable, to recommend amendments to this Agreement. The Board of Directors shall have the power and signing authority to carry out the purposes of this Agreement, including but not limited to the power to: adopt by-laws; execute agreements and documents approved by the Board of Directors; develop specific operating plans, procedures and protocol for requesting assistance; organize meetings; operate a website; disseminate information; create informational brochures; create subcommittees; maintain lists of the Parties; maintain equipment and supply inventory lists; and deal with Party Issues.

Section V - Procedures for Requesting Assistance

The Board of Directors will promulgate and regularly update procedures for requesting assistance through the Illinois Public Works Mutual Aid Network (IPWMAN) Operational Plan.
Utilities

Section VI - Responding Agency’s Assessment of Availability of Resources

The Board of Directors will promulgate and regularly update procedures for responding agency’s assessment of availability of resources through IPWMAN Operational Plan.

Section VII - Supervision and Control

A. Designation of Responding Agency’s Supervisory Personnel. Responding Agency shall designate a representative who shall serve as the person in charge of coordinating the initial work assigned to the Responding Agency’s employees by the Requesting Agency. The Requesting Agency shall direct and coordinate the work being assigned to the Responding Agency(s) and the Requesting Agency’s employees. All actions shall be consistent with and in accordance with the National Incident Management System (NIMS) and the IPWMAN Operational Plan.

B. Responsibilities of Responding Agency’s Supervisory Personnel. The Board of Directors will promulgate and regularly update procedures for Responding Agency’s supervisory personnel through the IPWMAN Operational Plan.

Section VIII - Length of Time for Aid and Assistance; Renewability; Recall

The Board of Directors will promulgate and regularly update procedures for length of time for aid and assistance; renewability; recall through the Illinois Public Works Mutual Aid Network (IPWMAN) Operational Plan.

It is presumed that a Responding Agency’s aid and assistance shall be given for an initial minimum period of twelve (12) hours. Thereafter, assistance shall be extended as the Responding Agency and Requesting Agency shall agree. The twelve (12) hour period shall start when the aid and assistance departs from Responding Agency’s location with the intent of going to Requesting Agency’s location. The aid and assistance shall end when it returns to Responding Agency’s location with the understanding between the Responding Agency and Requesting Agency that provision of aid and assistance is complete.

Responding Agency may recall its aid and assistance at any time at its sole discretion. Responding Agency shall make a good faith effort to give the Requesting Agency as much advance notice of the recall as is practical under the circumstances.

Section IX - Documentation of Cost and Reimbursement of Cost

A. Personnel. Responding Agency shall continue to pay its employees according to its then prevailing ordinances, rules, regulations, and collective bargaining agreements. At the conclusion of the period of aid and assistance, the Responding Agency shall document all direct and indirect payroll costs plus any taxes and employee benefits which are measured as a function of payroll (i.e., FICA, unemployment, retirements, etc.).

B. Responding Agency’s Travelling Employees Needs. Responding Agency shall document the basic needs of Responding Agency’s traveling employees, such as reasonable lodging and meal expenses of Responding Agency’s personnel, including without limitation transportation expenses for travel to and from the stricken area during the period of aid and assistance.

C. Equipment. Responding Agency shall document the use of its equipment during the period of aid and assistance including without limitation all repairs to its equipment as determined necessary by its on-site supervisor(s) to maintain such equipment in safe and operational condition, fuels, miscellaneous supplies, and damages directly caused by provision of the aid and assistance.
D. **Materials and Supplies.** Responding Agency shall document all materials and supplies furnished by it and used or damaged during the period of aid and assistance.

E. **Reimbursement of Costs.** Equipment, personnel, materials, supplies and/or services provided pursuant to this Agreement shall be at no charge to the Requesting Agency, unless the aid and assistance is requested for more than five (5) calendar days. If aid and assistance is requested from the State of Illinois to be activated as a State asset, the Responding Agency will be reimbursed for personnel, materials, supplies and equipment from the first day of the response to the event by the State of Illinois. Materials and supplies will be reimbursed at the cost of replacement of the commodity. Personnel will be reimbursed at Responding Agency rates and equipment will be reimbursed at an appropriate equipment rate based upon either pre-existing locally established rates, the Federal Emergency Management Agency Equipment Rate Schedule or that published by the Illinois Department of Transportation. In the event that there is no such appropriate equipment rate as described above, reimbursement shall be at the actual cost incurred by the Responding Agency.

**Section X - Rights and Privileges of Responding Agency's Employees**

Whenever Responding Agency's employees are rendering aid and assistance pursuant to this Agreement, such employees shall retain the same powers, duties, immunities, and privileges they would ordinarily possess if performing their duties within the geographical limits of Responding Agency.

**Section XI - Workers' Compensation**

The Parties agree that Requesting Agency shall be responsible for payment of workers' compensation benefits owed to Requesting Agency's employees and that Responding Agency shall be responsible for payment of workers' compensation benefits owed to Responding Agency's employees.

**Section XII - Insurance**

Each Party shall bear the risk of liability for its agency and its agency's employees' acts and omissions and shall determine for itself what amount of insurance it should carry, if any. Each Party understands and agrees that any insurance coverage obtained shall in no way limit that Party's responsibility under Section XIII of this Agreement to indemnify and hold the other Parties to this Agreement harmless from such liability.

**Section XIII - Indemnification**

Each Party hereto agrees to waive all claims against all other Parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a Party hereto or its personnel.

Each Party requesting aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the Party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the Party rendering aid or its employees shall be the sole and exclusive responsibility of the Party rendering aid; and further provided that such
claims made by a third party are not the result of gross negligence or willful misconduct on the part of the Party rendering aid. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement.

Section XIV - Non-Liability for Failure to Render Aid

The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Responding Agency prohibit response. It is the responsibility of the Responding Agency to immediately notify the Requesting Agency of the Responding Agency's inability to respond; however, failure to immediately notify the Requesting Agency of such inability to respond shall not constitute evidence of noncompliance with the terms of this Section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there by any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

Section XV - Notice of Claim or Suit

Each Party who becomes aware of a claim or suit that in any way, directly or indirectly, contingently or otherwise, affects or might affect other Parties of this Agreement shall provide prompt and timely notice to the Parties who may be affected by the suit or claim. Each Party reserves the right to participate in the defense of such claims or suits as necessary to protect its own interests.

Section XVI - Amendments

Proposed amendments to this Agreement shall be submitted to the Board of Directors. Amendments shall be approved by majority vote of the Board of Directors.

Section XVII - Additional Parties

Additional agencies may become parties to this Agreement, provided that such agencies:

A. Approve and execute this Agreement.
B. Provide a fully executed copy of this Agreement to the Board of Directors.
C. Provide the name and title of an authorized representative to the Board of Directors.
D. Annually provide a list of mutual aid resources to its local accredited/certified Emergency Management Agency. If requested, the agency may need to assist its local accredited/certified Emergency Management Coordinator with data entry of its mutual aid resources into a web-based format (NIMS Source).

Upon submission of the items enumerated above to the Board of Directors and receipt of acknowledgement from the Board of Directors, the submitting agency shall be regarded as a Party to the Agreement.
Section XVIII - Notices

Notices and requests as provided herein shall be deemed given as of the date the notices are deposited, by First Class Mail, addressed to the Board of Directors who will notify each of the Parties' representatives.

Section XIX - Initial Term of Agreement; Renewal; Termination

The initial term of this Agreement shall be one (1) year from its effective date. Thereafter, this Agreement shall automatically renew for additional one (1) year terms commencing on the anniversary of the effective date of this Agreement. Any Party may withdraw from this Agreement at any time by giving written notification to the Board of Directors. The notice shall not be effective until ninety (90) days after the notice has been served upon the Board of Directors by First Class mail. A Party's withdrawal from this Agreement shall not affect that Party's liability or obligation incurred under this Agreement prior to the date of withdrawal. This Agreement shall continue in force and effect as to all other Parties until such time as a Party withdraws. Failure to adopt any amended agreement within ninety (90) days of said amended agreement will signify a Party's withdrawal from the Agreement.

Section XX - Headings

The headings of various sections and subsections of this Agreement have been inserted for convenient reference only and shall not be construed as modifying, amending, or affecting in any way the express terms and provisions of this Agreement or their interpretation.

Section XXI - Severability

Should any clause, sentence, provision, paragraph, or other part of this Agreement be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement. Each of the Parties declares that it would have entered into this Agreement irrespective of the fact that any one or more of this Agreement's clauses, sentences, provisions, paragraphs, or other parts have been declared invalid. Accordingly, it is the intention of the Parties that the remaining portions of this Agreement shall remain in full force and effect without regard to the clause(s), sentence(s), provision(s), paragraph(s), or other part(s) invalidated.

Section XXII - Effective Date

This Agreement shall be effective on the date of the acknowledgement letter sent by the Board of Directors.

Section XXIII - Waiver

Failure to enforce strictly the terms of this Agreement on one or more occasions shall not be deemed a waiver of the right to enforce strictly the terms of this Agreement on any other occasion.
Utilities

Section XXIV - Execution of Counterparts

This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

Section XXV - Prior IPWMAN Agreements

To the extent that provisions of prior IPWMAN Agreements between signatories to this Agreement are inconsistent with this Agreement, all prior agreements for mutual aid and assistance between the Parties hereto are suspended.

Section XXVI - Prohibition on Third Parties and Assignment of Rights/Duties

This Agreement is for the sole benefit of the Parties and no person or entity shall have any rights under this Agreement as a third-Party beneficiary. Assignments of benefits and delegations of duties created by this Agreement are prohibited and must be without effect.

NOW, THEREFORE, each of the Parties have caused this IPWMAN Mutual Aid Agreement to be executed by its duly authorized representative who has signed this Agreement as of the date set forth below.

Approved and executed this 9th day of June, 2009.

For the Agency
City of Carterville, Illinois

By: ________________________________
Brad Robinson, Mayor

Attest: ______________________________
Michele Edwards, Clerk

On behalf of the Illinois Public Works Mutual Aid Network

Approved and executed this ______ day of ______________, 2009.

By: ________________________________
President of IPWMAN Board of Directors

Attest: ______________________________
IPWMAN Secretary/Treasurer

Approved by the IPWMAN Interim Board of Directors on September 17, 2008. Amended by the IPWMAN Interim Board of Directors on August 19, 2009. Amended by the IPWMAN Board of Directors on June 16, 2010.
APPENDIX "A"

CITY OF CARTERVILLE

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 “B”
CITY OF CARTERVILLE
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 within fifteen (15) days following the receipt of said bill and if not paid, are subject to a five percent (5%) 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)

MAIL BILLS TO:

{ }

(NAME)

(STREET NUMBER AND NAME OF STREET)

(CITY, STATE AND ZIP CODE)
APPENDIX "C"

CITY OF CARTERVILLE

PRIVATE SEWAGE DISPOSAL APPLICATION

The undersigned, being the ________________________ of the property
located at __________________________ does hereby request a permit to install
sanitary sewage disposal facilities to serve the __________________________ at the location.

(Number) (Street) (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 City 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 prior 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____ SIGNED: __________________________

(TREASURER)

$_________ (Connection Fee Paid)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: __________________________, 20____ SIGNED: __________________________

(CITY CLERK)
APPENDIX "D"

CITY OF CARTERVILLE

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

The undersigned, being the ________________ of the ________________________________ property located at ___________________________ ________________ does hereby request a permit to install and 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:

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>FIXTURE</th>
<th>NUMBER</th>
<th>FIXTURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>______</td>
<td>Kitchen Sinks</td>
<td>______</td>
<td>Water Closets</td>
</tr>
<tr>
<td>______</td>
<td>Lavatories</td>
<td>______</td>
<td>Bathtubs</td>
</tr>
<tr>
<td>______</td>
<td>Laundry Tubs</td>
<td>______</td>
<td>Showers</td>
</tr>
<tr>
<td>______</td>
<td>Urinals</td>
<td></td>
<td>Garbage Grinders</td>
</tr>
</tbody>
</table>

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:

1. To accept and abide by all provisions of the City Code, and of all other pertinent ordinances and codes that may be adopted in the future.
2. To maintain the building sewer at no expense to the City.
3. 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 CITY TREASURER)

$_______ (Inspection Fee Paid) DATE: _____________________________, 20____

$_______ (Connection Fee Paid) SIGNED: ________________________________

(CITY TREASURER)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____________________________, 20____ SIGNED: ________________________________

(CITY CLERK)
APPENDIX "D"

CITY OF CARTERVILLE

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 City 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 CITY TREASURER)

$_______ (Inspection Fee Paid) DATE: __________________________, 20___

$_______ (Connection Fee Paid) SIGNED: __________________________
(CITY TREASURER)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: __________________________, 20___ SIGNED: __________________________
(CITY CLERK)
APPENDIX “D”

CITY OF CARTERVILLE

RECEIPT

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 is 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. ______________________________________

DATE: ____________________________________

ADDRESS: __________________________________

OWNER(S): __________________________________
APPENDIX "D"

CITY OF CARTERVILLE

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 applicable Ordinances.

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 applicable Ordinances of the 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____.

SIGNED: ________________________________

Superintendent/Clerk
# APPENDIX "G"

## CITY OF CARTERVILLE

### OBJECTIONABLE MATERIAL EFFLUENT LIMITS

<table>
<thead>
<tr>
<th>Waste or Chemical</th>
<th>Concentration mg/l</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boron</td>
<td>1.0</td>
</tr>
<tr>
<td>Chromium (Hexavalent)</td>
<td>5.0</td>
</tr>
<tr>
<td>Chromium (Trivalent)</td>
<td>10.0</td>
</tr>
<tr>
<td>Copper</td>
<td>3.0</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.005</td>
</tr>
<tr>
<td>Iron</td>
<td>15.0</td>
</tr>
<tr>
<td>Lead</td>
<td>0.1</td>
</tr>
<tr>
<td>Mercury or its compounds</td>
<td>0.005</td>
</tr>
<tr>
<td>Nickel</td>
<td>3.0</td>
</tr>
<tr>
<td>Oil &amp; Grease, etc. (carbon tetrachloride extraction)</td>
<td>100.0</td>
</tr>
<tr>
<td>Temperature not over 150°F. (65°C.)</td>
<td></td>
</tr>
<tr>
<td>Acid iron pickling waste or concentrated plating waste</td>
<td>Zero</td>
</tr>
<tr>
<td>Free acids and alkalis pH</td>
<td>Between 5.5 and 9.5</td>
</tr>
<tr>
<td>Zinc</td>
<td>2.0</td>
</tr>
<tr>
<td>Cadmium</td>
<td>2.0</td>
</tr>
<tr>
<td>Chlorine Demand</td>
<td>30.0</td>
</tr>
<tr>
<td>Phenols</td>
<td>0.5</td>
</tr>
</tbody>
</table>
APPENDIX “H”

CITY OF CARTERVILLE

UTILITY MAIN EXTENSION CONTRACT

AGREEMENT made and entered into this ______ day of ____________, 20____, by and between the Utility System of the City of Carterville, 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

BY: ________________________________

MAYOR

APPLICANT/DEPOSITOR

ATTEST:

______________________________

CITY CLERK

WITNESSES:

______________________________
[This page was left blank intentionally.]
[This page was left blank intentionally.]
This Public Works Agreement (hereinafter "Agreement") is entered into by the City of Carterville, Illinois which has, by executing this Agreement, manifested its intent to participate in an Intrastate Program for Mutual Aid and Assistance, hereinafter entitled the "Illinois Public Works Mutual Aid Network (IPWMAN)"; and

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, (hereinafter "Act") authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, any community that is a home rule unit of local government under the 1970 Constitution of the State of Illinois and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Act provides that any one or more public agencies may contract with any one or more other public agencies to set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting Parties; 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 a unit of local government from another state; and

WHEREAS, the Parties to this Agreement may voluntarily agree to participate in mutual aid and assistance activities conducted under the State of Illinois Intrastate Mutual Aid and Assistance Program and the Interstate Emergency Management Assistance Compact (EMAC). Parties may voluntarily agree to participate in an interstate Mutual Aid and Assistance Program for public works related agencies including, but not limited to; local municipal public works departments, township road districts, unit road districts, county highway departments, public water agencies and public wastewater agencies or any other governmental entity that performs a public works function through this Agreement if such a program were established.

WHEREAS, the Parties hereto are units of local government as defined by the Constitution of the State of Illinois and the Intergovernmental Cooperation Act; and

WHEREAS, the Parties recognize that they are vulnerable to a variety of potential, natural and man-made disasters; and

WHEREAS, the Parties to this Agreement wish to provide mutual aid and assistance to one another during times of disaster or public works emergencies.

NOW, THEREFORE, the Parties agree as follows:

Section I - Purpose

The Illinois Public Works Mutual Aid Network (IPWMAN) program is hereby established to provide a method whereby public works related agencies, including, but not limited to, local municipal public works
Utilities

departments, township road districts, unit road districts, county highway departments, public water agencies and public wastewater agencies or any other governmental entity that performs a public works function in need mutual aid assistance may request aid and assistance in the form of personnel, equipment, materials and/or other associated services as necessary from other public works related agencies. The purpose of this Agreement is to formally document such a program.

Section II - Definitions

The following definitions will apply to the terms appearing in this Agreement.

A. “Agency” means any municipal public works agency, township road district, unit road district, county highway departments, publicly-owned water organization and publicly-owned wastewater organization or any other governmental entity that performs a public works function that abides by the provisions as found in this Agreement.

B. “Aid and Assistance” includes, but is not limited to, personnel, equipment, facilities, services, materials and supplies and any other resources needed to provide mutual aid response.

C. “Authorized Representative” means a Party’s employee who, by reason of his or her position, has been authorized, in writing by that Party, to request, offer, or provide aid and assistance pursuant to this Agreement. Each Party’s initial authorized representative, and the representative’s title, is listed on the contact list. If the title of the authorized representative as listed by name on the contact list has changed, such change shall have no effect on the authority of the authorized representative and the named person shall continue to be the authorized representative until a different person is named as the authorized representative in writing by the Party. In the event that the person who is listed as authorized representative is no longer employed by the Party, the successor in the office formerly held by the authorized representative shall automatically become the authorized representative unless the Party indicates otherwise in writing. Each Party’s authorized representative shall be responsible to designate someone to supervise that Party’s employees who are engaged in the receipt or furnishing of aid and assistance, including but not limited to, opening of public ways; removal of debris; building of protective barriers; management of physical damage to structures and terrain; transportation of persons, supplies, and equipment; and repair and operation of municipal utilities.

D. “Board of Directors” is a group of representatives from the Parties to the IPWMAN Agreement elected to organize and maintain the program. The Board of Directors shall consist of members of the IPWMAN. Qualifications and terms for the Board members shall be defined in the By-Laws of the Illinois Public Works Mutual Aid Network, Inc.

E. “Board Member” is a representative of the Association (IPWMAN) serving on the Board of Directors.

F. “Disaster” means a calamitous incident threatening loss of life or significant loss or damage to property, including, but not limited to flood, winter storm, hurricane, tornado, dam break, or other naturally-occurring catastrophe or man-made, accidental, military, or paramilitary incident, or biological or health disasters or a natural or manmade incident that is or is likely to be beyond the control of the services, personnel, equipment and facilities of a Party that requires assistance under this Mutual Aid and Assistance Agreement, but must be coordinated through the appropriate local accredited/certified Emergency Management Agency coordinator.

G. “IPWMAN” is the acronym for the Illinois Public Work Mutual Aid Network.

H. “Local Emergency” is defined as an urgent need requiring immediate action or attention beyond normal capabilities, procedures and scope for aid and assistance by an agency.

I. “Mutual Aid Resource List” means the list of the equipment, personnel and other resources that each Party has available for the provision of aid and assistance to other Parties. This list shall be periodically updated in accordance with the Operational Plan.

J. “National Incident Management System (NIMS)” means a Presidential directive that provides a consistent nationwide approach that allows federal, state, local and tribal governments as well as
private-sector and nongovernmental organizations to work together to manage incidents and disasters of all kinds.

K. "Party" means an agency which has adopted and executed this Agreement.

L. "Period of Assistance" means a specified period of time when a Responding Agency assists a Requesting Agency. The period commences when personnel, equipment, or supplies depart from a Responding Agency's facility and ends when the resources return to their facility (portal to portal). All protections identified in the Agreement apply during this period. The specified Period of Assistance may occur during response to or recovery from an emergency, as previously defined.

M. "Responding Agency" means the Party or Agency which has received a request to furnish aid and assistance from another Party and has agreed to provide the same.

N. "Requesting Agency" means the Party or Agency requesting and receiving aid and assistance from a Responding Agency.

Section III - Responsibility of Parties

A. Provision of Aid. Each Party recognizes that it may be requested to provide aid and assistance at a time when it is necessary to provide similar aid and assistance to the Party's own constituents. This Agreement shall not be construed to impose any unconditional obligation on any Party to provide aid and assistance. A Party may choose not to render aid and assistance at any time, for any reason.

B. Recruitment. The Parties hereby encourage each other to enlist other agencies to adopt and execute this Agreement.

C. Agreement for Benefit of Parties. All functions and activities performed under this Agreement are for the benefit of the Parties to this Agreement. Accordingly, this Agreement shall not be construed to be for the benefit of any third parties and no third parties shall have any right or cause of action against the Parties to this Agreement.

D. Immunities. All immunities provided by law to the Parties shall be fully applicable to the Parties providing or receiving aid and assistance pursuant to this Agreement, including, but not limited to, the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 et seq.

E. Membership. To be a member in good standing, a Party shall be responsible for dues and other obligations as specified in the IPWMAN By-Laws and Operational Plan.

Section IV - Annual Review

At a minimum, the Board of Directors shall meet annually at a meeting place designated by the Board of Directors to review and discuss this Agreement and, if applicable, to recommend amendments to this Agreement. The Board of Directors shall have the power and signing authority to carry out the purposes of this Agreement, including but not limited to: adopt by-laws; execute agreements and documents approved by the Board of Directors; develop specific operating plans, procedures and protocol for requesting assistance; organize meetings; operate a website; disseminate information; create informational brochures; create subcommittees; maintain lists of the Parties; maintain equipment and supply inventory lists; and deal with Party issues.

Section V - Procedures for Requesting Assistance

The Board of Directors will promulgate and regularly update procedures for requesting assistance through the Illinois Public Works Mutual Aid Network (IPWMAN) Operational Plan.
Section VI - Responding Agency’s Assessment of Availability of Resources

The Board of Directors will promulgate and regularly update procedures for responding agency’s assessment of availability of resources through IPWMAN Operational Plan.

Section VII - Supervision and Control

A. **Designation of Responding Agency’s Supervisory Personnel.** Responding Agency shall designate a representative who shall serve as the person in charge of coordinating the initial work assigned to the Responding Agency’s employees by the Requesting Agency. The Requesting Agency shall direct and coordinate the work being assigned to the Responding Agency(s) and the Requesting Agency’s employees. All actions shall be consistent with and in accordance with the National Incident Management System (NIMS) and the IPWMAN Operational Plan.

B. **Responsibilities of Responding Agency’s Supervisory Personnel.** The Board of Directors will promulgate and regularly update procedures for Responding Agency’s supervisory personnel through the IPWMAN Operational Plan.

Section VIII - Length of Time for Aid and Assistance; Renewability; Recall

The Board of Directors will promulgate and regularly update procedures for length of time for aid and assistance; renewability; recall through the Illinois Public Works Mutual Aid Network (IPWMAN) Operational Plan.

It is presumed that a Responding Agency’s aid and assistance shall be given for an initial minimum period of **twelve (12) hours.** Thereafter, assistance shall be extended as the Responding Agency and Requesting Agency shall agree. The **twelve (12) hour** period shall start when the aid and assistance departs from Responding Agency’s location with the intent of going to Requesting Agency’s location. The aid and assistance shall end when it returns to Responding Agency’s location with the understanding between the Responding Agency and Requesting Agency that provision of aid and assistance is complete.

Responding Agency may recall its aid and assistance at any time at its sole discretion. Responding Agency shall make a good faith effort to give the Requesting Agency as much advance notice of the recall as is practical under the circumstances.

Section IX - Documentation of Cost and Reimbursement of Cost

A. **Personnel.** Responding Agency shall continue to pay its employees according to its then prevailing ordinances, rules, regulations, and collective bargaining agreements. At the conclusion of the period of aid and assistance, the Responding Agency shall document all direct and indirect payroll costs plus any taxes and employee benefits which are measured as a function of payroll (i.e., FICA, unemployment, retirements, etc.).

B. **Responding Agency’s Traveling Employees Needs.** Responding Agency shall document the basic needs of Responding Agency’s traveling employees, such as reasonable lodging and meal expenses of Responding Agency’s personnel, including without limitation transportation expenses for travel to and from the stricken area during the period of aid and assistance.

C. **Equipment.** Responding Agency shall document the use of its equipment during the period of aid and assistance including without limitation all repairs to its equipment as determined necessary by its on-site supervisor(s) to maintain such equipment in safe and operational condition, fuels, miscellaneous supplies, and damages directly caused by provision of the aid and assistance.
D. **Materials and Supplies.** Responding Agency shall document all materials and supplies furnished by it and used or damaged during the period of aid and assistance.

E. **Reimbursement of Costs.** Equipment, personnel, materials, supplies and/or services provided pursuant to this Agreement shall be at no charge to the Requesting Agency, unless the aid and assistance is requested for more than five (5) calendar days. If aid and assistance is requested from the State of Illinois to be activated as a State asset, the Responding Agency will be reimbursed for personnel, materials, supplies and equipment from the first day of the response to the event by the State of Illinois. Materials and supplies will be reimbursed at the cost of replacement of the commodity. Personnel will be reimbursed at Responding Agency rates and equipment will be reimbursed at an appropriate equipment rate based upon either pre-existing locally established rates, the Federal Emergency Management Agency Equipment Rate Schedule or that published by the Illinois Department of Transportation. In the event that there is no such appropriate equipment rate as described above, reimbursement shall be at the actual cost incurred by the Responding Agency.

**Section X - Rights and Privileges of Responding Agency's Employees**

Whenever Responding Agency's employees are rendering aid and assistance pursuant to this Agreement, such employees shall retain the same powers, duties, immunities, and privileges they would ordinarily possess if performing their duties within the geographical limits of Responding Agency.

**Section XI - Workers' Compensation**

The Parties agree that Requesting Agency shall be responsible for payment of workers' compensation benefits owed to Requesting Agency's employees and that Responding Agency shall be responsible for payment of workers' compensation benefits owed to Responding Agency's employees.

**Section XII - Insurance**

Each Party shall bear the risk of liability for its agency and its agency's employees' acts and omissions and shall determine for itself what amount of insurance it should carry, if any. Each Party understands and agrees that any insurance coverage obtained shall in no way limit that Party's responsibility under Section XIII of this Agreement to indemnify and hold the other Parties to this Agreement harmless from such liability.

**Section XIII - Indemnification**

Each Party hereto agrees to waive all claims against all other Parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a Party hereto or its personnel.

Each Party requesting aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the Party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the Party rendering aid or its employees shall be the sole and exclusive responsibility of the Party rendering aid; and further provided that such
claims made by a third party are not the result of gross negligence or willful misconduct on the part of the Party rendering aid. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement.

**Section XIV - Non-Liability for Failure to Render Aid**

The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Responding Agency prohibit response. It is the responsibility of the Responding Agency to immediately notify the Requesting Agency of the Responding Agency's inability to respond; however, failure to immediately notify the Requesting Agency of such inability to respond shall not constitute evidence of noncompliance with the terms of this Section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there by any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

**Section XV - Notice of Claim or Suit**

Each Party who becomes aware of a claim or suit that in any way, directly or indirectly, contingently or otherwise, affects or might affect other Parties of this Agreement shall provide prompt and timely notice to the Parties who may be affected by the suit or claim. Each Party reserves the right to participate in the defense of such claims or suits as necessary to protect its own interests.

**Section XVI - Amendments**

Proposed amendments to this Agreement shall be submitted to the Board of Directors. Amendments shall be approved by majority vote of the Board of Directors.

**Section XVII - Additional Parties**

Additional agencies may become parties to this Agreement, provided that such agencies:

A. Approve and execute this Agreement.
B. Provide a fully executed copy of this Agreement to the Board of Directors.
C. Provide the name and title of an authorized representative to the Board of Directors.
D. Annually provide a list of mutual aid resources to its local accredited/certified Emergency Management Agency. If requested, the agency may need to assist its local accredited/certified Emergency Management Coordinator with data entry of its mutual aid resources into a web-based format (NIMS Source).

Upon submission of the items enumerated above to the Board of Directors and receipt of acknowledgement from the Board of Directors, the submitting agency shall be regarded as a Party to the Agreement.
Utilities

Section XVIII - Notices

Notices and requests as provided herein shall be deemed given as of the date the notices are deposited, by First Class Mail, addressed to the Board of Directors who will notify each of the Parties' representatives.

Section XIX - Initial Term of Agreement; Renewal; Termination

The initial term of this Agreement shall be one (1) year from its effective date. Thereafter, this Agreement shall automatically renew for additional one (1) year terms commencing on the anniversary of the effective date of this Agreement. Any Party may withdraw from this Agreement at any time by giving written notification to the Board of Directors. The notice shall not be effective until ninety (90) days after the notice has been served upon the Board of Directors by First Class mail. A Party's withdrawal from this Agreement shall not affect that Party's liability or obligation incurred under this Agreement prior to the date of withdrawal. This Agreement shall continue in force and effect as to all other Parties until such time as a Party withdraws. Failure to adopt any amended agreement within ninety (90) days of said amended agreement will signify a Party's withdrawal from the Agreement.

Section XX - Headings

The headings of various sections and subsections of this Agreement have been inserted for convenient reference only and shall not be construed as modifying, amending, or affecting in any way the express terms and provisions of this Agreement or their interpretation.

Section XXI - Severability

Should any clause, sentence, provision, paragraph, or other part of this Agreement be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement. Each of the Parties declares that it would have entered into this Agreement irrespective of the fact that any one or more of this Agreement's clauses, sentences, provisions, paragraphs, or other parts have been declared invalid. Accordingly, it is the intention of the Parties that the remaining portions of this Agreement shall remain in full force and effect without regard to the clause(s), sentence(s), provision(s), paragraph(s), or other part(s) invalidated.

Section XXII - Effective Date

This Agreement shall be effective on the date of the acknowledgement letter sent by the Board of Directors.

Section XXIII - Waiver

Failure to enforce strictly the terms of this Agreement on one or more occasions shall not be deemed a waiver of the right to enforce strictly the terms of this Agreement on any other occasion.
Section XXIV - Execution of Counterparts

This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

Section XXV - Prior IPWMAN Agreements

To the extent that provisions of prior IPWMAN Agreements between signatories to this Agreement are inconsistent with this Agreement, all prior agreements for mutual aid and assistance between the Parties hereto are suspended.

Section XXVI - Prohibition on Third Parties and Assignment of Rights/Duties

This Agreement is for the sole benefit of the Parties and no person or entity shall have any rights under this Agreement as a third-Party beneficiary. Assignments of benefits and delegations of duties created by this Agreement are prohibited and must be without effect.

NOW, THEREFORE, each of the Parties have caused this IPWMAN Mutual Aid Agreement to be executed by its duly authorized representative who has signed this Agreement as of the date set forth below.

Approved and executed this 9th day of June, 2009.

For the Agency
City of Carterville, Illinois

By: _________________________________
   Brad Robinson, Mayor

Attest: _______________________________
       Michele Edwards, Clerk

On behalf of the Illinois Public Works Mutual Aid Network

Approved and executed this ______ day of __________________, 2009.

By: _________________________________
   President of IPWMAN Board of Directors

Attest: _______________________________
       IPWMAN Secretary/Treasurer

Approved by the IPWMAN Interim Board of Directors on September 17, 2008. Amended by the IPWMAN Interim Board of Directors on August 19, 2009. Amended by the IPWMAN Board of Directors on June 16, 2010.
APPENDIX "A"

CITY OF CARTERVILLE

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 "B"

CITY OF CARTERVILLE

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 within fifteen (15) days following the receipt of said bill and if not paid, are subject to a five percent (5%) 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)

MAIL BILLS TO:

{[ ]
(NAME)
(STREET NUMBER AND NAME OF STREET)
(CITY, STATE AND ZIP CODE)
APPENDIX "C"

CITY OF CARTERVILLE

PRIVATE SEWAGE DISPOSAL APPLICATION

The undersigned, being the ____________________________ of the property
(owned, 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 City 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 before 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: ____________________________
(TREASURER)

APPLICATION APPROVED AND PERMIT ISSUED

DATE: _______________20___ SIGNED: ____________________________
(CITY CLERK)
APPENDIX "D"

CITY OF CARTERVILLE

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

The undersigned, being the _______________________________ of the property located at ____________________________, does hereby request a permit to install and connect a building sewer to serve the ____________________________ at said location.

1. The following indicated fixtures will be connected to the proposed building sewer:

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>FIXTURE</th>
<th>NUMBER</th>
<th>FIXTURE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Kitchen Sinks</td>
<td></td>
<td>Water Closets</td>
</tr>
<tr>
<td></td>
<td>Lavatories</td>
<td></td>
<td>Bathtubs</td>
</tr>
<tr>
<td></td>
<td>Laundry Tubs</td>
<td></td>
<td>Showers</td>
</tr>
<tr>
<td></td>
<td>Urinals</td>
<td></td>
<td>Garbage Grinders</td>
</tr>
</tbody>
</table>

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:

1. To accept and abide by all provisions of the City Code, and of all other pertinent ordinances and codes that may be adopted in the future.
2. To maintain the building sewer at no expense to the City.
3. 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 CITY TREASURER)

$________ (Inspection Fee Paid) DATE: _____________________________, 20__ SIGNED: _____________________________

(CITY TREASURER)

$________ (Connection Fee Paid)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____________________________, 20__ SIGNED: _____________________________

(CITY CLERK)
APPENDIX "D"

CITY OF CARTERVILLE

INDUSTRIAL SEWER CONNECTION APPLICATION

The undersigned, being the ___________________________ of the
(property located at ____________) does hereby request a permit to
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 City 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 CITY TREASURER)

$________ (Inspection Fee Paid) DATE: _________________________, 20___

$________ (Connection Fee Paid) SIGNED: ____________________________

(CITY TREASURER)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _________________________, 20___ SIGNED: ____________________________

(CITY CLERK)
APPENDIX "D"

CITY OF CARTERVILLE

RECEIPT

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 is 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. ________________________________

DATE: ______________________________

ADDRESS: ___________________________

OWNER(S): ___________________________

CITY OF CARTERVILLE
COUNTY OF WILLIAMSON
APPENDIX "D"

CITY OF CARTERVILLE

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 applicable Ordinances.

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 applicable Ordinances of the 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____.

SIGNED: ________________________________
Superintendent/Clerk
## APPENDIX "G"

### CITY OF CARTERVILLE

### OBJECTIONABLE MATERIAL EFFLUENT LIMITS

<table>
<thead>
<tr>
<th>Waste or Chemical</th>
<th>Concentration mg/l</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boron</td>
<td>1.0</td>
</tr>
<tr>
<td>Chromium (Hexavalent)</td>
<td>5.0</td>
</tr>
<tr>
<td>Chromium (Trivalent)</td>
<td>10.0</td>
</tr>
<tr>
<td>Copper</td>
<td>3.0</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.005</td>
</tr>
<tr>
<td>Iron</td>
<td>15.0</td>
</tr>
<tr>
<td>Lead</td>
<td>0.1</td>
</tr>
<tr>
<td>Mercury or its compounds</td>
<td>0.005</td>
</tr>
<tr>
<td>Nickel</td>
<td>3.0</td>
</tr>
<tr>
<td>Oil &amp; Grease, etc. (carbon tetrachloride extraction)</td>
<td>100.0</td>
</tr>
<tr>
<td>Temperature not over 150°F (65°C)</td>
<td></td>
</tr>
<tr>
<td>Acid iron pickling waste or concentrated plating waste</td>
<td>Zero</td>
</tr>
<tr>
<td>Free acids and alkalis pH</td>
<td>Between 5.5 and 9.5</td>
</tr>
<tr>
<td>Zinc</td>
<td>2.0</td>
</tr>
<tr>
<td>Cadmium</td>
<td>2.0</td>
</tr>
<tr>
<td>Chlorine Demand</td>
<td>30.0</td>
</tr>
<tr>
<td>Phenols</td>
<td>0.5</td>
</tr>
</tbody>
</table>
APPENDIX "H"

CITY OF CARTERVILLE

UTILITY MAIN EXTENSION CONTRACT

AGREEMENT made and entered into this _______ day of ________________________,
by and between the Utility System of the City of Carterville, 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

BY: ____________________________
   MAYOR

ATTEST:

______________________________
   CITY CLERK

APPLICATION/DEPOSITOR

WITNESSES:

______________________________
______________________________
[This page was left blank intentionally.]
# Carterville City Code

## CHAPTER 40 - ZONING CODE

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<th>TITLE</th>
<th>PAGE</th>
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<td>Title</td>
<td>40-1</td>
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<tr>
<td>Section 40-1-2</td>
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<td>40-1</td>
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CHAPTER 40
ZONING CODE

ARTICLE I - TITLE AND PURPOSE

40-1-1 TITLE. This Chapter shall be known and may be cited and referred to as the Zoning Code of this City. The provisions of this Chapter shall apply to all territory within the corporate limits of Carterville, Illinois, and within one and one-half (1 1/2) miles thereof as shown on the Official Zoning Map. (Ord. No. 476-85; 12-10-85)

40-1-2 PURPOSE. It is the purpose of this Code:
(A) To promote and protect the public health, safety, morals, comfort, and general welfare of the people;
(B) To divide the City into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, manufacturing, and other specified uses;
(C) To protect the character and the stability of the residential, business and manufacturing areas within the City and to promote the orderly and beneficial development of such areas;
(D) To provide adequate light, air, privacy and convenience of access to property;
(E) To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;
(F) To establish building lines and the location of buildings designed for residential, business, and manufacturing, or other uses within such areas;
(G) To fix reasonable standards to which buildings or structures shall conform therein;
(H) To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts;
(I) To prevent additions to, or alterations or remodeling of existing buildings, structures in such a way as to avoid the restrictions and limitations imposed hereunder;
(J) To limit congestion in the streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;
(K) To protect against fire, explosion, noxious fumes, and other hazards, in the interest of the public health, safety, comfort and the general welfare;
(L) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
(M) To conserve the taxable value of land and buildings throughout the City;
(N) To provide for the elimination of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
(O) And to define and limit the powers and duties of the administrative officers and bodies as provided herein.
ARTICLE II - DEFINITION OF TERMS

40-2-1 DEFINITIONS. For the purpose of this Chapter, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular.

Accessory Use of Structure: A use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.

Agriculture: The use of land for agricultural purposes. This includes necessary buildings and structures which shall be used for agriculture including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided; however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities. Buildings occupied as residences shall not be considered to be used for agricultural purposes.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

Alley: A public or private way less than twenty-one (21) feet in width affording secondary means of access to abutting property.

Animal Hospital: Any building or portion thereof, designated or used for the care, observation or treatment of domestic animals.

Automobile Repair, Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, overall painting or paint shop; vehicle steam cleaning.

Automobile Repair, Minor: Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including any operating specified under "Automobile Repairs, Major".

Automobile Wrecking Yard: Any area of land where two (2) or more motor vehicles, not in running condition, or parts thereof, are stored in the open and not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

Basement: A story having part but not more than fifty percent (50%) of its height below the average grade of the adjoining ground [as distinguished from a "Cellar"]. A basement shall be counted as a story for purpose of height measurement.

Billboard or Signboard: Any structure or portion thereof, situated on private premises, on which lettered, figure or pictorial matter is, or intended to be, displayed for advertising purposes other than the name and occupation of the user of, or the nature of the business conducted on such premises, or the products primarily sold or manufactured thereon. This definition shall not be held to include a real estate sign advertising for sale or rent the property upon which it stands.

Building: Any structure for the shelter or enclosure of persons, animals, or chattels.

Cellar: A story having fifty percent (50%) or more of its height below the average grade of the adjoining ground.
Court: An open, unoccupied and unobstructed space other than a yard on the same lot with a building.

Court, Outer: A court open for its full width on a street or other permanent open space; its width being the horizontal dimension substantially parallel to the principal open end thereof, and its depth the horizontal distance between the principal open end and the end opposite thereto.

Court, Inner: Any court other than an "Outer Court".

Drive-In Establishment: An establishment which accommodates patron's automobiles, from which the occupants may purchase or watch.

Dwelling: A building or portion thereof, occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, trailer or trailer coach, or a room in a hotel or motel.

Dwelling Group: Two (2) or more detached dwellings located on a parcel of land in one (1) ownership and conforming to the special conditions and requirements set forth in Section 40-6-6.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: One (1) or more persons related by blood, marriage or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.

Flood Plain: Lands in the community, or as may be annexed or within one and one-half (1 1/2) miles of the corporate limits which are low-lying, difficult to drain or subject to flood.

Garage, Private: A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one (1) truck of a rated capacity not exceeding one and one-half (1 1/2) tons.

Garage, Public: Any building where automotive vehicles are painted, rebuilt, reconstructed and/or stored for compensation.

Height: In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

Highway or Primary Thoroughfare: An officially designated Federal or State numbered highway or other road designated as a highway or primary thoroughfare on the Thoroughfare Plan as officially adopted and amended from time to time by the Plan Commission.

Junk Yard: An open area or fenced enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.

Kennel: Any structure or premises where three (3) or more dogs over four (4) months of age are kept.
Land Use Plan: The comprehensive long-range plan for the desirable use of land in the community and those lands within one and one-half (1 1/2) miles of the community as officially adopted and as amended from time to time by the Plan Commission; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings or public uses.

Lot: A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by this Code.

Lot, Corner: A lot situated at the intersection of two (2) streets, provided that the interior angle made by the front lot lines at the intersection is less than one hundred thirty-five degrees (135°).

Lot, Interior: A lot other than a "Corner Lot".

Lot Area: The horizontal area within the lot lines of the lot, except in the case of a corner lot as provided in Section 40-7-4.

Lot Depth: The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

Lot Line, Front: That boundary of a lot which is along an existing or dedicated street or road. The owner of a corner lot will have two (2) front lot lines.

Lot Line, Rear: That boundary of a lot which is most distant from and is, or most nearly, parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front or rear lot line.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds for the County; or a parcel of land, the deed to which was recorded in the office of said recorder prior to adoption of this Zoning Code.

Motor Fuel Station: A place where gasoline, diesel oil, kerosene, or any other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.

Nonconforming Use: A building, structure or premises lawfully occupied at the time of the enactment of this Code by a use that does not conform with the provisions of this Code for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.

Parking Area, Accessory: An area of one (1) or more parking spaces located on the same property as the building, structure of premises it is intended to serve, or on adjoining or nearby property, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

Setback Line: The minimum horizontal distance permitted between the front or side of a structure and the nearest street line.

Sign: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.
**Sign, Gross Surface Area of:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case, passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds twelve (12) feet, each twelve (12) feet or fraction thereof of the total building height shall be considered a separate full story of fractional story respectively, except the first story, which may be fifteen (15) feet high.

**Story, Half:** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than just for a janitor or caretaker and his family, shall be deemed a full story.

**Street:** Any public or private way set aside as a permanent right-of-way for vehicular or pedestrian access twenty-one (21) feet or more in width if it existed at the time of the enactment of this Code; and any such public or private way created after enactment of this Code, provided it is fifty (50) feet or more in width.

**Structural Alteration:** Any change in the supporting members of a building including, but not limited to bearing walls, load-bearing partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**Structure:** Anything constructed, the use of which required permanent location on the ground, or attached to something having permanent location on the ground.

**Trailer (Mobile Home):** Any vehicle, house car, camp car or any portable or mobile vehicle on wheels, skids or rollers or blocks, either self-propelled or propelled by other means, which is designated to be used for living, sleeping or commercial purposes.

**Yard, Front:** An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**Yard, Front - Least Depth:** The shortest distance measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front lot line.

**Yard, Rear:** An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**Yard, Rear - Least Depth:** The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and a maximum distance from the front lot line, shall be considered the rear lot line.

**Yard, Side:** An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
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ARTICLE III – DISTRICTS AND MAP

40-3-1 DISTRICT CLASSIFICATIONS. For the purpose of this Code, the City and all land subject to the jurisdiction of this Chapter is hereby divided into seven (7) classes of districts, as follows:

"A-1" Agricultural Districts
"R-1" One-Family Residence Districts
"R-2" One and Two-Family Residence Districts
"R-3" Multi-Family Residence Districts
"B-1" Secondary Business Districts
"B-2" Primary Business District
"M-1" Light Industrial District

(Ord. No. 476-85; 12-10-85)

(A) The boundaries of such districts will be as shown on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and made a part of this Code. The district boundary lines on said map are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-way lines, or the corporate limit lines, all as they existed at the time of this Code; but where a district boundary line does not clearly coincide with lot lines; it shall be determined by scaling.

(B) Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of the Zoning Code, the use authorized on the less restricted portion of such lot shall be considered as extending to the entire lot provided that where the more restricted portion of such lot is more than fifty (50) feet of said boundary line.

(C) The Official Zoning Map as adopted or as hereafter amended shall be located in the office of the City Planning Director. Also, a copy shall be located in the City Clerk’s office. It is the final authority as to the current zoning status of land and water areas, buildings, and other structures within the jurisdiction of this Article. The map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the Seal of the City.

(D) Questions concerning the exact location of district boundary lines should be determined by the Board of Appeals according to rules and regulations which it may adopt, as hereinafter provided under Article IX.

(E) All territory outside the corporate limits but subject to the jurisdiction of this Chapter should be classified as previously designated by the Planning Commission or “R-1” One-Family Residence District until such classification shall have been changed as provided by the Code which is adopted. (Ord. No.476-85; 12-10-85)
ARTICLE IV - GENERAL PROVISIONS

40-4-1 ZONING AFFECTS EVERY STRUCTURE AND USE. Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.

40-4-2 CONTINUING EXISTING USES. Any building, structure or use lawfully existing at the time of enactment of the Zoning Code may be continued, except certain nonconforming uses as provided in Section 40-4-3. Nothing in the Code shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

40-4-3 NONCONFORMING USES. Except as hereinafter provided:
(A) Any nonconforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other act of God, may be reconstructed and used as before if it be done within twelve (12) months of such calamity, unless damaged more than eighty percent (80%) of its fair market value, as determined by the Board of Appeals at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Code. However, any nonconforming residence structure which shall be destroyed by fire or other calamity as set forth herein may be reconstructed by the owner of the structure at the time of its destruction in accordance with the specifications for construction prior to its destruction, for use solely as a residence, without regard to restrictions otherwise imposed herein.
(B) No building, structure or premises where a nonconforming use has been or may be discontinued for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
(C) Any nonconforming use of land not involving any structure, may be continued for a period not to exceed three (3) years, after enactment of the Zoning Code, whereupon such nonconforming use shall cease.
(D) Any building or structure devoted to a nonconforming use with a fair market value of less than Five Hundred Dollars ($500.00), as determined by the Board of Appeals, may be continued for a period not to exceed three (3) years after enactment of the Zoning Code, whereupon such nonconforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.
(E) The foregoing provisions, in so far as these limit reconstruction or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure or use would be conforming under the Land Use Plan of the community as defined in Section 40-2-1.
(F) Requests for Variances With Regard to Mobile and Modular Homes. There will be no future placement of Mobile or Modular Homes in R-1 or R-2 Zones, but can be placed in R-3 Zone with permission of surrounding property owners. The Code Enforcement Officer will enforce this ordinance and can allow a request for a variance (all variances must be approved by the City Council) if proof of the following applies: Home applicant must prove family hardship. All requests other than hardship requests will be denied by the Carterville Codes Officer. (Ord. No. 1292-11; 06-14-11)

40-4-4 STREET FRONTAGE REQUIRED -- REAR DWELLINGS. No lot shall contain any building used as a dwelling unless it abuts at least thirty (30) feet on a street.

40-4-5 NUMBER OF BUILDINGS ON A LOT. Not more than one (1) principal detached residential building shall be located on a lot, nor shall a principal detached residential building be located on the same lot with any other principal building.
ACCESSORY BUILDINGS IN RESIDENCE DISTRICTS.

(A) No accessory building shall be erected in any required court, or in any yard other than a rear yard; nor shall it occupy more than thirty percent (30%) of a required rear yard. Accessory buildings shall be restricted to a single story structure and shall be distant at least three (3) feet from all lot lines of adjoining lots which are in any "R" District and at least six (6) feet from alley lines and from any other building or structure on the same lot.

(B) Where the natural grade of a lot at the front wall of the principal building is more than eight (8) feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within ten (10) feet of any street line, provided that at least one-half (1/2) of the height of such private garage shall be below the level of the yard or court.

(C) An accessory building may be erected as an integral part of the principal building or, if at least six (6) feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard and court requirements of this Code for a principal building are complied with.

(Ord. No. 967-99; 04-01-99)

REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING.

(A) Except when expressly permitted by special action of the City Council, no lot, yard, court, parking area, or other open space should be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this Code; nor should any building be reduced in area or dimension to less than the minimum required by this Code; except that is unnecessary hardship would be caused by the required dimension or areas, the property owner may apply, by letter, to the City Council requesting consideration. After the owner or occupant of property contiguous to that property being considered has been notified by certified hand-delivered letters of the date of regular or special meeting at which such consideration is to be made, and notice of a public meeting has appeared in an area newspaper, the applicant's name will be placed on the agenda for new business and the applicant will be notified to appear. If the City Council, after due consideration, wishes to change dimensions or areas of the property under consideration, it may do so by resolution requiring a two-thirds (2/3) vote of its elected membership.

(B) No required open space provided about any building or structure shall be included as part of any open space required for another building or structure. The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

WHEN COURTS ARE REQUIRED. If, in the opinion of the Building Inspector, any room in which persons were to live, sleep, or work, except storage rooms, would not be adequately lighted and ventilated from a street or from a required side or rear yard, a court conforming with the provisions of the Building Code shall be provided on which such rooms shall open. Any required court which is to serve rooms for residential purposes, other than a bathroom, toilet compartment, pantry, hall, closet, storage room or any accessory room not for living or sleeping, shall be an outer court.

CONVERSION OF DWELLINGS. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Zoning Code, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the section applying to such district.
40-4-10 TRANSITIONAL USES IN "R" DISTRICTS. In any "R-1", "R-2" District, a transitional use shall be permitted on a lot, the side lot line of which adjoins either directly or across an alley, any "B" or "M" District. The permitted transitional uses for any such lot in an "R-1" District shall be any use permitted in the "R-2" District for any such lot in an "R-2" District, any use permitted in the "R-3" District. In the case of any such lot in an "R-1" and "R-2" District, the requirement governing lot area per dwelling unit, off-street parking, yards and other open spaces should be the same as for the district respectively next listed in Article V. Any transitional use authorized under this Section shall not extend more than one hundred (100) feet from the side lot line of the lot abutting on the zoning district boundary line.

40-4-11 TRAFFIC VISIBILITY ACROSS CORNER LOTS. In any "R" District on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the "corner" so as to interfere with traffic visibility across the corner.

40-4-12 ESSENTIAL SERVICES. Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services from the application of the Zoning Code.

40-4-13 OFF-STREET PARKING AND LOADING. In any district, spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Article VI.

40-4-14 PENDING APPLICATIONS FOR BUILDING PERMITS. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of the Zoning Code, the construction of which, conforming with such plans, shall have been started prior to the effective date of the Zoning Code and completion thereof carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builder's control.

[NOTE: All rights granted under this Section have expired.]
ARTICLE V – ZONE DISTRICTS – PERMITTED USES

DIVISION I – “A-1” AGRICULTURAL DISTRICT

40-5-1 USES PERMITTED. The regulations set forth in this Code, when referred to in this Article, are the regulations in the “A-1” Agricultural District.

40-5-2 PERMITTED PRINCIPAL USES.
(A) Agriculture and agricultural buildings provided that no livestock shall be housed closer than two hundred (200) feet from any lot in any “R” District.
(B) Any buildings or structures occupied by or used for churches, Sunday schools, parish houses, public and parochial schools, public libraries, museums and similar public cultural uses, located not less than forty (40) feet from any other lot line in any “B” District.
(C) Open air recreational use such as parks and playgrounds.
(D) Essential services as defined in Section 40-2-1, and public service buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than forty (40) feet from any other lot in any “R” District.
(E) Cemeteries.
(F) Existing railroad rights-of-way, not including switching, storage, freight yards or sidings.
(G) Sale of nursery and greenhouse products where production or growth of products takes place on the premises.
(H) Country clubs, golf courses, swimming clubs and similar recreational uses provided that any principal or accessory building in connection therewith shall be located not less than two hundred (200) feet from any other lot in any “R” District.
(I) Farm dwellings and single-family non-farm dwellings.
(J) Billboard and signboards subject to the following restrictions:
   (1) No billboard or signboard shall be located within three hundred (300) feet of any “R” District.
   (2) No billboard or signboard shall be located within eighty (80) feet of a Federal or State Highway or within sixty (60) feet of any other public road.
   (3) No billboard or signboard shall contain more than three hundred (300) square feet of surface area nor be higher than twenty-five (25) feet above the average grade.
   (4) No billboard or signboard shall be located within five hundred (500) feet of an exit or entrance to a controlled access route.
   (5) Billboards or signboards may have constant or flashing illumination, provided that any such sign located in the direct line of vision of any traffic control signaling device shall not have contrasting or flashing intermittent illumination or red, green or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not project upon any part of an existing State or Federal Highway, existing residential structure or any “R” District.

40-5-3 SPECIAL PERMITS – BOARD OF APPEALS. A special permit may be granted by the Zoning Board of Appeals (for the following uses), after the appropriate public hearing has been held according to this Code.
(A) Sanitary landfills, in accordance with other applicable requirements and regulations provided that no such landfill shall be operated within one thousand three hundred twenty (1,320) feet of any “R” District.

Illinois Codification Services [2015]
**Carterville City Code**

**ZONING CODE 40-5-4**

(B) Mining, loading of coal, sand, or gravel, including equipment, buildings, or structures for washing, crushing, screening, mixing, or storage subject to the following conditions and restrictions:

1. No open pit or shaft shall be located less than five hundred (500) feet from any residence.
2. No open pit or shaft shall be located less than one thousand three hundred twenty (1,320) feet from any "R" District.
3. All buildings or structures for washing, crushing, screening, mixing, or storage shall be located not less than five hundred (500) feet from any residence and one thousand three hundred twenty (1,320) feet from any "R" District.
4. The operator of an open pit mine shall be required to furnish the Board with a topographic map for that area proposed for open pit mining and upon completion of the mining operation, shall replace the ground as near to the original topography as is possible.
5. A surety bond of a State of Illinois approved bonding company shall be posted with the Corporate Authorities equal to One Thousand Dollars ($1,000.00) an acre for the land to be open pit mined. Such bond shall be held until the mine operator has fulfilled the provisions of this Section, or has defaulted when such money shall be used by the Corporate Authorities to complete the provisions of this Section.
6. Oil wells and the storage of crude oil, provided that no such operation shall be conducted within two hundred (200) feet of any residence and five hundred (500) feet of any lot in an "R" District.

40-5-4 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including:

(A) Private garages or parking areas.
(B) Buildings and structures: accessory to agriculture uses including roadside stands selling produce grown on the premises, provided that such stands are located not less than fifty (50) feet from a street or highway right-of-way.

1. Signs accessory to roadside stands shall be limited to two (2) per lot with no sign being larger than ten (10) square feet and set back thirty (30) feet from the right-of-way. Such signs shall be less than fifteen (15) feet in height and pertain to agricultural products offered for sale and identification of such stand.

(C) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet, set back twenty (20) feet from any highway, street, or road.

(D) Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty (20) feet from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.

(E) Living quarters of persons employed on the premises.
(F) Office of a physician, dentist, lawyer, architect, engineer, accountant or insurance agent within his dwelling.

(G) Customary incidental home occupations such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, dancing or music school with more than one (1) pupil at any one (1) time, or similar activity carried on solely by resident occupants within their residence, subject to the following conditions:

That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings; that nothing not produced on the premises is sold or offered for sale; and that not display of goods or services pertaining to such is visible from the street, road or highway.
A sign or signs flat against a building appertaining to a nonconforming use on the premises, not exceeding in the aggregate fifty (50) square feet in area; except as may be authorized by the Board of Appeals.

40-5-5 **HEIGHT REGULATIONS.** No principal structure shall exceed two and one-half (2 ½) stories or thirty (30) feet in height, and no accessory structure shall exceed one (1) story or fifteen (15) feet in height, except as provided in Section 40-7-2.

40-5-6 **LOT AREA, FRONTAGE, YARD AND FLOOR AREA REQUIREMENTS.** The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Article VII, Sections 40-7-2 through 40-7-7, inclusive.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard Depth</th>
<th>Side Yard Width</th>
<th>Rear Yard Depth</th>
<th>Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 2 ½ stories</td>
<td>4 (acres)</td>
<td>300' (along State and Federal Highways)</td>
<td>80'</td>
<td>30'</td>
<td>100'</td>
</tr>
</tbody>
</table>

60' (along other public roads)

40-5-7 - 40-5-11 **RESERVED.**
Carterville City Code

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DIVISION II - "R-1" ONE-FAMILY RESIDENCE DISTRICT

40-5-12  USES PERMITTED. The regulations set forth in this Article or set forth elsewhere in this Code, when referred to in this Division, are the regulations in the "R-1" District, as follows.

40-5-13  PERMITTED PRINCIPAL USES.
(A) One-family detached dwellings.
(B) Any buildings or structures occupied by or used for churches, Sunday schools, parish houses, public and parochial elementary and secondary schools, public libraries, museums and similar public cultural uses, located not less than fifty (50) feet from any other lot line in any "R" District.
(C) Essential services as defined in Section 40-2-1, and municipal administrative or public service buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than fifty (50) feet from any other lot in any "R" District.
(D) Public and civic parks, playgrounds and community centers.
(E) Existing railroad rights-of-way, not including switching, storage, freight yards or sidings.
(F) Gardening and general farming, nurseries and greenhouses, including sale of produce grown on the premises, but not including chicken raising, hog raising, or other commercial animal raising, except nothing in this provision is intended to preclude the raising of pets.
(G) Country clubs, golf courses, swimming clubs, and similar recreational uses, provided that any principal or accessory building in connection therewith shall be located not less than one hundred (100) feet from any other lot in any "R" District.
(H) Static transformer stations, and booster or pressure regulating stations, without service yard or storage.
(I) No house trailer or modular home shall be allowed in "R-1" zoning district. House trailers and modular homes presently in an "R-1" zoned area are grandfathered. However, when a house trailer or modular home is removed for any reason, it cannot be replaced with another house trailer or modular home. (Exception: approved hardship case). (Ord. No. 1292-11; 06-14-11)

40-5-14  PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including:
(A) Private garages or parking areas.
(B) Living quarters of persons employed on the premises.
(C) Office of a physician, dentist, lawyer, architect, engineer, accountant or insurance agent within his dwelling.
(D) Customary incidental home occupations, such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one (1) pupil at one (1) time, or similar activity, carried on solely by resident occupants within their residence, subject to the following provisions:
That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily found in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street.
(E) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet in area, set back twenty (20) feet from any street.
(F) Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty (20) feet from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.
40-5-15  **HEIGHT REGULATIONS.** No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one (1) story or fifteen (15) feet in height, except as provided in Section 40-7-2.

40-5-16  **LOT AREA, FRONTAGE, YARD AND FLOOR AREA REQUIREMENTS.** The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive.

(A) **Lot Area.**
   (1) Fifteen thousand (15,000) square feet where neither public water or sewer is available.
   (2) Ten thousand (10,000) square feet where public water is available, with or without public sewer.
   (3) For any property that is subdivided, regardless of the availability of public water or sewer, each lot must contain at least fifteen thousand (15,000) square feet. (Ord. No. 1227-08; 11-11-08)

(B) **Front Yard Depth.** Thirty (30) feet.

(C) **Side Yard Width.** Ten (10) feet for each yard.

(D) **Rear Yard Depth.** Thirty (30) feet with public sewer.

(E) **Lot Requirements.** When there is no public sewer, a buried sand filter system is required, and the yard (side, front or rear) where the filter system is located must have a minimum of six hundred (600) square feet for a three (3) bedroom house and eight hundred (800) square feet for a four (4) bedroom house; also, there must be a like square footage for filter bed renewal.

(F) **Floor Area.** Twelve hundred (1,200) square feet.

(G) **Maximum Lot Coverage by Principal and Accessory Structures.** Twenty-five percent (25%).

40-5-17 - 40-5-22  **RESERVED.**
DIVISION III -- "R-2" ONE-AND-TWO FAMILY RESIDENCE DISTRICT

40-5-23 USES PERMITTED. The regulations set forth in this Article or set forth elsewhere in this Code, when referred to in this Division, are the regulations in the "R-2" District, as follows.

40-5-24 PERMITTED PRINCIPAL USES.
(A) Any use or structure permitted and as regulated in the "R-1" District, except as hereinafter modified.
(B) Two-family dwellings.
(C) Hospitals, sanitariums, and nursing homes not for contagious diseases or for epileptics, drug or liquor addicts, and institutions not for penal or correctional purposes or for the insane or feeble minded, provided that any such building shall be at least fifty (50) feet from any other lot in any "R" District; and other hospitals or sanitariums for human care provided that any such buildings used for the treatment of contagious diseases, the care of epileptics, drug addicts, the feeble minded or insane, shall be at least one hundred (100) feet from any other lot in any "R" District.
(D) Cemeteries.
(E) Parking areas for uses in an adjoining less restricted district, when abutting or directly across an alley, subject to the applicable conditions in Section 40-6-1.
(F) Written consent from the majority of adjacent property owners (no response from adjacent property owners following a written request will be considered as approval of request). (Ord. No. 1227-08; 11-11-08)
(G) Lot must meet all other requirements, setbacks, etc. (property that has been previously approved by the Board and are at the time that this Ordinance is entered properly zoned as of date of ordinance, are hereby exempt from said ordinance and are grandfathered.) (Ord. No. 1227-08; 11-11-08)
(H) No house trailer or modular home will be allowed in City "R-2" zoning. House trailers and modular homes presently in an "R-2" zoned area are grandfathered. However, when a house trailer or modular home is removed for any reason, it cannot be replaced with another house trailer or modular home. (Exception: approved hardship case). (Ord. No. 1292-11; 06-14-11)

40-5-25 SPECIAL PERMITS. When authorized by the Board of Appeals, the following special permits may be granted:
(A) Residence Development Projects. (See Section 40-6-7)
(B) Dwelling Groups. (See Section 40-6-6)

40-5-26 PERMITTED ACCESSORY USES. "R-1" Residence District accessory uses, as follows:
(A) Private garages or parking areas.
(B) Living quarters of persons employed on the premises.
(C) Office of a physician, dentist, lawyer, architect, engineer, accountant or insurance agent within his dwelling.
(D) Customary incidental home occupations, such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one (1) pupil at one (1) time, or similar activity, carried on solely by resident occupants within their residence, subject to the following provisions:
   That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily found in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street.
(E) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet in area, set back twenty (20) feet from any street.
Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty (20) feet from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.

**40-5-27**

**HEIGHT REGULATIONS.** No principal structure shall exceed two and one-half (2 ½) stories or thirty (30) feet in height, and no accessory structure shall exceed one (1) story or fifteen (15) feet in height, except as provided in Section 40-7-2.

**40-5-28**

**LOT AREA, FRONTAGE, LOT COVERAGE YARD AND FLOOR AREA REQUIREMENTS.** The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Lot Area</td>
<td>Eight thousand (8,000) square feet.</td>
</tr>
<tr>
<td>(B) Lot Width</td>
<td>Sixty (60) feet.</td>
</tr>
<tr>
<td>(C) Front Yard Depth</td>
<td>Thirty (30) feet.</td>
</tr>
<tr>
<td>(D) Side Yard Width</td>
<td>Ten (10) feet for each yard.</td>
</tr>
<tr>
<td>(E) Rear Yard Depth</td>
<td>Thirty (30) feet with City sewers; except where City sewers are not available, the yard in which the required buried sand filter sewage system is used, that yard shall have a minimum of six hundred (600) square feet for a three (3) bedroom, eight hundred (800) square feet for a four (4) bedroom house; also, there must be a like square footage for a filter bed renewal.</td>
</tr>
<tr>
<td>(F) Lot Area per Family</td>
<td>Four thousand (4,000) square feet.</td>
</tr>
<tr>
<td>(G) Floor Area</td>
<td>One thousand fifty (1,050) square feet per family for single-family and seven hundred (700) square feet for each family in a two-family residence.</td>
</tr>
<tr>
<td>(H) Maximum Lot Coverage by Principal and Accessory Structures</td>
<td>Thirty percent (30%).</td>
</tr>
<tr>
<td>(I) Rear Yard Depth</td>
<td>Six hundred (600) square feet for a three (3) bedroom, eight hundred (800) square feet for a four (4) bedroom house; also, there must be a like square footage for a filter bed renewal.</td>
</tr>
</tbody>
</table>

For any property that is subdivided, regardless of the availability of public water or sewer, each lot must contain at least fifteen thousand (15,000) square feet. (Ord. No. 1227-08; 11-11-08)

**40-5-29 - 40-5-33** **RESERVED.**
DIVISION IV – "R-3" MULTI-FAMILY RESIDENCE DISTRICTS

40-5-34 USES PERMITTED. The regulations set forth in this Article or set forth elsewhere in this Code, when referred to in this Division, are the regulations in the "R-3" District, as follows.

40-5-35 PERMITTED PRINCIPAL USES.
(A) hereinafter modified.
(B) Dwellings for any number of families.
(C) Boarding and lodging houses providing one hundred fifty (150) square feet of floor area for each occupant.
(D) Kindergartens, day nurseries, or nursery schools, provided that any play lot used in connection therewith be surrounded by a fence not less than three (3) feet in height.
(E) Private clubs and lodges.
(F) Tourist homes; motels or motor hotels on lots abutting on State or Federal Highways, subject to the applicable provisions of Section 40-6-9.
(G) Office of civic, religious or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering services on the premises.
(H) Physicians' and dentists' offices and private clinics for human care, professional offices of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises.
(I) Written consent from the majority of adjacent property owners (no response from adjacent property owners following a written request will be considered as approval of request). (Ord. No. 1227-08; 11-11-08)
(J) Lot must meet all other requirements, setbacks, etc. (property that has been previously approved by the Board and are at the time that this Ordinance is entered are properly zoned as of date of ordinance, are hereby exempt from said ordinance and are grandfathered.) (Ord. No. 1227-08; 11-11-08)
(K) Modular homes and house trailers will only be permitted in "R-3" zoning. All house trailers and modular homes planning to be set in "R-3" zones will have to get one hundred percent (100%) written approval from adjoining property owners within three hundred (300) feet of the proposed placement. All house trailers and modular homes will be placed on a permanent type foundation (concrete or brick) with the tie-downs mandated by law (where applicable). (Ord. No. 1292-11; 06-14-11)

40-5-36 SPECIAL PERMITS. When authorized by the Board of Appeals, the following special permits may be granted:
(A) "R-2" Residence District Board of Appeals Uses.

40-5-37 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including "R-2" Residence District accessory uses:
(A) Private garages or parking areas.
(B) Living quarters of persons employed on the premises.
(C) Office of a physician, dentist, lawyer, architect, engineer, accountant or insurance agent within his dwelling.
(D) Customary incidental home occupations, such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one (1) pupil at one (1) time, or similar activity, carried on solely by resident occupants within their residence, subject to the following provisions:
That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily found in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street.

(E) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet in area, set back twenty (20) feet from any street.

(F) Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty (20) feet from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.

40-5-38 HEIGHT REGULATIONS. No principal structure shall exceed six (6) stories or seventy-five (75) feet in height, at required front, side and rear yard line, other than as provided in Section 40-7-2, except that one (1) foot may be added to the height permitted at said yard lines for each one (1) foot that the building is set back from the required yard lines.

40-5-39 LOT AREA, FRONTAGE, LOT COVERAGE YARD AND FLOOR AREA REQUIREMENTS. The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive.

(A) Lot Area. Five thousand five hundred (5,500) square feet.

(B) Lot Width. Sixty (60) feet.

(C) Front Yard Depth. Thirty (30) feet.

(D) Rear Yard Depth. Thirty (30) feet with City sewers; except where City sewers are not available, the yard in which the required buried sand filter sewage system is used, that yard shall have a minimum of six hundred (600) square feet for a three (3) bedroom house, eight hundred (800) square feet for a four (4) bedroom house; also, there must be a like square footage for a filter bed renewal.

(E) Side Yard Width. Ten (10) feet for each yard.

(F) Lot Area per Family. Three thousand (3,000) square feet.

(G) Floor Area. Nine hundred (900) square feet for one-family residence; six hundred (600) square feet for each family in a two-family residence; and three hundred fifty (350) square feet for each family in a multi-family residence.

(H) Maximum Lot Coverage by Principal and Accessory Structures. Thirty-five percent (35%).

(I) For any property that is subdivided, regardless of the availability of public water or sewer, each lot must contain at least fifteen thousand (15,000) square feet. (Ord. No. 1227-08; 11-11-08)

40-5-40 - 40-5-44 RESERVED.
DIVISION V—"B-1" SECONDARY BUSINESS DISTRICTS

40-5-45 USES PERMITTED. The regulations set forth in this Article, or as set forth elsewhere in this Code, when referred to in this Division are the regulations in the "B-1" District, as follows.

40-5-46 PERMITTED PRINCIPAL USES.

(A) "R-3" District residential uses or structures.

(B) Any retail business establishment, supplying commodities primarily for residents of the surrounding residential area or to persons in vehicles passing in front of an establishment, such as appliance store, auto accessory store, bakery shop, book or stationery store, camera or photography shop, candy or ice cream store, drug store, fabric shop, floor covering store, florist shop, furniture store, gift shop, grocery store, clothing store, hardware or paint store, hobby shop, jewelry store, meat market, motor fuel station, subject to the conditions stipulated in Section 40-6-5, restaurant or bar, shoe store, variety store, motels or motor hotels, liquor store, second-hand store and rummage shop, heating and air-conditioning shop, plumbing shop, electrical shop, sheet metal shop, drive-in, trailer sales, automobile and truck sales with minor repair, bowling alley, pool or billiard hall, animal hospital and the like.

(C) Any service establishment such as a bank or other financial enterprise, barber or beauty shop, business or professional office, funeral home and self-service laundry.

(D) Billboards and signboards subject to the same height and location requirements as stated in Sections 40-5-48 and 40-5-49 for all structures and also subject to the following conditions and restrictions in "B-1" Districts:

1. No billboard, signboard, or similar advertising sign should be located at an intersection so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.

2. No billboard, signboard, or similar advertising sign should be located within fifty (50) feet of any lot in an "R-1" District or within forty (40) feet of any lot in any "R-2" or "R-3" District.

3. No billboard, signboard or similar sign should be constructed or located so that it will unreasonably interfere with the use and enjoyment of adjoining or abutting property.

(E) Written consent from the majority of adjacent property owners (no response from adjacent property owners following a written request will be considered as approval of request). (Ord. No. 1227-08; 11-11-08)

(F) Lot must meet all other requirements, setbacks, etc. (property that has been previously approved by the Board and are at the time that this Ordinance is entered are properly zoned as of date of ordinance, are hereby exempt from said ordinance and are grandfathered.) (Ord. No. 1227-08; 11-11-08)

40-5-47 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including "R-3" Residence District accessory uses:

(A) Private garages or parking areas.

(B) Living quarters of persons employed on the premises.

(C) Office of a physician, dentist, lawyer, architect, engineer, accountant, or insurance agent within his dwelling.

(D) Customary incidental home occupations, such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one (1) pupil at one (1) time, or similar activity, carried on solely by resident occupants within their residence, subject to the following provisions:

That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily found in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street.

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(E) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet in area, set back twenty (20) feet from any street.

(F) Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty (20) feet from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.

(G) Other accessory uses customarily incidental to a permitted principal use, including signs integral with or attached flat against a building. Projecting signs located not less than ten (10) feet above average grade and not extending more than ten (10) feet from any building to which they are attached. The total gross area of all signs on a lot should not exceed two (2) times the lineal frontage of the lot.

40-5-48 **HEIGHT REGULATIONS.** No principal structure shall exceed two (2) stories or twenty-five (25) feet in height, and no accessory structure should exceed two (2) stories or thirty (30) feet in height, except as provided in Section 40-7-2.

40-5-49 **LOT AREA, FRONTAGE, AND LOT COVERAGE REQUIREMENTS.** The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive.

<table>
<thead>
<tr>
<th></th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard Width</th>
<th>Side Yard Depth</th>
<th>Rear Yard Width</th>
<th>Lot Coverage (Maximum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dwellings</td>
<td>Other</td>
<td>Dwellings</td>
<td>Other</td>
<td>Other</td>
<td>Other</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Permitted</td>
<td></td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td></td>
<td>10,000</td>
<td>100'</td>
<td>40'</td>
<td>None</td>
<td>20'</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>(sq. ft.)</td>
<td></td>
<td></td>
<td>(except where</td>
<td></td>
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<tr>
<td></td>
<td></td>
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<td></td>
<td>adjacent to</td>
<td></td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td>&quot;R&quot; District,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>then 15')</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

40-5-50 - 40-5-55 **RESERVED.**
DIVISION VI – "B-2" PRIMARY BUSINESS DISTRICTS

40-5-56 USES PERMITTED. The regulations set forth in this Article or as set forth elsewhere in this Code when referred to in this Division, are the regulations in the "B-2" District, as follows.

40-5-57 PERMITTED PRINCIPAL USES.
(A) "B-1" Business District uses.
(B) Bus terminal.
(C) Business or trade schools.
(D) Cabinet shop, electrical, heating, air-conditioning or plumbing shop, furniture, upholstering shop only when operated in conjunction with a retail business on the premises; printing, publishing, engraving or lithographing shop, laundry and dry-cleaning shop, and similar establishments, but not within one hundred (100) feet of any "R" District.
(E) Dance hall, bar, or cocktail lounge, night club, and similar enterprises, but not within one hundred (100) feet of any "R" District.
(F) Department stores.
(G) Hotels.
(H) Meeting halls, clubs and fraternal organizations.
(I) Music and dancing studios.
(J) Public parking lots, customer and other accessory parking areas, subject to the applicable provisions of Article VI.
(K) Radio and other wireless broadcasting stations or studios, not including transmitting towers.
(L) Other business, professional or service establishments, or retail or wholesale business, except the uses first permitted in the "M-1" District, unless authorized by the Board of Appeals as provided hereinafter, under Section 40-5-58 and except such as are expressly prohibited hereinafter under Section 40-5-60.

40-5-58 SPECIAL PERMITS. When authorized by the Board of Appeals, the following special permits may be granted:
(A) Automobile sales, service and storage garages, subject to the provisions of Section 40-6-5. Drive-in sales or service establishments requiring vehicular access across a public sidewalk, in such locations where interference with the conduct of retail business on adjoining or adjacent premises or hazard to pedestrians will be minimized.
(B) Any of the uses permitted in the "M-1" District, under the conditions and limitations specified in such district, and subject to such further conditions and limitations in regard to amount of floor area to be occupied by mechanical equipment and in other respects as the Board may consider necessary to safeguard against features which may become objectionable in a "B-2" Business District.

40-5-59 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including:
(A) "B-1" Business District accessory uses.
(B) Other accessory uses customarily incidental to a permitted use.

40-5-60 PROHIBITED USES. The following uses are hereby prohibited in the "B-2" District:
(A) Any commercial or manufacturing use which may become noxious or offensive in a "B-2" Business District.
(B) Motor Fuel Stations and Fuel Storage Tanks.
(C) Use Car Lots.
**Height Regulations.** No structure shall exceed in height two (2) times that distance measured from the center of the street to the supporting wall of the building nearest the street, except as provided in Section 40-7-2.

**Yard Requirements.** The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive.

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>Front Yard Depth</th>
<th>Side Yard Widths Each</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None</td>
<td>None, except adjacent &quot;R&quot; District, then, same as &quot;R&quot; District</td>
<td>10', except adjacent &quot;R&quot; District, then same as &quot;R&quot; District</td>
</tr>
</tbody>
</table>

**Reserved:**

40-5-63 - 40-5-67 **Reserved.**
DIVISION VII – "M-1" LIGHT INDUSTRIAL DISTRICTS

40-5-68 USES PERMITTED. The regulations set forth in this Article, or as set forth elsewhere in this Code, when referred to in this Division, are the regulations in the "M-1" District, as follows.

40-5-69 PERMITTED PRINCIPAL USES.

(A) Any use or structure permitted and as regulated in the "B-2" District, except as hereinafter modified.

(B) Builder's or contractor's plant or storage yard, building material sales and storage yard, including concrete mixing, lumber yard, including millwork, open yard for storage and sale of feed or fuel, if located not less than one hundred (100) feet from any "R" District, provided any such operations are enclosed by a solid wall or fence not less than six (6) feet in height.

(C) Sewage disposal plant, when operated by the municipality.

(D) The following uses, provided no part of a building occupied by such uses shall have any openings other than stationary windows or required fire exits within one hundred (100) feet of any "R" District:

1. Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.

2. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

3. Carpenter, electrical, heating, ventilating, plumbing or sheet metal shop, furniture repair or upholstering shop, laundry and clothes cleaning or dyeing establishment, printing or publishing plant.

4. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products including light meat packing, canning, milk products and the like, but excluding fish products, slaughter houses, sauerkraut, vinegar, yeast, and rendering and refining of fats or oils.

5. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared material: bone canvas, cellophane, cloth, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, rubber, sheet metal, including stamping or welding shop [except where presses over twenty (20) tons rated capacity are employed], shell, textiles, tobacco, wax, wood and yarn.

6. The manufacture of ceramic products, using only previously pulverized clay, and kils fired only by electricity or gas.

7. The manufacture of musical instruments, toys, novelties, rubber or metal stamps, and other small molded rubber products.

8. The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.

9. The manufacture of ice; cold storage plant; creamery and bottling plant.

10. The manufacture or assembly of small tools, dies or jigs.

11. Laboratory – experimental, film, or testing.

12. Cabinet shops and other wood-working shops.

13. Railroad freight stations, trucking or motor freight terminals, but not within one hundred (100) feet of any other lot in any "R" District.

14. Any other use that is determined by the Board of Appeals to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in an "M-1" District.
40-5-70 **PERMITTED ACCESSORY USES.** Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including:

(A) "B-2" Business District accessory uses.

(B) Other accessory uses customarily incidental to a permitted use.

40-5-71 **SPECIAL PERMITS.** When authorized by the Board of Appeals, any use not prohibited by law may be permitted, but only when necessary incidental accessory to a permitted principal use, except one which may become noxious or offensive in an "M-1" District.

40-5-72 **PROHIBITED USES.** The following are hereby prohibited uses in this District:

(A) Dwellings, except for watchman or caretaker on the premises.

(B) Schools, hospitals, clinics and other institutions for human care, except when incidental to a permitted principal use.

(C) Any use first permitted or prohibited in the "M-2" Industrial District.

40-5-73 **YARD REQUIREMENTS.** The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive.

<table>
<thead>
<tr>
<th>Height of Permitted Uses</th>
<th>Front Yard Depth</th>
<th>Side Yard Widths Each</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 3 stories or 50' in height</td>
<td>30'</td>
<td>None, except adjoining &quot;R&quot; District, then same as &quot;R&quot; District.</td>
<td>40'</td>
</tr>
<tr>
<td>Greater than 3 Stories</td>
<td>60% of building height</td>
<td>(same as above)</td>
<td>40'</td>
</tr>
</tbody>
</table>
ARTICLE VI – SPECIAL PROVISIONS

40-6-1 OFF-STREET PARKING AREAS AND LOADING SPACES.

(A) In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space accessible from an alley, easement of access, or, when there is no such alley or easement of access, from a street, plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet. Such space may occupy all or any part of any required rear yard or court space.

(B) In all districts, except “B-2”, off-street accessory parking area, in the open or in a garage shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of “R” Districts and for dwellings in other districts shall be on the premises intended to be served; and in the case of other districts, and in connection with uses other than dwellings, such areas shall be on the premises intended to be served or on adjoining or nearby property within one hundred (100) feet of any part of said premises and in the same or a less restricted district.

40-6-2 NUMBER OF PARKING SPACES REQUIRED. The following spaces shall be required:

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile or Machinery Sales and Service Garage</td>
<td>1 for each 1,000 sq. ft. of floor area, plus 1 for each full-time employee</td>
</tr>
<tr>
<td>Banks, Business and Professional Office</td>
<td>1 for each 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>3 for each alley</td>
</tr>
<tr>
<td>Churches</td>
<td>1 for each 4 seats in principal auditorium</td>
</tr>
<tr>
<td>Schools</td>
<td>1 for each 4 seats in principal gym</td>
</tr>
<tr>
<td>Convenience Stores – Drug, Grocery, Hardware, Package Liquor and Similar Stores</td>
<td>1 for each 300 sq. ft. of floor area devoted to sales, plus 1 for each full-time employee</td>
</tr>
<tr>
<td>Dance Halls and Assembly Halls without fixed seats</td>
<td>1 for each 50 sq. ft. of floor area used for assembly or dancing</td>
</tr>
<tr>
<td>Drive-in Eating Establishments</td>
<td>Not less than 1/3 of the total ground area devoted exclusively to parking and access ways</td>
</tr>
<tr>
<td>Dwellings</td>
<td>2 for each dwelling unit</td>
</tr>
<tr>
<td>Food Pick-up Establishments</td>
<td>Minimum of 1, plus 1 for each 100 sq. ft. of floor Area</td>
</tr>
<tr>
<td>Funeral Homes, Mortuaries</td>
<td>5 per chapel room or parlor or 1 per 50 sq. ft. of Rooms used for services, whichever is greater</td>
</tr>
</tbody>
</table>

Illinois Codification Services [2015]
### Carterville City Code

**ZONING CODE 40-6-3**

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospitals, Nursing Homes and Similar Care Centers</td>
<td>1 for each 5 beds, plus 1 for each 2 doctors and employees</td>
</tr>
<tr>
<td>Hotels, Clubs and Lodging Houses</td>
<td>1 for each 2 bedrooms</td>
</tr>
<tr>
<td>Manufacturing Plants, Research or Testing Laboratories, Bottling Plants</td>
<td>1 for each 3 employees on maximum working shift</td>
</tr>
<tr>
<td>Medical or Dental Clinics</td>
<td>1 for each 200 sq. ft. of floor area, plus 1 for each full-time employee and 1 for each doctor</td>
</tr>
<tr>
<td>Motels or Motor Hotels</td>
<td>1 for each unit, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td>Motor Fuel Stations</td>
<td>1 for each employee on duty, plus 2 for each service bay</td>
</tr>
<tr>
<td><strong>Service Establishments</strong></td>
<td></td>
</tr>
<tr>
<td>Barber Shops</td>
<td>2 for each chair, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td>Beauty Shops</td>
<td>1 for each dryer, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td>Coin-operated laundries and/or Dry-cleaning establishments</td>
<td>1 for each 3 washers and/or cleaning machines, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 for each 3 seats, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td>Shopper's Goods – Appliance, Household Equipment, Furniture and Similar Stores</td>
<td>1 for each 500 sq. ft. of floor area, plus 1 for each full-time employee</td>
</tr>
<tr>
<td>Taverns or Bars</td>
<td>1 for each 2 seats, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 for each 4 seats</td>
</tr>
<tr>
<td>Wholesale Establishments</td>
<td>1 for each 4 employees on maximum working shift</td>
</tr>
</tbody>
</table>

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned should apply.

**40-6-3 UNITS OF MEASUREMENT.** The method of determining the number of parking spaces shall be as follows:

(A) **Parking Space.** Each parking space shall be no less than eight and one-half (8 1/2) feet wide and twenty (20) feet long, or not less than one hundred seventy (170) square feet in area exclusive of access drives or aisles and in no case, shall any portion of the public right-of-way be used for required off-street parking.
(B) **Loading Space.** Each loading space shall not be less than ten (10) feet wide, forty (40) feet in length and fourteen (14) feet in height, exclusive of access and turning areas.

(C) **Floor Area.** In the case of offices, merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or restrooms, for utilities, or for dressing rooms, fitting or alteration rooms.

(D) **Hospital Bassinets.** In hospitals, bassinets should not be counted as beds.

(E) **Benches in Place of Public Assembly.** In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Code.

40-6-4 **STANDARDS AND EXCEPTIONS.**

(A) **Development Standards.** Off-street accessory parking areas shall be of usable shape, and shall be improved in accordance with requirements of the community with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

(B) **Exceptions.** The Board of Appeals may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements, if it shall find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver.

40-6-5 **GARAGES AND MOTOR FUEL STATIONS.**

(A) No building, structure or premises shall be used, erected, or altered which is intended or designed to be used as a public garage, automobile repair shop or motor fuel station, having an entrance or exit for vehicles in the same block-front and within two hundred (200) feet of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrance or exit shall be located within the same block-front and within twenty (20) feet of any "R" District; nor shall any part of such public garage, automobile repair shop or motor fuel station be located within one hundred (100) feet of any building or grounds of any of the aforesaid public or institutional uses.

(B) Motor fuel stations shall be subject to such further regulations as may be established by ordinance in respect to number of pumps, hours of operation, fencing or screening, lighting, pavement, curbs, and in other respects.

40-6-6 **DWELLING GROUPS.**

(A) In the case of a project consisting of a group of two (2) or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this Code to the individual building units in such project, the applying of such requirements to such project shall be done by the Board of Appeals in a manner that will insure substantially the same character of occupancy, maximum intensity of use, and minimum standard of open spaces as suggested by this Code in the district in which the proposed project is to be located.

(B) In no case shall be Board authorize a use or a building height prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required under this Code in such district. Nor shall the Board authorize a building coverage exceeding that which would be obtained were the same area to be developed by the customary subdivision thereof into streets and lots in conformance with the Subdivision Code and by the type of buildings customary in the district and in compliance with the requirements of this Code.
40-6-7 RESIDENCE DEVELOPMENT PROJECTS. A Residence Development Project consisting of any number of buildings, the contemplated arrangement of which make is impossible to apply the requirements of this Code to the individual buildings, may be authorized by the Board of Appeals in districts in which such projects are permitted by this Code. In so doing, the Board shall first refer the plans for such project to the Planning Commission for study, public hearing and report upon finding that the plans of such project meet the following conditions:

(A) That the tract of land on which the project is to be erected comprises at least five (5) acres, unless comprising an entire block.

(B) That the buildings are to be used only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.

(C) That the average lot area per family of dwelling unit on the site, exclusive of the area occupied by streets, will not be less than eighty percent (80%) of the lot area per family required in the district in which the project is to be located.

(D) That there is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas as specified in Section 40-6-1.

(E) That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be housed therein.

(F) That the proposed project will constitute a residential environment of sustained desirability and stability; that is, will be in harmony with the character of the surrounding neighborhood and insure substantially the same type of occupancy as obtained or may be expected to be obtained in said neighborhood; that it will result in intensity of land utilization no higher and standards of open spaces at least as high as permitted or specified in this Code in the district in which the project is to be located.

(G) That the project will be consistent with the intent and purpose of this Code to promote public health, safety and general welfare.

40-6-8 TRAILERS. Except as provided in a trailer code, the parking of a trailer other than a temporary office incidental to construction on or development of the premises on which it is located in any district for forty-eight (48) hours or longer is prohibited, except for small utility trailers and except that one (1) trailer may be parked or stored on the premises, provided that no living quarters shall be maintained or any business conducted in connection therewith while such trailer is parked or stored without written permission from the City Council.

40-6-9 MOTELS OR MOTOR HOTELS.

(A) No vehicular entrance to or exit from any motel, or motor hotel, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.

(B) Sanitary regulations and such regulations as may otherwise be required by law, shall be complied with in addition to the following:

(1) Any lot to be used for a motel or motor hotel shall be not less than fifteen thousand (15,000) square feet in area, and shall contain not less than one thousand (1,000) square feet per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than twenty-five percent (25%) of the area of the lot.

(2) All areas used for automobile access and parking shall comply with the provisions of Section 40-6-4.

(3) All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

(4) No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.
40-6-10 FENCES: CONSTRUCTION, PLACEMENT, PERMIT FEES, ETC.

(A) Fees. For any property owner who wishes to construct a fence after the date this Section is enacted, they shall contact City Hall to obtain a permit and pay the permit fee of Twenty Dollars ($20.00). The requirement for the construction of fences shall meet the regulations set forth below:

(1) Height Limitations. A fence constructed on residential property in the front yard, side yard and corner lots shall be no more than forty-eight (48) inches (4 feet) in height. A fence constructed in side and rear yards shall be no more than seventy-two (72) inches (6 feet) in height. The Building Inspector will have some flexibility to approve the measured height of the fence.

(2) Replacement of Existing Fence. The Building Inspector is authorized to approve replacement of an existing fence design that does not meet the current ordinance.

(B) Construction and Placement. The construction and place of fences on residential and commercial property shall be as follows:

(1) Setback. The fence shall be set back twelve (12) inches (1 foot) from the front property lines in the front yard as defined by existing Zoning Code. The Building Inspector can approve replacement of existing fence if not all fence is replaced or new added on to existing fence.

(2) Setback, Side Yard Adjoining Street. The fence shall be set back twelve (12) inches (1 foot) from the side lot line and there shall be no setback for all other side and rear property lines.

(3) The higher quality and/or side without posts must face adjoining properties and the fence must be designed and constructed to withstand winds during typical Illinois storm events.

(C) Materials. The materials used to build the fence must be durable, weather resistant, rust proof, and easily maintained. Acceptable materials include wrought iron, vinyl, chain link and wood. All fences must be kept in good condition, plumb, true, and without damage. Any fences being made with brick, stone, stucco, wire, any and all other masonry and others of a similar look, must be submitted for approval by the City Council whether the fence be constructed in the front, back or side yard. The Building Inspector can approve wire fencing without Council approval.

Any fence located in the front yard must have at least fifty percent (50%) visibility through the fencing material. The Building Inspector is authorized to approve the fence with twenty percent (20%) more or less visibility.

(D) Variance. Any individual can request from the City of variance from this Section, if said fence does not meet the provisions of this Section.

(E) Locating the Property Line. A survey is not required for fences or other construction projects, but the City encourages residents to be aware of their property lines. Residents may attempt to locate corner lot pins or hire a registered land surveyor to locate and replace any missing pins and also to locate any easements. The City will not locate property lines for the property owner. Any disputes regarding fence or structure placement and private property lines are considered civil matters and must be resolved between property owners without City intervention. Questions regarding property rights including encroachment, access, and maintenance issues should be directed to a personal attorney.

(F) Visibility Triangle. This Section does not supersede the current Ordinance on setbacks for visibility and said Ordinance remains in full force and effect.

(G) Violation. The property owner, upon being notified by the City that their fence is in violation of this Section, shall take the necessary steps to correct said violation within thirty (30) days of notification of same. If the property owner does not remedy this situation by conforming the fence to the specifications in this Section, as described above within the thirty (30) day time frame, then said property owner shall be fined.

(H) Fines. Anyone in violation of this Section shall be subject to a fine in the amount of no less than One Dollar ($1.00) to no more than Five Hundred Dollars ($500.00), which shall compound upon each thirty (30) day time frame that the property owner does not comply with this Section.

(Ord. No. 1382-15; 07-14-15)
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ARTICLE VII – ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

40-7-1 HEIGHT LIMITS, LOT AREA, YARDS. The requirements and regulations specified hereinbefore in this Code shall be subject to the additional requirements, exceptions, modifications and interpretations in this Article.

40-7-2 HEIGHT LIMITS. Height limitations stipulated elsewhere in this Code shall not apply:
(A) To barns, silos or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if, in the opinion of the Building Inspector, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized, except by the Board of Appeals.
(B) To places of public assembly, such as churches, schools, and other permitted public and semi-public buildings, not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
(C) To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, as holders or other structures, where the manufacturing process requires a great height. Where a permitted use requires, greater heights than specified may be authorized by the Board of Appeals.

40-7-3 LOT AREA REQUIREMENTS.
(A) Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of the Zoning Code, the owner of which does not own any adjoining property, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Appeals as set forth hereinafter under Article IX.
(B) Lots Unserved by Sewer or Water. In any district, where neither public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirements should be a minimum of fifteen thousand (15,000) square feet, and a width of one hundred (100) feet; provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet, and seventy-five (75) feet, respectively; provided further that the Bi-County Health Department, State of Illinois, or any other agency designated by the City Council has certified that the said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

40-7-4 LOT AREA PER FAMILY – CORNER LOT. On a corner lot, for the purpose of determining the lot area per family, one and one-half (1 ½) of the width of the abutting side street may be included in computing the area of the lot, provided that the area gained thereby shall not exceed twenty-five percent (25%) of the lots itself.

40-7-5 FRONT YARD EXCEPTIONS AND MODIFICATIONS.
(A) Front Yard Requirements Do Not Apply. To bay windows or balconies occupying in the aggregate not more than one-third (1/3) of the front wall; to fences, chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches or similar features not over three (3) feet high above the average finished grade and distant five (5) feet from every lot line.
(B) Lot Depth. In any district where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block-front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" District shall be at least ten (10) feet and need not exceed sixty (60) feet.

40-7-6 SIDE YARD EXCEPTIONS AND MODIFICATIONS.

(A) Restricted District - Abutting Side Yard. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a width equal to that required in the more restricted district; and in a "B-2" or "M" District, on a lot abutting a lot in any "R" District shall be increased by three (3) feet for each story over such limiting height.

(B) Side Yards May be Reduced, by ten percent (10%) from the otherwise required least width of each side yard on a lot of record at the time of enactment of the Zoning Code if narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half (2 1/2) stories, and in case the owner of record does not own any adjoining property; provided, however, that no side yard shall be narrower at any point than three (3) feet.

(C) Side Yards May be Measured to the Center Line of Adjoining Alleys; but in no case shall a building or structure for which a side yard is required be erected within three (3) feet.

(D) On a Corner Lot; the least width of a side yard shall be equal to the required front yard along the side street.

(E) Accessory Building. No part of any accessory building shall be nearer a side street lot line than the least depth of any front yard required along such side street.

(F) Side Yards May be Varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, in which case, the average width of the side yard shall not be less than the otherwise required width; provided, however, that such side yard shall not be narrower at any point than one and one-half (1 1/2) of the otherwise required width, or narrower than five (5) feet in any case.

(G) Structures or Projections Into Side Yards May be Permitted as Follows.

Fences, planting or walls shall be permitted except that such projections and structures may not be erected so as to obstruct necessary vision of sidewalks and roadways, in order to insure the safe passage of pedestrians and vehicular traffic. All determinations as to whether any projections or structures are in compliance with the provisions of this Section shall be made by the City Building Inspector.

(1) Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than one and one-half (1 1/2) feet.

(2) Terraces, steps, uncovered porches, stoops or similar features, not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.

(Ord. No. 503-87; 08-10-87)

40-7-7 REAR YARD EXCEPTIONS AND MODIFICATIONS.

(A) Rear Yards May be Reduced by ten percent (10%) from the required least depth on a lot which, at the time of enactment of the Zoning Code, is less than one hundred (100) feet deep, in the case of a building not higher than two and one-half (2 1/2) stories, and in case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than ten (10) feet deep.

(B) Rear Yards May be Measured to the Center Line of Adjoining Alley, but in no case should a building or structure be erected within six (6) feet of such an alley.

(C) Structures or Projections Into Rear Yards May be Permitted as Follows.

Fences, planting or walls shall be permitted except that such projections and structures may not be erected so as to obstruct necessary vision of sidewalks and roadways, in order to insure the safe passage of pedestrians and vehicular traffic. All determinations as to whether any projections or structures is in...
compliance with the provisions of this Section shall be made by the City Building Inspector. Fire escapes, six (6) feet from the building. Bays and balconies, not more than three (3) feet from the building. (Ord. No. 503-87; 08-10-87)

1. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than one and one-half (1 1/2) feet.

2. Terraces, steps, uncovered porches or similar features not more than ten (10) feet into a required rear yard, not closer than six (6) feet of an alley or within ten (10) feet of a rear lot line, not an alley lot line, or within six (6) feet of an accessory building.

D. Fences and walls may be built on (side and rear) property lines except that such projections and structures may not be erected so as to obstruct necessary vision of sidewalks and roadways, in order to insure the safe passage of pedestrians and vehicular traffic. All determinations as to whether any projections or structures are in compliance with the provisions of this Section shall be made by the City Building Inspector. (Ord. No. 503-87; 08-10-87)
ARTICLE VIII – SWIMMING POOLS

40-8-1 REGULATIONS.
(A) For any property owner or individuals residing in the City, who wish to install a swimming pool after the date of this Article is enacted, they shall contact City Hall to obtain a permit and pay the permit fee of Twenty Dollars ($20.00). However, for said property owners who wish to install a fence around their property, as well as a swimming pool, the City has agreed to waive the payment of the swimming pool fee of Twenty Dollars ($20.00).
(B) Swimming pools, where permitted, shall be subject to the following provisions and shall conform to the requirements of an accessory use. The top of the pool must be at least forty (40) inches above ground level, unless it is an in ground pool which would require a fence.
(C) Any swimming pools installed after the date of this Article shall comply with City codes and shall not be placed in such a position as to obstruct visibility on any public right of way road.
(D) Surrounding each swimming pool there shall be erected an enclosure fence which shall be at least four (4) feet in height. A wall of at least four (4) feet in height is sufficient for one (1) or more sides of the enclosure. A screened-in patio area completely enclosing a pool shall be considered an appropriate enclosure. The exception being that should the above ground pool be above the level of the ground to at least forty (40) inches then no fence shall be required.
(E) The gates of the required fence shall be self-closing and have self-latching latches. The fence shall be so constructed as to not allow a five (5) inch diameter sphere to pass through the fence.
(F) No pool, the construction of which is completed after the effective date of this Article, shall be filled with water of a depth of two (2) feet or more until the enclosure required by this Section has been provided.
(G) The enclosure required by this Section shall be installed around all applicable existing pools no later than May 1, 2015.
(H) The pools shall be maintained in a reasonable state of repair and condition and water shall not be allowed to become stagnant.
(I) Violation. The property owner, upon being notified by the City that their pool is in violation of this Article, shall take the necessary steps to correct said violation within thirty (30) days of notification of same. If the property owner does not remedy this situation by conforming the pool or surrounding fence to the specifications in this Article, as described above within the thirty (30) day time frame, then said property owner shall be fined.
(J) Fines. Anyone in violation of said Article shall be subject to a fine in the amount of no less than One Dollar ($1.00) to no more than Five Hundred Dollars ($500.00), which shall compound upon each thirty (30) day time frame that the property owner does not comply with said Article.
(Ord. No. 1362-14; 08-26-14)

40-8-2 SUBDIVISION COVENANTS. Covensants between developers and property owners in subdivisions developed prior to July 31, 1980, shall be honored by the City.
ARTICLE IX - BOARD OF ZONING APPEALS

40-9-1 CREATION. The "Board", when used in this Code shall be construed to mean the Board of Zoning Appeals. The Board shall consist of seven (7) members appointed by the Mayor, by and with the consent of the City Council. The terms of office shall be five (5) years. The Chairman of the Board shall be appointed by the Mayor with the consent of the City Council, and shall hold office until his term of appointment expires or until removed from office by a majority vote of all the Aldermen.

40-9-2 MEETINGS. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman or any two (2) members, or at such times as the Board may determine. All hearings conducted by the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or in absence or failing to vote, indicating such fact, and shall also keep records of its hearings and other officials actions. Findings of fact shall be included in the minutes of each case of a requested variation, special permit or planned building development and the reason for granting or denying such application shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement and interpretation, decision or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Code or with Illinois Statutes.

40-9-3 APPEALS. An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the building or zoning official to this Code. Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the building and zoning official and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building and zoning official shall thereupon transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of action appealed from, unless the building and zoning official certifies to the Board of Zoning Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a Court of Record on application, or notice to the building and zoning official and on due cause shown. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper to the premises.

40-9-4 POWERS AND DUTIES. The Board of Zoning Appeals shall have all the powers and duties prescribed by law and by this Code, including the following:

(A) Interpretation. Upon an appeal from a decision by any administrative official, to decide any question involving the interpretation of any provision or term of this Code, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(B) Variances. To vary or adapt the strict application of any of the requirements of this Code in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of land or building involved, but in no other case. In granting any variance, the Board shall prescribe any conditions that it deems to be necessary or desirable for the public interest, convenience or welfare. However, any USE VARIANCE shall be subject to the applicable provisions of this Code, and no other variance in the application of any provisions of this Code shall be granted by the Board, unless it finds:
that there are special circumstances or conditions fully described in the findings, applying to the land or buildings for which the variances are sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Code would deprive the applicant of a reasonable use of such land or building;

(2) that, for reasons fully set forth in the findings, the granting of the variances necessary for the reasonable use of land or buildings, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;

(3) that the granting of this variance will be in harmony with the general purpose and intent of this Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the neighborhood which would appropriately be the proper jurisdiction of the City Council for consideration of rezoning of the area rather than a variance which would affect only a small segment of the area.

(C) Permits for Use Variances and Special Permits. To issue or authorize permits for any of the uses or matter for which this Code allows or requires the obtaining of a variance or special permit from the Board of Zoning Appeals.

40-9-5 PROCEDURE.

(A) The Board of Zoning Appeals shall act in accordance with the procedure specified by law and by this Code. Four (4) members shall constitute a quorum and, except as otherwise provided by this Code, an affirmative vote of at least four (4) members shall be necessary to authorize any action of the Board. All appeals and applications to the Board shall be in writing. Every appeal or application shall refer to the specific provision of the Code involved, and shall exactly set forth the interpretation that is claimed, the use for which the variance or special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

(B) The City may appear by any designated official of the City Council and be heard as a party in interest in any hearing before the Board, and the City may appeal any decision of the Board to a court of competent jurisdiction.

(C) Notice and Hearing. No action of the Board of Zoning Appeals shall be taken on any case until after notice has been given that public hearing has been held as follows:

(1) A notice of the time and date of said hearing and a brief summary of explanation of the subject matter of the hearing shall be published in the newspaper of general circulation within the City within at least fifteen (15) days prior to the hearing date.

(2) Said notice in the foregoing paragraph (1) shall be sent by first class mail, at least ten (10) days prior to the hearing, to the applicant and owners of property in question in cases where a use variance or special permit is applied for. In any other case, such notice shall be sent by first class mail at least ten (10) days prior to the hearing date merely to the applicant and owners of property abutting the property in question.

(D) Expiration of Permit. Permit shall expire at such time as may be fixed by the Board; otherwise, six (6) months after the date of the permit.

(E) Costs. For applications to the Board of Zoning Appeals, a fee of Fifteen Dollars ($15.00) shall be charged by the City for advertising and processing.
ARTICLE X - AMENDMENTS

40-10-1 GENERAL. The City Council may, from time to time, on its own motion, on petition of any person or persons in interest, or on initial recommendation of the Planning Commission, amend, supplement, or repeal the regulations and provisions of this Code.

40-10-2 THE PLANNING COMMISSION ADVISORY REPORT. Any such proposed amendment or change, when initiated by the City Council or by individual petition, shall be referred to the Planning Commission for an advisory report thereon. When a proposed amendment or change is initiated by the Planning Commission, said advisory report shall accompany the initial recommendation of the Planning Commission.

40-10-3 PROCEDURE BEFORE PLANNING COMMISSION — PUBLIC HEARING: NOTICE. Before giving an advisory report or an initial recommendation on any proposed amendment, the Planning Commission shall first conduct a public hearing thereon, the date and place of which shall be fixed in advance by the Planning Commission at any regular or special meeting. Notice of the time and date of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing one (1) notice thereof in a newspaper of general circulation in the City, such publication to be made at least fifteen (15) days prior to the public hearing.

40-10-4 PROCEDURE BEFORE CITY COUNCIL. After receiving the advisory report from the Planning Commission, the City Council shall act upon the report in accordance with their regular procedure. However, notice of the time and place of the action of the City Council shall first be made prior to the Council meeting in a newspaper of general circulation in the City. The City Council may enact any proposed amendment to the Zoning Code, reject the proposed amendment, or refer the proposal back to the Plan Commission for further study.

40-10-5 WRITTEN PROTEST. In case of a written protest against any proposed amendments of the regulations or districts, signed and acknowledged 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, if filed with the City Clerk, the amendment shall not be passed, except by a favorable vote of at least two-thirds (2/3) of the City Council then holding office.

40-10-6 COSTS. For individual applications for rezoning of lands, a fee of Fifteen Dollars ($15.00) shall be charged for advertising and processing; for applications for any other proposed change, such fee shall be Fifteen Dollars ($15.00).
ARTICLE XI -- ENFORCEMENT AND ADMINISTRATION

40-11-1 **ENFORCEMENT BY BUILDING AND ZONING OFFICIAL.** Except as otherwise provided in this Code, the Zoning Official of the City shall administer and enforce this Code, including the receiving of applications, the inspection of premises and the issuing of permits and certificates of occupancy. No permit or certificate of occupancy shall be issued by the Zoning Official, except where the provisions of this Code have been complied with.

40-11-2 **RIGHT OF ENTRY.** The Zoning Official, or any duly authorized person, shall have the right to enter upon any premises at any reasonable time prior to and upon completion of the building or other improvements, for the purpose of making inspections to carry out his duties in the enforcement of this Code.

40-11-3 **APPLICATION FOR PERMIT.** Every application for a building permit shall be accompanied by three (3) copies of construction plans and two (2) plot plans drawn to scale. This plot plan shall show the shape and dimensions of the lot to be built upon, the exact location, size and height of the structure to be erected or altered, the proposed number of dwelling units to occupy the structure, and any other such information regarding the lot or neighboring lots as may be necessary for the enforcement of this Code. One (1) copy of the plans shall be returned to the applicant along with any permits and a Zoning Certificate indicating that the proposal meets the requirements of the Zoning Code as may be granted. The Zoning Administrator shall keep one (1) copy of the construction plans and the plot plan for his use and transmit the others to the Building Inspector.

40-11-4 **OCCUPANCY PERMIT.** Before any building or premises or part of either is occupied, the Zoning Administrator shall issue an order indicating that such building or premises is in conformance with the Zoning Code. Such an order shall be called a Certificate of Occupancy and shall be issued only when a use or structure is in conformance with the provisions of the Zoning Code.

40-11-5 **PLANS TO BE SUBMITTED WITH APPLICATION.** Every application for a building permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blue print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Zoning Code. One (1) copy of such plans should be returned to the applicant when approved by the Zoning Administrator together with such permit as may be granted.

40-11-6 **CONSTRUCTION MARKERS.** Prior to building construction, survey stakes shall be set and shall be maintained in their proper location in the property during construction.

40-11-7 **CERTIFICATE OF OCCUPANCY.** Before using any building or premises or part thereof hereafter created, erected, changed, converted or enlarged in use or structure, a Certificate of Occupancy shall be obtained from the Zoning Administrator. Such Certificate shall show that such building or premises, or part thereof, and the proposed use thereof conform with the provisions of the Zoning Code.

40-11-8 **VIOLATION OF CODE.** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of this Code, the City Attorney, in addition to other remedies under the Illinois Compiled Statutes shall be authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.
APPENDIX I

ZONING ADMINISTRATION

I. ADMINISTRATION OF THE ZONING CODE

The Zoning Code is administered by the Zoning Administrator, and the mechanics of its administration shall be combined with that of a modern building code.

As provided by the Code, every person who desired to erect a building, or to reconstruct, enlarge, structurally alter or move an existing building or structure, must apply for a Building Permit. Every such application must be accompanied by plans in duplicate, showing the nature of the work to be done, the exact location of the building on the lot, and the use to which the building is to be put; and must contain such other information and in such manner as stipulated in the Code. Every person proposing to change the use of a building, structure of land, even if not involving new construction, must apply for a Certificate of Occupancy and furnish such information as called for by the Application Form.

The plans and information required will enable the Zoning Administrator to determine whether or not the proposed building and its use, or the proposed use of land when no building is involved, conform to the provisions of the Zoning Code. When he finds they do so in every particular, he will issue a Certificate of Occupancy. In every other case, he will refuse to grant such Certificate.

The Zoning Code, with minor exceptions, does not vest any discretionary powers in the Zoning Administrator. In general, he shall administer the Code in accordance with its literal terms. Whenever the plans for a building or alteration do not conform, whether in respect to use, height, lot area, yard spaces or other features, to the provisions of the Code, or whenever a change in the use of a building or parcel of land does not conform, the Zoning Administrator shall refuse to issue a Certificate of Occupancy. He shall do likewise in all cases of the “special exception” type, which are specified as such in the Zoning Code and for which, under the terms of the Code a Certificate of Occupancy may be granted by him only when authorized by the Board of Appeals. In cases of this latter type, the Board has original jurisdiction, and the Zoning Administrator shall therefor, refer them to the Board without action on his part.

An appeal from a decision of the Zoning Administrator may be taken to the Board of Appeals established under the terms of the Zoning Code and under authority of the statutes. It is the function of the Board to apply in special and unusual cases the Zoning Code as adopted by the Corporate Authorities. It has the authority to grant exceptions and variances from the strict letter of the Code; but all such exceptions and variances must be consistent with the Zoning Map and the zoning regulations as set forth in the Code and in harmony with its general purpose and intent. It shall be clearly understood that – aside from applications for an interpretation of a specific provision of the Zoning Code or of the location on the ground of a zoning district boundary shown on the Zoning Map – the cases coming before the Board of Appeals are of two (2) distinctively different types: (A) Special Exceptions, and (B) Variances.

(A) **Special Exceptions** consist of those cases specifically designated as such in the Zoning Code. They are not exceptions from the terms of the Code and do not involve modifications in such terms. They are exceptions in the sense of being uses of a category different from those permitted throughout the particular zoning district and, therefore, may be authorized only by the Board in accordance with such general and specific rules and limitations as may be stipulated in the Code for each particular type of “special exception”. No demonstration of practical difficulty or undue hardship is required to support an application for a special exception. The determination by the Board of Appeals as to whether a special exception is to be or not to be authorized involves only the following questions:

1. Whether specific authority for granting the special exception is given in the Code;
2. Under what conditions that exception could be granted and;
(3) Whether the grant could be made without harm to the neighborhood or the community and without conflict with the purposes the Code is intended to serve.

(B) **Variances** are modifications of the standards and requirements of the Zoning Code which the Board of Appeals is empowered to grant on showing by the appellant, to the satisfaction of the Board, that the literal enforcement of these standards or requirements would cause practical difficulty or undue hardship in his case owing to the exceptional narrowness, shallowness or shape of the specific piece of property, or difficult topography, or other peculiar conditions of such piece of property; or owing to the nature of existing uses or structures immediately adjoining such piece of property. The showing by the appellant of practical difficulty or of unnecessary or undue hardship, and that such difficulty and hardship arise from conditions peculiar to the specific piece of property in question, are an absolute prerequisite to the granting of a variance by the Board of Appeals.

A request for a special exception comes before the Board of Appeals on direct application; a request for a variance comes on appeal from the decision of the Zoning Administrator.

A clear understanding by the members of the Board of Appeals of the field within which the Board must operate and of the fundamental principles of zoning are of utmost importance. Under the Zoning Code, experienced guidance, at least during the formative period of its administration, will have lasting and beneficial influence, and may indeed be a decisive factor in conditioning the quality of the Board's work and of the effectiveness of the Zoning Code in general.

The Board shall officially adopt rules of procedure\(^4\) and should follow these in its operation. It shall keep accurate and complete records of its transaction—always remembering that its procedure may have a very real bearing on judicial decisions and that its records will constitute the major evidence in any litigation involving its actions.

**II. ZONING AMENDMENTS**

The Corporate Authorities may, from time to time, amend the Zoning Map or the regulations set forth in the Zoning Code. However, each proposed amendment will have to be submitted first to the Planning Commission for approval, disapproval, or suggestions, as required by the Code. The Commission is required to hold a public hearing on the proposed amendment before submitting its recommendation to the Corporate Authorities.

Despite the care and thought with which the Zoning Code was prepared, amendments will be necessary. Unexpected developments may occur or the conditions upon which the regulations have been based may undergo considerable change over a period of years, or major improvements carried out under the Plan may make adjustments in zoning districts desirable. However, in every case, there should be compelling reasons for an amendment. The Planning Commission should always remember that zoning is an essential arm of the Comprehensive Plan for which the Commission is the custodian, and the Zoning Code an instrument for carrying this Plan into effect. A proposed amendment should not be approved by the Commission, therefore, merely because the neighborhood favors it or does not object to it. The petitioner shall be required to demonstrate that there is a compelling public necessity for the proposed amendment. The promoting of the public good and the welfare of the whole community must, at all times, be the controlling consideration borne in mind by the Commission in shaping its recommendations to the Corporate Authorities on zoning amendments.

\(^4\) Suggested Rules of Procedure, along with Statement of Principles for the guidance of the Board will be found elsewhere in this Report.
APPENDIX II

BASIC PRINCIPLES CONCERNING FUNCTION
AND SCOPE OF JURISDICTION OF THE
ZONING BOARD OF APPEALS

I. GENERAL SCOPE OF FUNCTION OF BOARD OF ZONING APPEALS

Statement of Principle:

The Board of Appeals must accept the Zoning Code and Zoning Map as correct. Curing what it considers bad zoning is not within its province.

II. TYPES OF CASES REVIEWED BY BOARD OF APPEALS

Statement of Principle:

The cases coming before the Board of Appeals are of three (3) entirely different types, as follows:

1. Interpretation of the Zoning Code
2. Special Exceptions
3. Variances

Clear understanding of the difference between them is most important, because the procedures, principles and limitations in handling each type of case by the Board are quite different; and failure to distinguish between them has been found to result not only in confusion and inappropriate action by the Board, but adverse decision by reviewing courts.

III. SPECIAL EXCEPTIONS BY BOARD OF APPEALS

Statement of Principle:

The Zoning Code authorized the Board of Appeals to make certain special exceptions, that is, to authorize the issuance of permits for certain special uses in particular special situations stipulated in the Code. In such cases, the Zoning Code prescribes the conditions, the principle or the test which the Board must observe in the grant of such an exception or the authorizing of the issuance of such a permit. The Board is not granted the legislative power of itself creating the principle, rule or test, as this is a legislative function; nor is the Board granted the unregulated power to make these exceptions or to authorize the issuance of these permits as it may deem wise. The Board’s authority to grant special exceptions is strictly limited to the cases and situations set forth in the Zoning Code, and then only in accordance with the principles and under conditions prescribed therein for each type of case.

IV. VARIANCES BY BOARD OF APPEALS — ONLY ON DEMONSTRATION OF UNDUE HARDSHIP AND SUCH HARDSHIP MUST BE THAT OF THE INDIVIDUAL LOT

Statement of Principle:

A showing that the strict application of the provisions of the Zoning Code would result in unnecessary and undue hardship is prerequisite of the granting of a variance by the Board of Appeals. Moreover, the hardship which justifies a variance from the provisions of the Zoning Code must be that of the individual lot, and not a hardship due to those aspects of the regulations or districting which affect other properties not possessing the peculiar or exceptional characteristics from which the hardship ensues. The Zoning Code specifically lists the conditions under which a variance may be granted. While every effort should be made to hear the comments of owners of nearby properties, the decision must be based on a finding of facts.
V. VARIANCES OF USE REGULATIONS AND USE EXCEPTIONS

Statement of Principle:

Use variations should be rare indeed and granted only in the case of extraordinary situations.

There may exist within a particular district a lot which, at the time of the enactment of the Zoning Code, is of extraordinary and exceptional topography, shape, size or location as to be physically incapable of economic use for a conforming use. Such a situation, however, if the original zoning study was carefully drawn, should be so exceptional as to be almost negligible in any statement of zoning principles. Provision for the grant of temporary permits for temporary nonconforming uses may be made without violating the true principles of zoning. Other than these, there ought to be no use variations, except in the rarest and most extraordinary cases produced by the physical conditions of the lot for which the variation is sought. Otherwise, the integrity of the Zoning Code would be impaired, and the Board of Appeals would be invading the field of zoning amendment which belongs to the Corporate Authorities.

VI. APPROPRIATE INFLUENCE OF THE FACTOR OF FINANCIAL EFFECT OF ZONING REGULATIONS ON INDIVIDUAL LOTS

Statement of Principle:

Adverse financial effect does not demonstrate hardship, unless it arises from some facts or factors peculiar to the particular lot in question and not resulting from the effects of the zoning of the neighborhood or district in which the lot is located.

VII. APPROPRIATE INFLUENCE OF THE FACTOR OF APPEARANCE IN CONSIDERING VARIANCES OR EXCEPTIONS UNDER THE ZONING CODE

Statement of Principle:

The jurisdiction of the Board of Appeals in the granting of variances or special exceptions is not based on the purpose of promoting or preserving the appearance of a neighborhood. Where the facts of exceptional hardship due to topographic or other physical reasons exist and justify the variance or exception, the Board may impose conditions which relate to preservation and promotion of the appearance of the neighborhood; but these conditions are solely for mitigation, that is, mitigating the effect of the variance or exception, and in and of themselves can never justify the variance or exception.
APPENDIX III

"Suggested"

RULES OF PROCEDURE
ZONING BOARD OF APPEALS

SECTION I – OFFICERS

1. The Board shall hold an organization meeting annually during the month of ____________ and elect a Vice-Chairman by majority vote of members present.

2. The Chairman shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside.

3. The Chairman, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the members of the Board in session at that time.

4. The Chairman shall appoint any committees that may be found necessary.

5. The Chairman shall report at each meeting on all official business that does not otherwise come to the attention of the Board.

6. The Secretary, who shall be the Zoning Administrator, shall conduct all official correspondence subject to these rules and direction of the Board; send out all notices required by these rules and the order of the Board; attend all meetings and hearings, keep minutes of the Board's proceedings; compile the required records; maintain the necessary files and indexes and generally supervise all the clerical and technical work of the Board.

SECTION II – JURISDICTION OF THE BOARD

1. This Board obtains its jurisdiction, powers and limit of authority from the Zoning Code, adopted _______ as it may be amended, and from Division 13, Illinois Municipal Code, 1977.

SECTION III – PROCEDURE FOR SUBMITTING APPEALS AND APPLICATIONS

1. Every appeal or application shall be made on the forms adopted by the Board, which can be secured at the office of the Board. Such appeal or application shall be filed with the Secretary of the Board by the owner of the property involved, or by his agent.

All items shown on the form which apply to the case must be filled in.

Special attention should be given to the following items:

a. Arguments in support of the appeal or application. In the case of appeal for a variance, these should pertain to the peculiar conditions of the site, rather than special problems or desires of the appellant, and should clearly demonstrate practical difficulty or unnecessary hardship.

b. Plans, drawn to scale, showing the actual shape and dimensions of the lot, of the buildings and accessory buildings existing, and the lines within which the proposed building shall be erected or altered, the existing and intended use of each building or part of building, the
number of families or housekeeping units the building is designed to accommodate, and the
location and distance from lot lines of buildings on neighboring lots, as may be necessary to
determine and provide for a proper hearing.

c. Each appeal or application shall be accompanied by a required payment in the amount
necessary to defray the expense of publishing and serving notices and necessary clerical
and stenographic services.

2. The appellant or applicant shall provide the Secretary with such additional information and data as
may be required to advise the Board fully with reference to the case, whether such information or
data is called for on the official forms or not. Any failure or refusal on the part of the applicant or
appellant to furnish such additional information or data shall be grounds for dismissal of the appeal
or application by the Board.

3. Every appeal shall be filed within thirty (30) days from the date of any refusal of a permit by the
Zoning Administrator, or the date of any order, ruling, decision or determination of such Zoning
Administrator from which an appeal was made.

4. Any communication purporting to be an appeal or application shall be regarded as mere notice of
intention to seek relief, until it is made in the form required. Upon receipt of any such
communication, the writer shall be supplied with the proper form for presenting his appeal or
application. If he fails to file with the Board an appeal or application form properly filled out and
executed and to supply the required data within thirty (30) days from the date of the refusal of a
permit by the Zoning Administrator, or from the date of any order or decision of such Zoning
Administrator, his case may be dismissed for lack of prosecution.

5. No appeal or application shall be entertained where a case has been decided previously, involving
the same premises and Zoning Ordinance requirements, except in cases where new plans or new
facts pertaining to said requirements are presented, showing changed conditions or circumstances
which, in the opinion of the Board, materially alter the aspects of the case.

SECTION IV - MEETINGS OF THE BOARD

1. Regular meetings of the Board for the hearing of cases shall be held on
__________________________
__________________________ (day of month) in the ________________________ (location).

2. Special meetings may be called by the Chairman or at the request of two (2) members, provided
notice of same have been given to each member at least twenty-four (24) hours before the time
set, except that the announcement of a special meeting at any meeting at which all the members
are present shall be sufficient notice of such special meeting.

3. A quorum of the Board shall consist of four (4) members. Two (2) members may convene to
fix another meeting date and adjourn.

SECTION V - THE CALENDAR, NOTICE OF HEARING

1. Each appeal or application in proper form, together with required data, shall be filed at least
twenty (20) days before the date of the Board meeting at which it is to be heard, and shall be
placed on the Calendar of the Board by the Secretary, for hearing within thirty (30) days after the
date it is filed. Cases shall be numbered serially, beginning with unity at the start of each calendar
year, and the calendar or case number shall be hyphenated with the number of the year in which
the appeal or application is filed.

2. Appeals or applications will be assigned for hearing in the order in which they appear on the
Calendar, except that they may be advanced or postponed for hearing by order of the Board, upon
good cause being shown. Where all appeals or applications cannot be disposed of on the day set, the Board may recess from day to day, or to any future day or until the next regular meeting, as it may order. When a recess is taken, the recessed meeting shall be construed as a continuance of the regular meeting, and no further notice need be given thereof.

3. Upon the filing of an appeal or an application, together with the required fee, or as soon thereafter as the date of the hearing is determined, the Secretary shall cause a notice of such hearing to be published and served personally or by mail in accordance with provisions of the Zoning Code.

SECTION VI – ORDER OF BUSINESS

The order of business at all regular meetings of the Board shall be as follows:

1. Roll Call.
2. Hearing of cases (as set forth in Section VII - #1 and #2 below).
3. Reading of minutes of previous meetings and action thereon.
4. Communications (not relating to cases heard).
5. Reports of committees (if any and not relating to cases heard).
6. Unfinished business.
7. New business, including consideration of cases (as set forth in Section VII - #3 below).
8. Miscellaneous business.

SECTION VII – HEARING OF CASES

1. At the time of the public hearing, the appellant or applicant shall appear in his own behalf or may be represented by counsel or agent. In the event of absence of the appellant or applicant, the statements of the opposition (if any) may be heard and the transcript thereof presented at the subsequent hearing.

2. The procedure for the hearing of cases shall be as follows:
   a. The Chairman shall call upon the Secretary to name and describe the first case on the Calendar.
   b. The Chairman shall request the Secretary to explain the reasons why a building permit was denied the appellant.
   c. The Chairman then shall call upon the appellant or applicant to give reason why his appeal or application should be granted. Board Members and the Secretary may ask questions as necessary to obtain complete information regarding the case.
   d. The Chairman then shall ask if there are interested persons present who wish to be heard; first, those in favor; second, those who may be opposed. The name and address of each person who appears before the Board shall be recorded in the minutes of the meeting.
   e. The Chairman then shall ask the appellant or applicant whether he wishes to be heard in rebuttal.
   f. The Chairman then shall call for the next case, which shall be treated in the same manner as described in steps a. to e. above. At the termination of the hearing on each case, the Chairman shall inform the appellant or applicant that the case will be taken under advisement and a decision rendered as soon as possible.
3. After all cases to come before the Board have been heard, and the items preceding new business disposed of, the Chairman shall call for official action pertaining to each case, in the order of the hearings, and in so doing:
   a. The Chairman shall call upon the Secretary for a review of each case, and shall ask for comments from the members.
   b. The Chairman then shall call for a motion that a resolution be adopted granting or denying the appeal or application, and if granted, specifying conditions under which it will be granted. If the Board decides that it is not yet in a position to take action, it may agree to inspect the premises in question, or request further information from the appellant or applicant, or from the Secretary, and may set a time for a recessed hearing or action on the case.

**SECTION VIII — FINAL DISPOSITION OF CASES**

1. All final actions of the Board pertaining to appeals from the provisions of the Zoning Code shall be by resolution, in accordance with the Code provisions. Such resolution shall contain the following:
   a. Name and address of person making the appeal or application.
   b. Description of premises involved in the appeal or application, by block and lot and by street address; also the zoning district in which located.
   c. Zoning provision from which appeal is made, or under which application is made.
   d. Physical conditions of the premises, of other premises affected, and of the building or use proposed by appellant or applicant which are pertinent to a decision.
   e. Opinion of the Board as to the degree of practical difficulty or unnecessary hardship which compliance with provisions of the Code would place upon the appellant or applicant.
   f. Statement of resolution that the appeal or application be granted; date the action is entered.

2. The concurring vote of **four (4) members** shall be necessary to act on an appeal or application. If a resolution presented at any meeting fails to receive the required number of concurring votes, it shall be presented again at the next meeting. In the event, after such second presentation, the appeal or application be not granted, the same shall be considered a refusal.

In cases where no serious controversy exists, and where the Board authorizes, the Secretary may notify the appellant or applicant verbally of the action of the Board prior to the mailing of the final resolution.

3. An appellant or applicant may, by written statement, withdraw his appeal or application at any time prior to decision by the Board thereon.

4. Unless an appeal or application be perfected within **thirty (30) days** of the date of filing same, the Board may, by a concurring vote of **four (4) members**, dismiss said appeal for want of prosecution.

5. No re-hearing of the decision of the Board shall be had, except:
   a. On a motion to reconsider the vote, or
   b. On a written request for a re-hearing.

6. If the motion to reconsider received **four (4) affirmative votes**, a re-hearing shall be held, subject to such conditions as the Board may in each case stipulate.

7. No request to grant a re-hearing will be entertained unless new evidence is submitted, which could not reasonably have been presented at the previous hearing. If the request for re-hearing is granted, the case shall be put on the Calendar for a re-hearing and the owners of adjoining property again notified. In all cases, the request for re-hearing shall be in writing, reciting the reasons for the request, and shall be fully verified and accompanied by the necessary data. The person requesting the re-hearing shall be notified to appear before the Board on the date set.
SECTION IX – FORMS

The forms referred to in these Rules and Regulations are as follows and are found in Appendix IV:

1. Form BA-1 Application on Appeal under the Zoning Code.
2. Form BA-2 Notice of Hearing of Application or Appeal.
3. Form BA-3 Notice of Public Hearing.
4. Form BA-4 Resolution.
5. Form BA-5 Status Sheet.

SECTION X – RECORDS

1. The Secretary shall keep minutes of meetings, which shall include the names of Board members in attendance, the name of the appellant or applicant and of other persons appearing before the Board, the case number and description of premises involved, a description of the appeal or application, names of members making and supporting all motions, and the vote of all members thereon.

2. The Secretary shall keep a file for each case, which shall include all forms submitted or mailed as listed in Section IX, correspondence and diagrams pertaining to the case, copy of notice and the original resolution.

3. Such records shall be kept in the office of the Board, and shall be accessible to the public at all reasonable hours.

SECTION XI – GENERAL ACTIONS OF THE BOARD

Every action of the Board not otherwise provided for shall require four (4) affirmative votes of the members.

SECTION XII

These rules and regulations may be amended or modified provided that such amendment be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting.

SECTION XIII – ADOPTION OF RULES AND REGULATIONS

These regulations are hereby adopted this ___________ day of ___________, 20__, by affirmative vote of the following members:

__________________________________________

__________________________________________

__________________________________________

__________________________________________

__________________________________________

__________________________________________
APPENDIX IV

SUGGESTED FORMS

BA-1

APPLICATION

CASE NO. __________________________ DATE FILED __________________________

BOARD OF APPEALS

I (We) __________________________ (Name) of __________________________
(Address) respectfully submit to the Board of Zoning Appeals the following:

______ An appeal on basis of an error in the Zoning Administrator's decision.
______ An application to interpret the boundary of a district on the Zoning Map.
______ An application to interpret the test of the Zoning Code.
______ An application to permit a special exception as found in the Zoning Code.
______ An application to substitute one nonconforming use for another.
______ An application to permit reconstruction of a damaged nonconforming structure.
______ An appeal for a variance relating to the ___ uses, ____ area, ____ yards, ____ height, or _____________________.

That part of the Code applying to this case is __________________________ and requires __________________________, the request is __________________________.

The property affected is situated at __________________________
In the __________________________ zone.

Legal description of the property involved in this appeal: __________________________

______________________________

______________________________

Fee paid __________________________
NEIGHBORHOOD PETITION
TO
PERMIT THE CONSTRUCTION OF MULTI-FAMILY DWELLING

We, the undersigned, living or not living in, but owning property adjacent to a lot owned by ____________, and located in Carterville at ____________, do hereby give our consent to the above owner to construct a ____________ on the described lot.

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(Application must be signed by the property owner before a permit will be issued) I hereby affirm that the above signatures represent ALL of the property owners whose property is directly adjacent to the above described property.

Permit applicant – Property owner

Upon completion of this form it must be returned to the office of the City Clerk.

City Clerk

Date
[This page was left blank intentionally.]
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